

**Calendar No. 5**

112TH CONGRESS  
1ST SESSION

**S. 223**

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

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IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2011

Mr. ROCKEFELLER introduced the following bill; which was read the first time

JANUARY 28, 2011

Read the second time and placed on the calendar pursuant to the order of  
January 27, 2011

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**A BILL**

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

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

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

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

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

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

TITLE I—AUTHORIZATIONS

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

TITLE II—AIRPORT IMPROVEMENTS

- Sec. 201. Reform of passenger facility charge authority.
- Sec. 202. Passenger facility charge pilot program.
- Sec. 203. Amendments to grant assurances.
- Sec. 204. Government share of project costs.
- Sec. 205. Amendments to allowable costs.
- Sec. 206. Sale of private airport to public sponsor.
- Sec. 207. Government share of certain air project costs.
- Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.
- Sec. 208. Miscellaneous amendments.
- Sec. 209. State block grant program.
- Sec. 210. Airport funding of special studies or reviews.
- Sec. 211. Grant eligibility for assessment of flight procedures.
- Sec. 212. Safety-critical airports.
- Sec. 213. Environmental mitigation demonstration pilot program.
- Sec. 214. Allowable project costs for airport development program.
- Sec. 215. Glycol recovery vehicles.
- Sec. 216. Research improvement for aircraft.
- Sec. 217. United States Territory minimum guarantee.
- Sec. 218. Merrill Field Airport, Anchorage, Alaska.
- Sec. 219. Release from restrictions.
- Sec. 220. Designation of former military airports.
- Sec. 221. Airport sustainability planning working group.
- Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.

Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.

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

Sec. 301. Air Traffic Control Modernization Oversight Board.  
 Sec. 302. NextGen management.  
 Sec. 303. Facilitation of next generation air traffic services.  
 Sec. 304. Clarification of authority to enter into reimbursable agreements.  
 Sec. 305. Clarification to acquisition reform authority.  
 Sec. 306. Assistance to other aviation authorities.  
 Sec. 307. Presidential rank award program.  
 Sec. 308. Next generation facilities needs assessment.  
 Sec. 309. Next generation air transportation system implementation office.  
 Sec. 310. Definition of air navigation facility.  
 Sec. 311. Improved management of property inventory.  
 Sec. 312. Educational requirements.  
 Sec. 313. FAA personnel management system.  
 Sec. 314. Acceleration of NextGen technologies.  
 Sec. 315. ADS-B development and implementation.  
 Sec. 316. Equipage incentives.  
 Sec. 317. Performance metrics.  
 Sec. 318. Certification standards and resources.  
 Sec. 319. Report on funding for NextGen technology.  
 Sec. 320. Unmanned aerial systems.  
 Sec. 321. Surface Systems Program Office.  
 Sec. 322. Stakeholder coordination.  
 Sec. 323. FAA task force on air traffic control facility conditions.  
 Sec. 324. State ADS-B equipage bank pilot program.  
 Sec. 325. Implementation of Inspector General ATC recommendations.  
 Sec. 326. Semiannual report on status of Greener Skies project.  
 Sec. 327. Definitions.  
 Sec. 328. Financial incentives for Nextgen Equipage.

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

#### SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.  
 Sec. 402. Publication of customer service data and flight delay history.  
 Sec. 403. Expansion of DOT airline consumer complaint investigations.  
 Sec. 404. Establishment of advisory committee for aviation consumer protection.  
 Sec. 405. Disclosure of passenger fees.  
 Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.  
 Sec. 407. Notification requirements with respect to the sale of airline tickets.

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

Sec. 411. EAS connectivity program.  
 Sec. 412. Extension of final order establishing mileage adjustment eligibility.  
 Sec. 413. EAS contract guidelines.  
 Sec. 414. Conversion of former EAS airports.  
 Sec. 415. EAS reform.

- Sec. 416. Small community air service.
- Sec. 417. EAS marketing.
- Sec. 418. Rural aviation improvement.
- Sec. 419. Repeal of essential air service local participation program.

#### SUBTITLE C—MISCELLANEOUS

- Sec. 431. Clarification of air carrier fee disputes.
- Sec. 432. Contract tower program.
- Sec. 433. Airfares for members of the Armed Forces.
- Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

#### TITLE V—SAFETY

##### SUBTITLE A—AVIATION SAFETY

- Sec. 501. Runway safety equipment plan.
- Sec. 502. Judicial review of denial of airman certificates.
- Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 504. Design organization certificates.
- Sec. 505. FAA access to criminal history records or database systems.
- Sec. 506. Pilot fatigue.
- Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
- Sec. 508. Cabin crew communication.
- Sec. 509. Clarification of memorandum of understanding with OSHA.
- Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
- Sec. 511. Improved safety information.
- Sec. 512. Voluntary disclosure reporting process improvements.
- Sec. 513. Procedural improvements for inspections.
- Sec. 514. Independent review of safety issues.
- Sec. 515. National review team.
- Sec. 516. FAA Academy improvements.
- Sec. 517. Reduction of runway incursions and operational errors.
- Sec. 518. Aviation safety whistleblower investigation office.
- Sec. 519. Modification of customer service initiative.
- Sec. 520. Headquarters review of air transportation oversight system database.
- Sec. 521. Inspection of foreign repair stations.
- Sec. 522. Non-certificated maintenance providers.

##### SUBTITLE B—FLIGHT SAFETY

- Sec. 551. FAA pilot records database.
- Sec. 552. Air carrier safety management systems.
- Sec. 553. Secretary of Transportation responses to safety recommendations.
- Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
- Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
- Sec. 556. Flightcrew member mentoring, professional development, and leadership.
- Sec. 557. Flightcrew member screening and qualifications.
- Sec. 558. Prohibition on personal use of certain devices on flight deck.

- Sec. 559. Safety inspections of regional air carriers.
- Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 561. Oversight of pilot training schools.
- Sec. 562. Enhanced training for flight attendants and gate agents.
- Sec. 563. Definitions.
- Sec. 564. Study of air quality in aircraft cabins.

#### TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
- Sec. 603. Production of alternative fuel technology for civilian aircraft.
- Sec. 604. Production of clean coal fuel technology for civilian aircraft.
- Sec. 605. Advisory committee on future of aeronautics.
- Sec. 606. Research program to improve airfield pavements.
- Sec. 607. Wake turbulence, volcanic ash, and weather research.
- Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.
- Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
- Sec. 610. Pilot program for zero emission airport vehicles.
- Sec. 611. Reduction of emissions from airport power sources.
- Sec. 612. Siting of windfarms near FAA navigational aides and other assets.
- Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

#### TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.
- Sec. 702. Human intervention management study.
- Sec. 703. Airport program modifications.
- Sec. 704. Miscellaneous program extensions.
- Sec. 705. Extension of competitive access reports.
- Sec. 706. Update on overflights.
- Sec. 707. Technical corrections.
- Sec. 708. FAA technical training and staffing.
- Sec. 709. Commercial air tour operators in national parks.
- Sec. 710. Phaseout of Stage 1 and 2 aircraft.
- Sec. 711. Weight restrictions at Teterboro Airport.
- Sec. 712. Pilot program for redevelopment of airport properties.
- Sec. 713. Transporting musical instruments.
- Sec. 714. Recycling plans for airports.
- Sec. 715. Disadvantaged Business Enterprise Program adjustments.
- Sec. 716. Front line manager staffing.
- Sec. 717. Study of helicopter and fixed wing air ambulance services.
- Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 719. Study of aeronautical mobile telemetry.
- Sec. 720. Flightcrew member pairing and crew resource management techniques.
- Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 722. Line check evaluations.
- Sec. 723. Report on Newark Liberty Airport air traffic control tower.

- Sec. 724. Priority review of construction projects in cold weather States.
- Sec. 725. Air-rail codeshare study.
- Sec. 726. On-going monitoring of and report on the New York/New Jersey/  
Philadelphia Metropolitan Area Airspace Redesign.
- Sec. 727. Study on aviation fuel prices.
- Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
- Sec. 729. Clarification of requirements for volunteer pilots operating charitable  
medical flights.
- Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing  
gases.
- Sec. 731. Technical correction.
- Sec. 732. Plan for flying scientific instruments on commercial flights.

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

- Sec. 800. Amendment of 1986 Code.
- Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
- Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
- Sec. 803. Modification of excise tax on kerosene used in aviation.
- Sec. 804. Air traffic control system modernization account.
- Sec. 805. Treatment of fractional aircraft ownership programs.
- Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
- Sec. 807. Transparency in passenger tax disclosures.

TITLE IX—BUDGETARY EFFECTS

- Sec. 901. Budgetary effects.

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

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

**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.

1 **SEC. 3. EFFECTIVE DATE.**

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

5 **TITLE I—AUTHORIZATIONS**

6 **SEC. 101. OPERATIONS.**

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

9 “(A) \$9,336,000,000 for fiscal year 2010;

10 and

11 “(B) \$9,620,000,000 for fiscal year  
12 2011.”.

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

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

16 “(1) \$3,500,000,000 for fiscal year 2010, of  
17 which \$500,000,000 is derived from the Air Traffic  
18 Control System Modernization Account of the Air-  
19 port and Airways Trust Fund; and

20 “(2) \$3,600,000,000 for fiscal year 2011, of  
21 which \$500,000,000 is derived from the Air Traffic  
22 Control System Modernization Account of the Air-  
23 port and Airways Trust Fund.”.

24 **SEC. 103. RESEARCH AND DEVELOPMENT.**

25 Section 48102 is amended—

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

3           “(a) IN GENERAL.—Not more than the following  
4 amounts may be appropriated to the Secretary of Trans-  
5 portation out of the Airport and Airway Trust Fund es-  
6 tablished under section 9502 of the Internal Revenue Code  
7 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-  
8 search and development under sections 44504, 44505,  
9 44507, 44509, and 44511 through 44513 of this title:

10           “(1) \$200,000,000 for fiscal year 2010.

11           “(2) \$206,000,000 for fiscal year 2011.”;

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

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

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



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

4           “(2) research projects that combine research at  
5           primarily undergraduate institutions and technical  
6           colleges with other research supported by the Fed-  
7           eral Aviation Administration;

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

11          “(4) research on the impact of new technologies  
12          and procedures, particularly those related to aircraft  
13          flight deck and air traffic management functions,  
14          and on training requirements for pilots and air traf-  
15          fic controllers.”.

16 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
17                                   **NOISE COMPATIBILITY PLANNING AND PRO-**  
18                                   **GRAMS.**

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

21           “(1) \$4,000,000,000 for fiscal year 2010; and

22           “(2) \$4,100,000,000 for fiscal year 2011.”.

23 **SEC. 105. OTHER AVIATION PROGRAMS.**

24          Section 48114 is amended—

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

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

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

7 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**  
8 **PORTATION SYSTEM PROJECTS.**

9 Section 44501(b) is amended—

10 (1) by striking “and” after the semicolon in  
11 paragraph (3);

12 (2) by striking “defense.” in paragraph (4) and  
13 inserting “defense; and”; and

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

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

19 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**  
20 **AIRPORT PROGRAMS.**

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

23 **“§ 48105. Airport programs administrative expenses**

24 “Of the amount made available under section 48103  
25 of this title, the following may be available for administra-

1 tive expenses relating to the Airport Improvement Pro-  
 2 gram, passenger facility charge approval and oversight,  
 3 national airport system planning, airport standards devel-  
 4 opment and enforcement, airport certification, airport-re-  
 5 lated environmental activities (including legal services),  
 6 and other airport-related activities (including airport tech-  
 7 nology research), to remain available until expended—

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

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

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

“48105. Airport programs administrative expenses”.

13       (c) PASSENGER ENPLANEMENT REPORT.—

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

20           (2) REPORT OBJECTIVES.—In carrying out the  
 21 report under paragraph (1), the Administrator shall  
 22 document the methods used by each subject airport  
 23 to reach the 10,000 passenger enplanement thresh-  
 24 old, including whether airports subsidize commercial  
 25 flights to reach such threshold.

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

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

## 8                           **TITLE II—AIRPORT** 9                           **IMPROVEMENTS**

### 10   **SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AU-** 11                           **THORITY.**

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

14           “(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION  
15   OF PASSENGER FACILITY CHARGE.—

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

1           “(A) the total amount of program revenue  
2 held by the agency at the beginning of the 12  
3 months covered by the report;

4           “(B) the total amount of program revenue  
5 collected by the agency during the period cov-  
6 ered by the report;

7           “(C) the amount of expenditures with pro-  
8 gram revenue made by the agency on each eligi-  
9 ble airport-related project during the period  
10 covered by the report;

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

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

19           “(F) a description of the notice and con-  
20 sultation process with air carriers and foreign  
21 air carriers under paragraph (3), and with the  
22 public under paragraph (4), including a copy of  
23 any adverse comments received and how the  
24 agency responded; and

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

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

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

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

1           “(i) that the eligible agency provide to  
2           air carriers and foreign air carriers oper-  
3           ating at the airport written notice of the  
4           planned collection and use of passenger fa-  
5           cility charge revenue;

6           “(ii) that the notice include a full de-  
7           scription and justification for a proposed  
8           project;

9           “(iii) that the notice include a detailed  
10          financial plan for the proposed project; and

11          “(iv) that the notice include the pro-  
12          posed level for the passenger facility  
13          charge.

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

23                 “(i) had not less than 1.0 percent of  
24                 passenger boardings at the airport in the  
25                 prior calendar year;

1           “(ii) had at least 25,000 passenger  
2 boardings at the airport in the prior cal-  
3 endar year; or

4           “(iii) provides scheduled service at the  
5 airport.

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

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

21           “(4) PUBLIC NOTICE AND COMMENT.—

22           “(A) An eligible agency proposing to col-  
23 lect or use passenger facility charge revenue for  
24 a project not previously approved by the Sec-  
25 retary or not included in a report required by



1 paragraph (1) that was filed in a prior year  
2 shall provide reasonable notice and an oppor-  
3 tunity for public comment on the planned col-  
4 lection and use of program revenue before pro-  
5 viding the report required in paragraph (1).

6 “(B) The Secretary shall prescribe by reg-  
7 ulation what constitutes reasonable notice under  
8 this paragraph, which shall at a minimum re-  
9 quire—

10 “(i) that the eligible agency provide  
11 public notice of intent to collect a pas-  
12 senger facility charge so as to inform those  
13 interested persons and agencies that may  
14 be affected;

15 “(ii) appropriate methods of publica-  
16 tion, which may include notice in local  
17 newspapers of general circulation or other  
18 local media, or posting of the notice on the  
19 agency’s Internet website; and

20 “(iii) submission of public comments  
21 no later than 45 days after the date of the  
22 publication of the notice.

23 “(5) OBJECTIONS.—

24 “(A) Any interested person may file with  
25 the Secretary a written objection to a proposed

1 project included in a notice under this para-  
2 graph provided that the filing is made within 30  
3 days after submission of the report specified in  
4 paragraph (1).

5 “(B) The Secretary shall provide not less  
6 than 30 days for the eligible agency to respond  
7 to any filed objection.

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

16 “(i) the project is not an eligible air-  
17 port related project;

18 “(ii) the eligible agency has not com-  
19 plied with the requirements of this section  
20 or the Secretary’s implementing regula-  
21 tions in proposing the project;

22 “(iii) the eligible agency has been  
23 found to be in violation of section  
24 47107(b) of this title and has failed to

1 take corrective action, prior to the filing of  
2 the objection; or

3 “(iv) in the case of a proposed in-  
4 crease in the passenger facility charge  
5 level, the level is not authorized by this  
6 section.

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

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

19 “(6) APPROVAL REQUIREMENT FOR INCREASED  
20 PASSENGER FACILITY CHARGE OR INTERMODAL  
21 GROUND ACCESS PROJECT.—

22 “(A) An eligible agency may not collect or  
23 use a passenger facility charge to finance an  
24 intermodal ground access project, or increase a  
25 passenger facility charge, unless the project is

1 first approved by the Secretary in accordance  
2 with this paragraph.

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

13 “(C) Before submitting an application  
14 under this paragraph, an eligible agency must  
15 provide air carriers and foreign air carriers op-  
16 erating at the airport, and the public, reason-  
17 able notice of and an opportunity to comment  
18 on a proposed intermodal ground access project  
19 or the increased passenger facility charge. Such  
20 notice and opportunity to comment shall con-  
21 form to the requirements of paragraphs (3) and  
22 (4).

23 “(D) After receiving an application, the  
24 Secretary may provide air carriers, foreign air  
25 carriers and other interested persons notice and

1 an opportunity to comment on the application.  
2 The Secretary shall make a final decision on  
3 the application not later than 120 days after re-  
4 ceiving it.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) REFERENCES.—

7 (A) Section 40117(a) is amended—

8 (i) by striking “FEE” in the heading  
9 for paragraph (5) and inserting  
10 “CHARGE”; and

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

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

16 (i) by striking “fee” or “fees” each  
17 place either appears and inserting  
18 “charge” or “charges”, respectively; and

19 (ii) by striking “FEE” in the sub-  
20 section caption for subsection (l), and  
21 “FEES” in the subsection captions for sub-  
22 sections (e) and (m), and inserting  
23 “CHARGE” and “CHARGES”, respectively.

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

1 **“§ 40117. Passenger facility charges”.**

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

“40117. Passenger facility charges”.

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

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

11 (B) by striking “specific” in paragraph  
12 (1);

13 (C) by striking paragraph (2) and insert-  
14 ing the following:

15 “(2) the project is an eligible airport-related  
16 project; and”;

17 (D) by striking “each of the specific  
18 projects; and” in paragraph (3) and inserting  
19 “the project.”; and

20 (E) by striking paragraph (4).

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

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

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

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

8                   (B) by inserting after paragraph (2) the  
9                   following:

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

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

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

3 (B) by striking “October 1, 2009.” in  
4 paragraph (7) and inserting “the date of  
5 issuance of regulations to carry out subsection  
6 (c) of this section, as amended by the FAA Air  
7 Transportation Modernization and Safety Im-  
8 provement Act.”.

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

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

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

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



1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish and conduct a pilot program at not more than  
3           6 airports under which an eligible agency may im-  
4           pose a passenger facility charge under this section  
5           without regard to the dollar amount limitations set  
6           forth in paragraph (1) or (4) of subsection (b) if the  
7           participating eligible agency meets the requirements  
8           of paragraph (2).

9           “(2) COLLECTION REQUIREMENTS.—

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

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

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

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

24           (b) GAO STUDY OF ALTERNATIVE MEANS OF COL-  
25           LECTING PFCs.—

1           (1) IN GENERAL.—The Comptroller General  
2 shall conduct a study of alternative means of collec-  
3 tion passenger facility charges imposed under section  
4 40117 of title 49, United States Code, that would  
5 permit such charges to be collected without being in-  
6 cluded in the ticket price. In the study, the Comp-  
7 troller General shall consider, at a minimum—

8                   (A) collection options for arriving, con-  
9 necting, and departing passengers at airports;

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

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

16           (2) REPORT.—No later than 1 year after the  
17 date of enactment of this Act, the Comptroller Gen-  
18 eral shall submit a report on the study to the Senate  
19 Committee on Commerce, Science, and Transpor-  
20 tation and the House of Representatives Committee  
21 on Transportation and Infrastructure containing the  
22 Comptroller General’s findings, conclusions, and rec-  
23 ommendations.

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

25           Section 47107 is amended—

1           (1) by striking “made;” in subsection  
2           (a)(16)(D)(ii) and inserting “made, except that, if  
3           there is a change in airport design standards that  
4           the Secretary determines is beyond the owner or op-  
5           erator’s control that requires the relocation or re-  
6           placement of an existing airport facility, the Sec-  
7           retary, upon the request of the owner or operator,  
8           may grant funds available under section 47114 to  
9           pay the cost of relocating or replacing such facil-  
10          ity;”;

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

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

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

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

1           “(i) reinvestment in an approved noise compat-  
2           ibility project;

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

5           “(iii) reinvestment in an airport development  
6           project that is eligible for funding under section  
7           47114, 47115, or 47117 and meets the requirements  
8           of this chapter;

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

12          “(v) payment to the Secretary for deposit in the  
13          Airport and Airway Trust Fund established under  
14          section 9502 of the Internal Revenue Code of 1986  
15          (26 U.S.C. 9502).”.

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

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

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

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

22                 “(e) SPECIAL RULE FOR TRANSITION FROM SMALL  
23 HUB TO MEDIUM HUB STATUS.—If the status of a small  
24 hub primary airport changes to a medium hub primary  
25 airport, the United States Government’s share of allow-

1 able project costs for the airport may not exceed 95 per-  
2 cent for 2 fiscal years following such change in hub sta-  
3 tus.”.

4 (b) TRANSITIONING AIRPORTS.—Section  
5 47114(f)(3)(B) is amended by striking “year 2004.” and  
6 inserting “years 2010 and 2011.”.

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

8 Section 47110 is amended—

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

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

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

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

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

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

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

5           “(i) BIRD-DETECTING RADAR SYSTEMS.—Within  
6 180 days after the date of enactment of the FAA Air  
7 Transportation Modernization and Safety Improvement  
8 Act, the Administrator shall analyze the conclusions of on-  
9 going studies of various types of commercially-available  
10 bird radar systems, based upon that analysis, if the Ad-  
11 ministrator determines such systems have no negative im-  
12 pact on existing navigational aids and that the expenditure  
13 of such funds is appropriate, the Administrator shall allow  
14 the purchase of bird-detecting radar systems as an allow-  
15 able airport development project costs subject to sub-  
16 section (b). If a determination is made that such radar  
17 systems will not improve or negatively impact airport safe-  
18 ty, the Administrator shall issue a report to the Senate  
19 Committee on Commerce, Science, and Transportation  
20 and the House of Representatives Committee on Trans-  
21 portation and Infrastructure on why that determination  
22 was made.”.

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

24           Section 47133(b) is amended—

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

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

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

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

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

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

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

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

18 **SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**

19 **COSTS.**

20           Notwithstanding section 47109(a) of title 49, United  
21 States Code, the Federal Government’s share of allowable  
22 project costs for a grant made in fiscal year 2008, 2009,  
23 2010, or 2011 under chapter 471 of that title for a project  
24 described in paragraph (2) or (3) of that section shall be  
25 95 percent.

1 **SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACIL-**  
2 **ITY CHARGES TO CONSTRUCT BICYCLE STOR-**  
3 **AGE FACILITIES.**

4 Section 40117(a)(3) is amended—

5 (1) by redesignating subparagraphs (A) through  
6 (G) as clauses (i) through (vii);

7 (2) by striking “The term” and inserting the  
8 following:

9 “(A) IN GENERAL.—The term”; and

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

11 “(B) BICYCLE STORAGE FACILITIES.—A  
12 project to construct a bicycle storage facility  
13 may not be considered an eligible airport-re-  
14 lated project.”.

15 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

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

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

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

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



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

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

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

6 (7) by striking “operations, Short Takeoff and  
7 Landing/Very Short Takeoff and Landing aircraft  
8 operations,” in subsection (b)(2), as redesignated,  
9 and inserting “operations”; and

10 (8) by striking “status of the” in subsection  
11 (d).

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

14 (1) by striking “separated from” in paragraph  
15 (1)(B) and inserting “discharged or released from  
16 active duty in”;

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

19 “(C) ‘Afghanistan-Iraq war veteran’ means an  
20 individual who served on active duty, as defined by  
21 section 101(21) of title 38, at any time in the armed  
22 forces for a period of more than 180 consecutive  
23 days, any part of which occurred during the period  
24 beginning on September 11, 2001, and ending on  
25 the date prescribed by Presidential proclamation or

1 by law as the last date of Operation Iraqi Free-  
2 dom.”;

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

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

7 “(3) A contract involving labor for carrying out an  
8 airport development project under a grant agreement  
9 under this subchapter must require that a preference be  
10 given to the use of small business concerns (as defined  
11 in section 3 of the Small Business Act (15 U.S.C. 632))  
12 owned and controlled by disabled veterans.”.

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

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

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

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

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

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

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

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

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

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

7 (2) by striking “47102(3)(F), 47102(3)(K),  
8 47102(3)(L), or 47140” in subsection (b) and in-  
9 serting “47102(3)(K) or 47102(3)(L)”; and

10 (3) by striking “40117(a)(3)(G), 47103(3)(F),  
11 47102(3)(K), 47102(3)(L), or 47140,” in subsection  
12 (b) and inserting “40117(a)(3)(G), 47102(3)(K), or  
13 47102(3)(L),”; and

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

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

24 (1) by striking “Airport Capacity Benchmark  
25 Report 2001.” in paragraph (2) and inserting “2001

1 and 2004 Airport Capacity Benchmark Reports or  
2 of the most recent Benchmark report, Future Air-  
3 port Capacity Task Report, or other comparable  
4 FAA report.”; and

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

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

11 (h) USE OF APPORTIONED AMOUNTS.—Section  
12 47117(e)(1)(A) is amended—

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

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

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

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

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

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

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

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

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

21 (4) in subparagraph (G)—

22 (A) by striking “FISCAL YEAR 2006” in  
23 the heading and inserting “FISCAL YEARS 2008  
24 THROUGH 2011”;

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

3 (C) by striking clause (i) and inserting the  
4 following:

5 “(i) the average annual passenger  
6 boardings at the airport for calendar years  
7 2004 through 2006 were below 10,000 per  
8 year;”; and

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

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

12 “(H) SPECIAL RULE FOR FISCAL YEARS 2010  
13 AND 2011.—Notwithstanding subparagraph (A), for  
14 an airport that had more than 10,000 passenger  
15 boardings and scheduled passenger aircraft service  
16 in calendar year 2007, but in either calendar years  
17 2008 or 2009, or both years, the number of pas-  
18 senger boardings decreased to a level below 10,000  
19 boardings per year at such airport, the Secretary  
20 may apportion in fiscal years 2010 or 2011 to the  
21 sponsor of such an airport an amount equal to the  
22 amount apportioned to that sponsor in fiscal year  
23 2009.”.

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

4 “(M) construction of mobile refueler park-  
 5 ing within a fuel farm at a nonprimary airport  
 6 meeting the requirements of section 112.8 of  
 7 title 40, Code of Federal Regulations.”.

8 (k) DISCRETIONARY FUND.—Section 47115(g)(1) is  
 9 amended by striking “of—” and all that follows and in-  
 10 sserting “of \$520,000,000. The amount credited is exclu-  
 11 sive of amounts that have been apportioned in a prior fis-  
 12 cal year under section 47114 of this title and that remain  
 13 available for obligation.”.

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

15 Section 47128 is amended—

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

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

21 (3) by redesignating subsection (c) as sub-  
 22 section (d) and inserting after subsection (b) the fol-  
 23 lowing:

24 “(c) PROJECT ANALYSIS AND COORDINATION RE-  
 25 QUIREMENTS.—Any Federal agency that must approve, li-

1 cense, or permit a proposed action by a participating State  
2 shall coordinate and consult with the State. The agency  
3 shall utilize the environmental analysis prepared by the  
4 State, provided it is adequate, or supplement that analysis  
5 as necessary to meet applicable Federal requirements.”;  
6 and

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

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

12 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
13 **IEWS.**

14 Section 47173(a) is amended by striking “project.”  
15 and inserting “project, or to conduct special environmental  
16 studies related to a federally funded airport project or for  
17 special studies or reviews to support approved noise com-  
18 patibility measures in a Part 150 program or environ-  
19 mental mitigation in a Federal Aviation Administration  
20 Record of Decision or Finding of No Significant Impact.”.

21 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
22 **PROCEDURES.**

23 Section 47504 is amended by adding at the end the  
24 following:



1       “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
2 DURES.—

3           “(1) The Secretary is authorized in accordance  
4 with subsection (c)(1) to make a grant to an airport  
5 operator to assist in completing environmental re-  
6 view and assessment activities for proposals to im-  
7 plement flight procedures that have been approved  
8 for airport noise compatibility planning purposes  
9 under subsection (b).

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

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

24       Section 47118(c) is amended—

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

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

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

6           “(3) be critical to the safety of commercial,  
7 military, or general aviation in trans-oceanic  
8 flights.”.

9 **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**

10 **PILOT PROGRAM.**

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

13 **“§47143. Environmental mitigation demonstration**  
14 **pilot program**

15           “(a) IN GENERAL.—The Secretary of Transportation  
16 shall carry out a pilot program involving not more than  
17 6 projects at public-use airports under which the Secretary  
18 may make grants to sponsors of such airports from funds  
19 apportioned under paragraph 47117(e)(1)(A) for use at  
20 such airports for environmental mitigation demonstration  
21 projects that will measurably reduce or mitigate aviation  
22 impacts on noise, air quality or water quality in the vicin-  
23 ity of the airport. Notwithstanding any other provision of  
24 this subchapter, an environmental mitigation demonstra-

1 tion project approved under this section shall be treated  
2 as eligible for assistance under this subchapter.

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

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

9 “(1) will achieve the greatest reductions in air-  
10 craft noise, airport emissions, or airport water qual-  
11 ity impacts either on an absolute basis, or on a per-  
12 dollar-of-funds expended basis; and

13 “(2) will be implemented by an eligible consor-  
14 tium.

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

19 “(e) MAXIMUM AMOUNT.—Not more than  
20 \$2,500,000 may be made available by the Secretary in  
21 grants under this section for any single project.

22 “(f) IDENTIFYING BEST PRACTICES.—The Adminis-  
23 trator may develop and publish information identifying  
24 best practices for reducing or mitigating aviation impacts  
25 on noise, air quality, or water quality in the vicinity of

1 airports, based on the projects carried out under the pilot  
2 program.

3 “(g) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE CONSORTIUM.—The term ‘eligi-  
5 ble consortium’ means a consortium that comprises  
6 2 or more of the following entities:

7 “(A) Businesses operating in the United  
8 States.

9 “(B) Public or private educational or re-  
10 search organizations located in the United  
11 States.

12 “(C) Entities of State or local governments  
13 in the United States.

14 “(D) Federal laboratories.

15 “(2) ENVIRONMENTAL MITIGATION DEM-  
16 ONSTRATION PROJECT.—The term ‘environmental  
17 mitigation demonstration project’ means a project  
18 that—

19 “(A) introduces new conceptual environ-  
20 mental mitigation techniques or technology with  
21 associated benefits, which have already been  
22 proven in laboratory demonstrations;

23 “(B) proposes methods for efficient adap-  
24 tation or integration of new concepts to airport  
25 operations; and

1           “(C) will demonstrate whether new tech-  
2           niques or technology for environmental mitiga-  
3           tion identified in research are—

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

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

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

          “47143. Environmental mitigation demonstration pilot program”.

12          **SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DE-**  
13                                 **VELOPMENT PROGRAM.**

14          Section 47110(c) is amended—

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

17                         (2) by striking “project.” in paragraph (2) and  
18                         inserting “project; or”; and

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

20                                 “(3) necessarily incurred in anticipation of se-  
21                                 vere weather.”.

22          **SEC. 215. GLYCOL RECOVERY VEHICLES.**

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

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

2 Section 44504(b) is amended—

3 (1) by striking “and” after the semicolon in  
4 paragraph (6);

5 (2) by striking “aircraft.” in paragraph (7) and  
6 inserting “aircraft; and”; and

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

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

10 **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**  
11 **ANTEE.**

12 Section 47114(e) is amended—

13 (1) by inserting “AND ANY UNITED STATES  
14 TERRITORY” after “ALASKA” in the subsection  
15 heading; and

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

17 “(5) UNITED STATES TERRITORY MINIMUM  
18 GUARANTEE.—In any fiscal year in which the total  
19 amount apportioned to airports in a United States  
20 Territory under subsections (c) and (d) is less than  
21 1.5 percent of the total amount apportioned to all  
22 airports under those subsections, the Secretary may  
23 apportion to the local authority in any United States  
24 Territory responsible for airport development  
25 projects in that fiscal year an amount equal to the  
26 difference between 1.5 percent of the total amounts

1       apportioned under subsections (c) and (d) in that  
2       fiscal year and the amount otherwise apportioned  
3       under those subsections to airports in a United  
4       States Territory in that fiscal year.”.

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

6       (a) IN GENERAL.—Notwithstanding any other provi-  
7       sion of law, including the Federal Airport Act (as in effect  
8       on August 8, 1958), the United States releases, without  
9       monetary consideration, all restrictions, conditions, and  
10      limitations on the use, encumbrance, or conveyance of cer-  
11      tain land located in the municipality of Anchorage, Alaska,  
12      more particularly described as Tracts 22 and 24 of the  
13      Fourth Addition to the Town Site of Anchorage, Alaska,  
14      as shown on the plat of U.S. Survey No. 1456, accepted  
15      June 13, 1923, on file in the Bureau of Land Manage-  
16      ment, Department of Interior.

17      (b) GRANTS.—Notwithstanding any other provision  
18      of law, the municipality of Anchorage shall be released  
19      from the repayment of any outstanding grant obligations  
20      owed by the municipality to the Federal Aviation Adminis-  
21      tration with respect to any land described in subsection  
22      (a) that is subsequently conveyed to or used by the De-  
23      partment of Transportation and Public Facilities of the  
24      State of Alaska for the construction or reconstruction of  
25      a federally subsidized highway project.

1 **SEC. 219. RELEASE FROM RESTRICTIONS.**

2 (a) IN GENERAL.—Subject to subsection (b), and  
3 notwithstanding section 16 of the Federal Airport Act (as  
4 in effect on August 28, 1973) and sections 47125 and  
5 47153 of title 49, United States Code, the Secretary of  
6 Transportation is authorized to grant releases from any  
7 of the terms, conditions, reservations, and restrictions con-  
8 tained in the deed of conveyance dated August 28, 1973,  
9 under which the United States conveyed certain property  
10 to the city of St. George, Utah, for airport purposes.

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

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

19 (2) Any amount received by the city under  
20 paragraph (1) shall be used by the city of St.  
21 George, Utah, for the development or improvement  
22 of a replacement public airport.

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

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



1 **SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING**  
2 **GROUP.**

3 (a) **IN GENERAL.**—The Administrator shall establish  
4 an airport sustainability working group to assist the Ad-  
5 ministrator with issues pertaining to airport sustainability  
6 practices.

7 (b) **MEMBERSHIP.**—The Working Group shall be  
8 comprised of not more than 15 members including—

9 (1) the Administrator;

10 (2) 5 member organizations representing avia-  
11 tion interests including:

12 (A) an organization representing airport  
13 operators;

14 (B) an organization representing airport  
15 employees;

16 (C) an organization representing air car-  
17 riers;

18 (D) an organization representing airport  
19 development and operations experts;

20 (E) a labor organization representing avia-  
21 tion employees.

22 (3) 9 airport chief executive officers which shall  
23 include:

24 (A) at least one from each of the FAA Re-  
25 gions;

26 (B) at least 1 large hub;

- 1 (C) at least 1 medium hub;
- 2 (D) at least 1 small hub;
- 3 (E) at least 1 non hub;
- 4 (F) at least 1 general aviation airport.

5 (c) FUNCTIONS.—

6 (1) develop consensus-based best practices and  
7 metrics for the sustainable design, construction,  
8 planning, maintenance, and operation of an airport  
9 that comply with the guidelines prescribed by the  
10 Administrator;

11 (2) develop standards for a consensus-based  
12 rating system based on the aforementioned best  
13 practices, metrics, and ratings; and

14 (3) develop standards for a voluntary ratings  
15 process, based on the aforementioned best practices,  
16 metrics, and ratings;

17 (4) examine and submit recommendations for  
18 the industry's next steps with regard to sustain-  
19 ability.

20 (d) DETERMINATION.—The Administrator shall pro-  
21 vide assurance that the best practices developed by the  
22 working group under paragraph (a) are not in conflict  
23 with any federal aviation or federal, state or local environ-  
24 mental regulation.

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

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

8 (g) REPORT.—Not later than one year after the date  
9 of enactment the Working Group shall submit a report  
10 to the Administrator containing the best practices and  
11 standards contained in paragraph (c). After receiving the  
12 report, the Administrator may publish such best practices  
13 in order to disseminate the information to support the sus-  
14 tainable design, construction, planning, maintenance, and  
15 operations of airports.

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

18 **SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFI-**  
19 **CIENCY OF AIRPORT BUILDINGS IN AIRPORT**  
20 **IMPROVEMENT PROJECTS.**

21 Section 47101(a) is amended—

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

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

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

2 “(14) that the airport improvement program  
3 should be administered to allow measures to improve  
4 the efficiency of airport buildings to be included in  
5 airport improvement projects, such as measures de-  
6 signed to meet one or more of the criteria for being  
7 a high-performance green building set forth in sec-  
8 tion 401(13) of the Energy Independence and Secu-  
9 rity Act of 2007 (42 U.S.C. 17061(13)), if any sig-  
10 nificant increase in upfront project costs from any  
11 such measure is justified by expected savings over  
12 the lifecycle of the project.”.

13 **SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIR-**  
14 **PORT IMPROVEMENT IN PROPORTION TO**  
15 **AMOUNTS OF AIR TRAFFIC.**

16 (a) STUDY AND REPORT REQUIRED.—Not later than  
17 180 days after the date of the enactment of this Act, the  
18 Administrator of the Federal Aviation Administration  
19 shall—

20 (1) complete a study on the feasibility and ad-  
21 visability of apportioning amounts under section  
22 47114(c)(1) of title 49, United States Code, to the  
23 sponsor of each primary airport for each fiscal year  
24 an amount that bears the same ratio to the amount  
25 subject to the apportionment for fiscal year 2009 as

1 the number of passenger boardings at the airport  
2 during the prior calendar year bears to the aggregate  
3 of all passenger boardings at all primary airports  
4 during that calendar year; and

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

7 (b) REPORT CONTENTS.—The report required by  
8 subsection (a)(2) shall include the following:

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

11 (2) The findings of the Administrator with respect  
12 to such study.

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

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

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

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

23 (C) The average number of air passenger  
24 flights serviced each month at the airport of  
25 such sponsor in 2009.

1 (D) The number of enplanements for air  
2 passenger transportation at such airport in  
3 2005, 2006, 2007, 2008, and 2009.

4 **TITLE III—AIR TRAFFIC CON-**  
5 **TROL MODERNIZATION AND**  
6 **FAA REFORM**

7 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**  
8 **SIGHT BOARD.**

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

10 “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-  
11 SIGHT BOARD.—

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

19 “(2) MEMBERSHIP.—The Board shall be com-  
20 prised of the individual appointed or designated  
21 under section 302 of the FAA Air Transportation  
22 Modernization and Safety Improvement Act (who  
23 shall serve ex officio without the right to vote) and  
24 9 other members, who shall consist of—

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

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

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

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

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

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

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

21                   “(v) 1 representative from an aircraft  
22                   manufacturer.

23                   “(vi) 1 representative of a labor orga-  
24                   nization representing employees at the  
25                   Federal Aviation Administration who are

1           involved with maintenance of the air traffic  
2           control system.

3           “(3) APPOINTMENT AND QUALIFICATIONS.—

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

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

16                 “(i) management of large service or-  
17                 ganizations;

18                 “(ii) customer service;

19                 “(iii) management of large procure-  
20                 ments;

21                 “(iv) information and communications  
22                 technology;

23                 “(v) organizational development; and

24                 “(vi) labor relations.



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

3           “(i) 2 shall be appointed for terms of  
4 1 year;

5           “(ii) 1 shall be appointed for a term  
6 of 2 years;

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

9           “(iv) 1 shall be appointed for a term  
10 of 4 years.

11       “(4) FUNCTIONS.—

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

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

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

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

1           “(iv) approve procurements of air  
2 traffic control equipment in excess of  
3 \$100,000,000;

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

12           “(vi) approve the Federal Aviation  
13 Administration’s Capital Investment Plan  
14 prior to its submission to the Congress;

15           “(vii) annually review and make rec-  
16 ommendations on the NextGen Implemen-  
17 tation Plan;

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

23           “(ix) approve the selection of the head  
24 of the Joint Planning and Development  
25 Office.

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

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

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

23          “(6) ADMINISTRATIVE MATTERS.—

24                  “(A) TERMS OF MEMBERS.—Except as  
25                  provided in paragraph (3)(C), members of the

1 Board appointed under paragraph (2)(B) and  
2 (2)(C) shall be appointed for a term of 4 years.

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

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

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

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

21 “(F) CLAIMS AGAINST MEMBERS OF THE  
22 BOARD.—

23 “(i) IN GENERAL.—A member ap-  
24 pointed to the Board shall have no per-  
25 sonal liability under State or Federal law

1 with respect to any claim arising out of or  
2 resulting from an act or omission by such  
3 member within the scope of service as a  
4 member of the Board.

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

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

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

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

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

22 “(i) does not have a pecuniary interest  
23 in, or own stock in or bonds of, an aviation  
24 or aeronautical enterprise, except an inter-  
25 est in a diversified mutual fund or an in-

1           terest that is exempt from the application  
2           of section 208 of title 18;

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

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

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

15          “(I) COMPENSATION.—No member shall  
16          receive any compensation or other benefits from  
17          the Federal Government for serving on the  
18          Board, except for compensation benefits for in-  
19          juries under subchapter I of chapter 81 of title  
20          5 and except as provided under subparagraph  
21          (J).

22          “(J) EXPENSES.—Each member of the  
23          Board shall be paid actual travel expenses and  
24          per diem in lieu of subsistence expenses when

1 away from his or her usual place of residence,  
2 in accordance with section 5703 of title 5.

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

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

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

21 **SEC. 302. NEXTGEN MANAGEMENT.**

22 (a) IN GENERAL.—The Administrator shall appoint  
23 or designate an individual, as the Chief NextGen Officer,  
24 to be responsible for implementation of all Administration

1 programs associated with the Next Generation Air Trans-  
2 portation System.

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

5 (1) oversee the implementation of all Adminis-  
6 tration NextGen programs;

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

10 (3) develop an annual NextGen implementation  
11 plan;

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

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



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

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

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

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

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

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

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

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

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

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

7 Section 40110(c) is amended—

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

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

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

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

14 Section 40113(e) is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9           (d) REVIEW AND RECOMMENDATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10           “(2) DISPUTE RESOLUTION.—

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

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

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

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

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

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

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

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

8 (a) OEP AIRPORT PROCEDURES.—

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

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



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

6 (C) IMPLEMENTATION PLAN.—A plan for  
7 implementing those procedures that estab-  
8 lishes—

9 (i) clearly defined budget, schedule,  
10 project organization, and leadership re-  
11 quirements;

12 (ii) specific implementation and tran-  
13 sition steps; and

14 (iii) baseline and performance metrics  
15 for measuring the Administration's  
16 progress in implementing the plan, includ-  
17 ing the percentage utilization of required  
18 navigation performance in the National  
19 Airspace System.

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

24 (E) ADDITIONAL PROCEDURES.—A process  
25 for the identification, certification, and publica-

1           tion of additional required navigation perform-  
2           ance and area navigation procedures that may  
3           be required at such airports in the future.

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

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

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

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

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

15                  (1) IN GENERAL.—No later than January 1,  
16                  2014, the Administrator shall publish a report, after  
17                  consultation with representatives of appropriate Ad-  
18                  ministration employee groups, airport operators, and  
19                  air carriers, that includes a plan for applying the  
20                  procedures, requirements, criteria, and metrics de-  
21                  scribed in subsection (a)(1) to other airports across  
22                  the Nation.

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

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

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

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

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

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

17 (d) COORDINATED AND EXPEDITED REVIEW.—Navi-  
18 gation performance and area navigation procedures devel-  
19 oped, certified, published, and implemented under this sec-  
20 tion shall be presumed to be covered by a categorical ex-  
21 clusion (as defined in section 1508.4 of title 40, Code of  
22 Federal Regulations) under chapter 3 of FAA Order  
23 1050.1E unless the Administrator determines that ex-  
24 traordinary circumstances exist with respect to the proce-  
25 dure.

1 (e) DEPLOYMENT PLAN FOR NATIONWIDE DATA  
2 COMMUNICATIONS SYSTEM.—Within 1 year after the date  
3 of enactment of this Act, the Administrator shall submit  
4 a plan for implementation of a nationwide communications  
5 system to the Senate Committee on Commerce, Science,  
6 and Transportation and the House of Representatives  
7 Committee on Transportation and Infrastructure. The  
8 plan shall include—

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

11 (2) specific implementation and transition  
12 steps; and

13 (3) baseline and performance metrics for meas-  
14 uring the Administration’s progress in implementing  
15 the plan.

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

22 (1) evaluates whether utilization of ADS-B,  
23 RNP, and other technologies as part of the NextGen  
24 Air Transportation System implementation plan will  
25 display the position of aircraft more accurately and

1 frequently so as to enable a more efficient use of ex-  
2 isting airspace and result in reduced consumption of  
3 aviation fuel and aircraft engine emissions;

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

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

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

11 (a) IN GENERAL.—

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

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

1 (B) a transition plan for ADS-B that in-  
2 cludes date-specific milestones for the imple-  
3 mentation of new capabilities into the National  
4 Airspace System;

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

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

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

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

21 (b) RULEMAKINGS.—

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

1 (A) complete the initial rulemaking pro-  
2 ceeding (Docket No. FAA-2007-29305; Notice  
3 No. 07-15; 72 FR 56947) to issue guidelines  
4 and regulations for ADS-B Out technology  
5 that—

6 (i) identify the ADS-B Out tech-  
7 nology that will be required under  
8 NextGen;

9 (ii) subject to paragraph (3), require  
10 all aircraft to be equipped with such tech-  
11 nology by 2015; and

12 (iii) identify—

13 (I) the type of such avionics re-  
14 quired of aircraft for all classes of air-  
15 space;

16 (II) the expected costs associated  
17 with the avionics; and

18 (III) the expected uses and bene-  
19 fits of the avionics; and

20 (B) initiate a rulemaking proceeding to  
21 issue any additional guidelines and regulations  
22 for ADS-B Out technology not addressed in the  
23 initial rulemaking.

24 (2) ADS-B IN.—Not later than 45 days after  
25 the date of enactment of this Act the Administrator

1 shall initiate a rulemaking proceeding to issue guide-  
2 lines and regulations for ADS-B In technology  
3 that—

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

6 (B) subject to paragraph (3), require all  
7 aircraft to be equipped with such technology by  
8 2018; and

9 (C) identify—

10 (i) the type of such avionics required  
11 of aircraft 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 (3) READINESS VERIFICATION.—Before the  
17 date on which all aircraft are required to be  
18 equipped with ADS-B technology pursuant to  
19 rulemakings under paragraphs (1) and (2), the Air  
20 Traffic Control Modernization Oversight Board shall  
21 verify that—

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

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



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

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

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

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

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

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

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

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

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

23 **SEC. 316. EQUIPAGE INCENTIVES.**

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

1           (1) identifies incentive options to encourage the  
2           equipage of aircraft with NextGen technologies, in-  
3           cluding a policy that gives priority to aircraft  
4           equipped with ADS-B technology;

5           (2) identifies the costs and benefits of each op-  
6           tion; and

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

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

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

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

18          **SEC. 317. PERFORMANCE METRICS.**

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

22           (1) the allowable operations per hour on run-  
23           ways;

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

25           (3) fuel burned between key city pairs;

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

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

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

7           (7) uninterrupted climb or descent;

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

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

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

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

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

22       (d) REPORTS.—

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

1 Commerce, Science, and Transportation and the  
2 House of Representatives Committee on Transpor-  
3 tation and Infrastructure that contains—

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

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

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

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

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

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

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

1 for the manufacture of equipment, installation of equi-  
2 page, airline operational procedures, pilot training  
3 standards, air traffic control procedures, and air  
4 traffic controller training;

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

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

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

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

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

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

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

3 (1) a financing proposal that—

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

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

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

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

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

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

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

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

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

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

12           (4) dedicates funding for unmanned aerial sys-  
13 tems research and development to certification,  
14 flight standards, and air traffic requirements;

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

19           (6) addresses both military and civilian un-  
20 manned aerial system operations;

21           (7) ensures the unmanned aircraft systems inte-  
22 gration plan is incorporated in the Administration's  
23 NextGen Air Transportation System implementation  
24 plan; and



1           (8) provides for verification of the safety of the  
2           vehicles and navigation procedures before their inte-  
3           gration into the National Airspace System.

4           (b) **TEST SITE CRITERIA.**—The Administrator shall  
5           take into consideration geographical and climate diversity  
6           in determining where the test sites to be established under  
7           the pilot project required by subsection (a)(1) are to be  
8           located.

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

10          (a) **IN GENERAL.**—The Air Traffic Organization  
11          shall—

12               (1) evaluate the Airport Surface Detection  
13               Equipment-Model X program for its potential con-  
14               tribution to implementation of the NextGen initia-  
15               tive;

16               (2) evaluate airport surveillance technologies  
17               and associated collaborative surface management  
18               software for potential contributions to implementa-  
19               tion of NextGen surface management;

20               (3) accelerate implementation of the program;  
21               and

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

24          (b) **EXPEDITED CERTIFICATION AND UTILIZA-**  
25          **TION.**—The Administrator shall—

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

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

7 **SEC. 322. STAKEHOLDER COORDINATION.**

8           (a) IN GENERAL.—The Administrator shall establish  
9           a process for including qualified employees selected by  
10          each exclusive collective bargaining representative of em-  
11          ployees of the Administration who are likely to be affected  
12          by the planning, development, and deployment of air traf-  
13          fic control modernization projects (including the Next  
14          Generation Air Transportation System) in, and collabo-  
15          rating with, such employees in the planning, development,  
16          and deployment of those projects.

17          (b) PARTICIPATION.—

18                (1) BARGAINING OBLIGATIONS AND RIGHTS.—  
19          Participation in the process described in subsection  
20          (a) shall not be construed as a waiver of any bar-  
21          gaining obligations or rights under section  
22          40122(a)(1) or 40122(g)(2)(C) of title 49, United  
23          States Code.

24                (2) CAPACITY AND COMPENSATION.—Exclusive  
25          collective bargaining representatives and selected

1 employees participating in the process described in  
2 subsection (a) shall—

3 (A) serve in a collaborative and advisory  
4 capacity; and

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

9 (c) REPORT.—No later than 180 days after the date  
10 of enactment of this Act, the Administrator shall submit  
11 a report on the implementation of this section to the Sen-  
12 ate Committee on Commerce, Science, and Transportation  
13 and the House of Representatives Committee on Trans-  
14 portation and Infrastructure.

15 **SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-  
16 CILITY CONDITIONS.**

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

20 (b) MEMBERSHIP.—

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

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

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

4 (2) QUALIFICATIONS.—Of the members ap-  
5 pointed by the Administrator under paragraph  
6 (1)(A)—

7 (A) 4 members shall be specialists on toxic  
8 mold abatement, “sick building syndrome,” and  
9 other hazardous building conditions that can  
10 lead to employee health concerns and shall be  
11 appointed by the Administrator in consultation  
12 with the Director of the National Institute for  
13 Occupational Safety and Health; and

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

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

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

21 (5) TRAVEL EXPENSES.—Members shall serve  
22 without pay but shall receive travel expenses, includ-  
23 ing per diem in lieu of subsistence, in accordance  
24 with subchapter I of chapter 57 of title 5, United  
25 States Code.

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

5       (d) TASK FORCE PERSONNEL MATTERS.—

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

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

16          (3) OTHER STAFF AND SUPPORT.—Upon re-  
17 quest of the Task Force or a panel of the Task  
18 Force, the Administrator shall provide the Task  
19 Force or panel with professional and administrative  
20 staff and other support, on a reimbursable basis, to  
21 the Task Force to assist it in carrying out its duties  
22 under this section.

23       (e) OBTAINING OFFICIAL DATA.—The Task Force  
24 may secure directly from any department or agency of the  
25 United States information (other than information re-

1 quired by any statute of the United States to be kept con-  
2 fidential by such department or agency) necessary for the  
3 Task Force to carry out its duties under this section.  
4 Upon request of the chairperson of the Task Force, the  
5 head of that department or agency shall furnish such in-  
6 formation to the Task Force.

7 (f) DUTIES.—

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

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

13 (B) reports from employees of the Admin-  
14 istration relating to respiratory ailments and  
15 other health conditions resulting from exposure  
16 to mold, asbestos, poor air quality, radiation  
17 and facility-related hazards in facilities of the  
18 Administration;

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

22 (D) the ability of managers and super-  
23 visors of such employees to promptly document  
24 and seek remediation for unsafe facility condi-  
25 tions;

1           (E) whether employees of the Administra-  
2           tion who report facility-related illnesses are  
3           treated fairly;

4           (F) utilization of scientifically approved re-  
5           mediation techniques in a timely fashion once  
6           hazardous conditions are identified in a facility  
7           of the Administration; and

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

10          (2) FACILITY CONDITION INDICES.—The Task  
11          Force shall review the facility condition indices of  
12          the Administration for inclusion in the recommenda-  
13          tions under subsection (g).

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

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

21               (2) ensure that the Administration is using sci-  
22               entifically approved remediation techniques in all fa-  
23               cilities; and

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

4           (h) REPORT.—Not later than 6 months after the date  
5           on which initial appointments of members to the Task  
6           Force are completed, the Task Force shall submit a report  
7           to the Administrator, the Senate Committee on Com-  
8           merce, Science, and Transportation, and the House of  
9           Representatives Committee on Transportation and Infra-  
10          structure on the activities of the Task Force, including  
11          the recommendations of the Task Force under subsection  
12          (g).

13          (i) IMPLEMENTATION.—Within 30 days after receipt  
14          of the Task Force report under subsection (h), the Admin-  
15          istrator shall submit to the House of Representatives  
16          Committee on Transportation and Infrastructure and the  
17          Senate Committee on Commerce, Science, and Transpor-  
18          tation a report that includes a plan and timeline to imple-  
19          ment the recommendations of the Task Force and to align  
20          future budgets and priorities of the Administration ac-  
21          cordingly.

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



1 (k) APPLICABILITY OF THE FEDERAL ADVISORY  
2 COMMITTEE ACT.—The Federal Advisory Committee Act  
3 (5 U.S.C. App.) shall not apply to the Task Force.

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

5 (a) IN GENERAL.—

6 (1) COOPERATIVE AGREEMENTS.—Subject to  
7 the provisions of this section, the Secretary of  
8 Transportation may enter into cooperative agree-  
9 ments with not to exceed 5 States for the establish-  
10 ment of State ADS-B equipage banks for making  
11 loans and providing other assistance to public enti-  
12 ties for projects eligible for assistance under this  
13 section.

14 (b) FUNDING.—

15 (1) SEPARATE ACCOUNT.—An ADS-B equipage  
16 bank established under this section shall maintain a  
17 separate aviation trust fund account for Federal  
18 funds contributed to the bank under paragraph (2).  
19 No Federal funds contributed or credited to an ac-  
20 count of an ADS-B equipage bank established under  
21 this section may be commingled with Federal funds  
22 contributed or credited to any other account of such  
23 bank.

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

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

12          (d) QUALIFYING PROJECTS.—Federal funds in the  
13          ADS–B equipage account of an ADS–B equipage bank es-  
14          tablished under this section may be used only to provide  
15          assistance with respect to aircraft ADS–B and related avi-  
16          onics equipage.

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

20                 (1) contribute, at a minimum, in each account  
21                 of the bank from non-Federal sources an amount  
22                 equal to 50 percent of the amount of each capitaliza-  
23                 tion grant made to the State and contributed to the  
24                 bank;

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

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

9                   (A) credited to the account;

10                   (B) available for use in providing loans  
11                   and other assistance to projects eligible for as-  
12                   sistance from the account; and

13                   (C) invested in United States Treasury se-  
14                   curities, bank deposits, or such other financing  
15                   instruments as the Secretary may approve to  
16                   earn interest to enhance the leveraging of  
17                   projects assisted by the bank;

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

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



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

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

10          (b) **STAFFING ANALYSES AND REPORTS.**—For the  
11 purposes of—

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

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

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

18 the Administrator may not consider an individual to be  
19 an air traffic controller unless that individual is a certified  
20 professional controller.

21 **SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER**  
22 **SKIES PROJECT.**

23          (a) **INITIAL REPORT.**—Not later than 180 days after  
24 the date of the enactment of this Act, the Administrator  
25 shall submit to Congress a report on the strategy of the

1 Administrator for implementing, on an accelerated basis,  
2 the NextGen operational capabilities produced by the  
3 Greener Skies project, as recommended in the final report  
4 of the RTCA NextGen Mid-Term Implementation Task  
5 Force that was issued on September 9, 2009.

6 (b) SUBSEQUENT REPORTS.—

7 (1) IN GENERAL.—Not later than 180 days  
8 after the Administrator submits to Congress the re-  
9 port required by subsection (a) and not less fre-  
10 quently than once every 180 days thereafter until  
11 September 30, 2011, the Administrator shall submit  
12 to the Committee on Commerce, Science, and Trans-  
13 portation of the Senate and to the Committee on  
14 Transportation and Infrastructure of the House of  
15 Representatives a report on the progress of the Ad-  
16 ministrator in carrying out the strategy described in  
17 the report submitted under subsection (a).

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

20 (A) A timeline for full implementation of  
21 the strategy described in the report submitted  
22 under subsection (a).

23 (B) A description of the progress made in  
24 carrying out such strategy.

1 (C) A description of the challenges, if any,  
2 encountered by the Administrator in carrying  
3 out such strategy.

4 **SEC. 327. DEFINITIONS.**

5 In this title:

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

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

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

13 (4) SECRETARY.—The term “Secretary” means  
14 the Secretary of Transportation.

15 **SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUI-**  
16 **PAGE.**

17 (a) IN GENERAL.—The Administrator of the Federal  
18 Aviation Administration may enter into agreements to  
19 fund the costs of equipping aircraft with communications,  
20 surveillance, navigation, and other avionics to enable  
21 NextGen air traffic control capabilities.

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

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

4 SUBTITLE A—CONSUMER PROTECTION

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

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

8 “SUBCHAPTER IV—AIRLINE CUSTOMER  
9 SERVICE

10 “§ 41781. **Air carrier and airport contingency plans**  
11 **for long on-board tarmac delays**

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

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

23 “(c) MINIMUM STANDARDS.—The Secretary of  
24 Transportation shall establish minimum standards for ele-  
25 ments in contingency plans required to be submitted under



1 this section to ensure that such plans effectively address  
2 long on-board tarmac delays and provide for the health  
3 and safety of passengers and crew.

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

6 “(1) PROVISION OF ESSENTIAL SERVICES.—

7 Each air carrier shall provide for the essential needs  
8 of passengers on board an aircraft at an airport in  
9 any case in which the departure of a flight is de-  
10 layed or disembarkation of passengers on an arriving  
11 flight that has landed is substantially delayed, in-  
12 cluding—

13 “(A) adequate food and potable water;

14 “(B) adequate restroom facilities;

15 “(C) cabin ventilation and comfortable  
16 cabin temperatures; and

17 “(D) access to necessary medical treat-  
18 ment.

19 “(2) RIGHT TO DEPLANE.—

20 “(A) IN GENERAL.—Each air carrier shall  
21 submit a proposed contingency plan to the Sec-  
22 retary of Transportation that identifies a clear  
23 time frame under which passengers would be  
24 permitted to deplane a delayed aircraft. After  
25 the Secretary has reviewed and approved the

1 proposed plan, the air carrier shall make the  
2 plan available to the public.

3 “(B) DELAYS.—

4 “(i) IN GENERAL.—As part of the  
5 plan, except as provided under clause (iii),  
6 an air carrier shall provide passengers with  
7 the option of deplaning and returning to  
8 the terminal at which such deplaning could  
9 be safely completed, or deplaning at the  
10 terminal if—

11 “(I) 3 hours have elapsed after  
12 passengers have boarded the aircraft,  
13 the aircraft doors are closed, and the  
14 aircraft has not departed; or

15 “(II) 3 hours have elapsed after  
16 the aircraft has landed and the pas-  
17 sengers on the aircraft have been un-  
18 able to deplane.

19 “(ii) FREQUENCY.—The option de-  
20 scribed in clause (i) shall be offered to pas-  
21 sengers at a minimum not less often than  
22 once during each successive 3-hour period  
23 that the plane remains on the ground.

24 “(iii) EXCEPTIONS.—This subpara-  
25 graph shall not apply if—

1           “(I) the pilot of such aircraft  
2           reasonably determines that the air-  
3           craft will depart or be unloaded at the  
4           terminal not later than 30 minutes  
5           after the 3 hour delay; or

6           “(II) the pilot of such aircraft  
7           reasonably determines that permitting  
8           a passenger to deplane would jeop-  
9           ardize passenger safety or security.

10           “(C)   APPLICATION    TO    DIVERTED  
11           FLIGHTS.—This section applies to aircraft with-  
12           out regard to whether they have been diverted  
13           to an airport other than the original destina-  
14           tion.

15           “(D) REPORTS.—Not later than 30 days  
16           after any flight experiences a tarmac delay last-  
17           ing at least 3 hours, the air carrier responsible  
18           for such flight shall submit a written descrip-  
19           tion of the incident and its resolution to the  
20           Aviation Consumer Protection Office of the De-  
21           partment of Transportation.

22           “(e) AIRPORT PLANS.—Each airport operator shall  
23           submit a proposed contingency plan under subsection (b)  
24           that contains a description of—

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

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

8           “(f) UPDATES.—The Secretary shall require periodic  
9 reviews and updates of the plans as necessary.

10          “(g) APPROVAL.—

11           “(1) IN GENERAL.—Not later than 6 months  
12 after the date of the enactment of this section, the  
13 Secretary of Transportation shall—

14           “(A) review the initial contingency plans  
15 submitted under subsection (b); and

16           “(B) approve plans that closely adhere to  
17 the standards described in subsections (d) or  
18 (e), whichever is applicable.

19           “(2) UPDATES.—Not later than 60 days after  
20 the submission of an update under subsection (f) or  
21 an initial contingency plan by a new air carrier or  
22 airport, the Secretary shall—

23           “(A) review the plan; and

1           “(B) approve the plan if it closely adheres  
2           to the standards described in subsections (d) or  
3           (e), whichever is applicable.

4           “(h) CIVIL PENALTIES.—The Secretary may assess  
5 a civil penalty under section 46301 against any air carrier  
6 or airport operator that does not submit, obtain approval  
7 of, or adhere to a contingency plan submitted under this  
8 section.

9           “(i) PUBLIC ACCESS.—Each air carrier and airport  
10 operator required to submit a contingency plan under this  
11 section shall ensure public access to an approved plan  
12 under this section by—

13           “(1) including the plan on the Internet Web  
14           site of the carrier or airport; or

15           “(2) disseminating the plan by other means, as  
16           determined by the Secretary.

17 **“§ 41782. Air passenger complaints hotline and infor-**  
18 **mation**

19           “(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-  
20 PHONE NUMBER.—The Secretary of Transportation shall  
21 establish a consumer complaints hotline telephone number  
22 for the use of air passengers.

23           “(b) PUBLIC NOTICE.—The Secretary shall notify  
24 the public of the telephone number established under sub-  
25 section (a).



1           “(2) DISCLOSURE TO CUSTOMERS WHEN PUR-  
2 CHASING TICKETS.—For each individual who books  
3 passenger air transportation on the Internet website  
4 of an air carrier, or the Internet website of an entity  
5 that is authorized to book passenger air transpor-  
6 tation for an air carrier, for any flight for which  
7 data is reported to the Department of Transpor-  
8 tation under part 234 of title 14, Code of Federal  
9 Regulations, such air carrier or entity, as the case  
10 may be, shall prominently disclose to such indi-  
11 vidual, before such individual makes such booking,  
12 the following:

13           “(A) The on-time performance for the  
14 flight if the flight is a chronically delayed flight.

15           “(B) The cancellation rate for the flight if  
16 the flight is a chronically canceled flight.

17           “(3) DEFINITIONS.—In this subsection:

18           “(A) CHRONICALLY DELAYED FLIGHT.—  
19 The term ‘chronically delayed flight’ means a  
20 regularly scheduled flight that has failed to ar-  
21 rive on time (as such term is defined in section  
22 234.2 of title 14, Code of Federal Regulations)  
23 at least 40 percent of the time during the most  
24 recent 3-month period for which data is avail-  
25 able.

1           “(B) CHRONICALLY CANCELED FLIGHT.—  
2           The term ‘chronically canceled flight’ means a  
3           regularly scheduled flight at least 30 percent of  
4           the departures of which have been canceled dur-  
5           ing the most recent 3-month period for which  
6           data is available.”.

7           (b) EFFECTIVE DATE.—The amendment made by  
8           subsection (a) shall take effect 180 days after the date  
9           of enactment of this Act.

10 **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
11 **PLAINT INVESTIGATIONS.**

12           (a) IN GENERAL.—Subject to the availability of ap-  
13           propriations, the Secretary of Transportation shall inves-  
14           tigate consumer complaints regarding—

15                   (1) flight cancellations;

16                   (2) compliance with Federal regulations con-  
17                   cerning overbooking seats 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           (3) State or local governments who has exper-  
2           tise in consumer protection matters; and

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

5           (c) VACANCIES.—A vacancy in the advisory com-  
6           mittee shall be filled in the manner in which the original  
7           appointment was made.

8           (d) TRAVEL EXPENSES.—Members of the advisory  
9           committee shall serve without pay but shall receive travel  
10          expenses, including per diem in lieu of subsistence, in ac-  
11          cordance with subchapter I of chapter 57 of title 5, United  
12          States Code.

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

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

19                 (1) evaluating existing aviation consumer pro-  
20                 tection programs and providing recommendations for  
21                 the improvement of such programs, if needed; and

22                 (2) providing recommendations to establish ad-  
23                 ditional aviation consumer protection programs, if  
24                 needed.

1 (g) REPORT.—Not later than February 1 of each of  
2 the first 2 calendar years beginning after the date of en-  
3 actment of this Act, the Secretary shall transmit to Con-  
4 gress a report containing—

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

7 (2) an explanation of how the Secretary has im-  
8 plemented each recommendation and, for each rec-  
9 ommendation not implemented, the Secretary's rea-  
10 son for not implementing the recommendation.

11 **SEC. 405. DISCLOSURE OF PASSENGER FEES.**

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

20 (1) checked baggage or oversized or heavy bag-  
21 gage;

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

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

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

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

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

9 (1) may require an air carrier to make such in-  
10 formation on any public website maintained by an  
11 air carrier, to make such information available to  
12 travel agencies, and to notify passengers of the  
13 availability of such information when advertising air-  
14 fares; and

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

20 **SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING**  
21 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**  
22 **PORTATION.**

23 Section 41712 is amended by adding at the end the  
24 following:

1       “(c) DISCLOSURE REQUIREMENT FOR SELLERS OF  
2 TICKETS FOR FLIGHTS.—

3           “(1) IN GENERAL.—It shall be an unfair or de-  
4 ceptive practice under subsection (a) for any ticket  
5 agent, air carrier, foreign air carrier, or other person  
6 offering to sell tickets for air transportation on a  
7 flight of an air carrier to not disclose, whether ver-  
8 bally in oral communication or in writing in written  
9 or electronic communication, prior to the purchase  
10 of a ticket—

11           “(A) the name (including any business or  
12 corporate name) of the air carrier providing the  
13 air transportation; and

14           “(B) if the flight has more than one flight  
15 segment, the name of each air carrier providing  
16 the air transportation for each such flight seg-  
17 ment.

18           “(2) INTERNET OFFERS.—In the case of an  
19 offer to sell tickets described in paragraph (1) on an  
20 Internet Web site, disclosure of the information re-  
21 quired by paragraph (1) shall be provided on the  
22 first display of the Web site following a search of a  
23 requested itinerary in a format that is easily visible  
24 to a viewer.”.

1 **SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT**  
2 **TO THE SALE OF AIRLINE TICKETS.**

3 (a) IN GENERAL.—The Office of Aviation Consumer  
4 Protection and Enforcement of the Department of Trans-  
5 portation shall establish rules to ensure that all consumers  
6 are able to easily and fairly compare airfares and charges  
7 paid when purchasing tickets for air transportation, in-  
8 cluding all taxes and fees.

9 (b) NOTICE OF TAXES AND FEES APPLICABLE TO  
10 TICKETS FOR AIR TRANSPORTATION.—Section 41712, as  
11 amended by this Act, is further amended by adding at the  
12 end the following:

13 “(d) NOTICE OF TAXES AND FEES APPLICABLE TO  
14 TICKETS FOR AIR TRANSPORTATION.—

15 “(1) IN GENERAL.—It shall be an unfair or de-  
16 ceptive practice under subsection (a) for an air car-  
17 rier, foreign air carrier, or ticket agent to sell a tick-  
18 et for air transportation on the Internet unless the  
19 air carrier, foreign air carrier, or ticket agent, as the  
20 case may be—

21 “(A) displays information with respect to  
22 the taxes and fees described in paragraph (2),  
23 including the amount and a description of each  
24 such tax or fee, in reasonable proximity to the  
25 price listed for the ticket; and

1           “(B) provides to the purchaser of the tick-  
2           et information with respect to the taxes and  
3           fees described in paragraph (2), including the  
4           amount and a description of each such tax or  
5           fee, before requiring the purchaser to provide  
6           any personal information, including the name,  
7           address, phone number, e-mail address, or cred-  
8           it card information of the purchaser.

9           “(2) TAXES AND FEES DESCRIBED.—The taxes  
10          and fees described in this paragraph are all taxes,  
11          fees, and charges applicable to a ticket for air trans-  
12          portation, consisting of—

13                 “(A) all taxes, fees, charges, and sur-  
14                 charges included in the price paid by a pur-  
15                 chaser for the ticket, including fuel surcharges  
16                 and surcharges relating to peak or holiday trav-  
17                 el; and

18                 “(B) any fees for baggage, seating assign-  
19                 ments; and

20                 “(C) operational services that are charged  
21                 when the ticket is purchased.”.

22          (c) REGULATIONS.—The Secretary of Transpor-  
23          tation, in consultation with the Administrator of the Fed-  
24          eral Aviation Administration, shall prescribe such regula-  
25          tions as may be necessary to carry out subsection (d) of

1 section 41712 of title 49, United States Code, as added  
2 by subsection (b) of this section.

3 SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL  
4 COMMUNITIES

5 **SEC. 411. EAS CONNECTIVITY PROGRAM.**

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

9 **SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING**  
10 **MILEAGE ADJUSTMENT ELIGIBILITY.**

11 Section 409(d) of the Vision 100—Century of Avia-  
12 tion Reauthorization Act (49 U.S.C. 41731 note) is  
13 amended by striking “September 30, 2010.” and inserting  
14 “September 30, 2013.”.

15 **SEC. 413. EAS CONTRACT GUIDELINES.**

16 Section 41737(a)(1) is amended—

17 (1) by striking “and” after the semicolon in  
18 subparagraph (B);

19 (2) by striking “provided.” in subparagraph (C)  
20 and inserting “provided;”; and

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

22 “(D) include provisions under which the Sec-  
23 retary may encourage carriers to improve air service  
24 to small and rural communities by incorporating fi-



1 nancial incentives in essential air service contracts  
 2 based on specified performance goals; and

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

8 **SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.**

9 (a) IN GENERAL.—Section 41745 is amended to read  
 10 as follows:

11 **“§ 41745. Conversion of lost eligibility airports**

12 “(a) IN GENERAL.—The Secretary shall establish a  
 13 program to provide general aviation conversion funding for  
 14 airports serving eligible places that the Secretary has de-  
 15 termined no longer qualify for a subsidy.

16 “(b) GRANTS.—A grant under this section—

17 “(1) may not exceed twice the compensation  
 18 paid to provide essential air service to the airport in  
 19 the fiscal year preceeding the fiscal year in which  
 20 the Secretary determines that the place served by  
 21 the airport is no longer an eligible place; and

22 “(2) may be used—

23 “(A) for airport development (as defined in  
 24 section 47102(3)) that will enhance general  
 25 aviation capacity at the airport;

1           “(B) to defray operating expenses, if such  
2           use is approved by the Secretary; or

3           “(C) to develop innovative air service op-  
4           tions, such as on-demand or air taxi operations,  
5           if such use is approved by the Secretary.

6           “(c) AIP REQUIREMENTS.—An airport sponsor that  
7           uses funds provided under this section for an airport de-  
8           velopment project shall comply with the requirements of  
9           subchapter I of chapter 471 applicable to airport develop-  
10          ment projects funded under that subchapter with respect  
11          to the project funded under this section.

12          “(d) LIMITATION.—The sponsor of an airport receiv-  
13          ing funding under this section is not eligible for funding  
14          under section 41736.”.

15          (b) CLERICAL AMENDMENT.—The table of sections  
16          for chapter 417 is amended by striking the item relating  
17          to section 41745 and inserting the following:

          “417454. Conversion of lost eligibility airports.”.

18       **SEC. 415. EAS REFORM.**

19       Section 41742(a) is amended—

20           (1) by adding at the end of paragraph (1) “Any  
21           amount in excess of \$50,000,000 credited for any  
22           fiscal year to the account established under section  
23           45303(c) shall be obligated for programs under sec-  
24           tion 406 of the Vision 100—Century of Aviation Re-  
25           authorization Act (49 U.S.C. 40101 note) and sec-

1 tion 41745 of this title. Amounts appropriated pur-  
2 suant to this section shall remain available until ex-  
3 pended.”; and

4 (2) by striking “\$77,000,000” in paragraph (2)  
5 and inserting “\$150,000,000”.

6 **SEC. 416. SMALL COMMUNITY AIR SERVICE.**

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

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

10 (2) by striking “fashion.” in subparagraph (E)  
11 and inserting “fashion; and”; and

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

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

16 (b) EXTENSION OF AUTHORIZATION.—Section  
17 41743(e)(2) is amended—

18 (1) by striking “is appropriated” and inserting  
19 “are appropriated”; and

20 (2) by striking “2009” and inserting “2011”.

21 **SEC. 417. EAS MARKETING.**

22 The Secretary of Transportation shall require all ap-  
23 plications to provide service under subchapter II of chap-  
24 ter 417 of title 49, United States Code, include a mar-  
25 keting plan.

1 **SEC. 418. RURAL AVIATION IMPROVEMENT.**

2 (a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY  
3 CAP.—

4 (1) IN GENERAL.—Subchapter II of chapter  
5 417 is amended by adding at the end the following:

6 **“§ 41749. Essential air service for eligible places**  
7 **above per passenger subsidy cap**

8 “(a) PROPOSALS.—A State or local government may  
9 submit a proposal to the Secretary of Transportation for  
10 compensation for an air carrier to provide air transpor-  
11 tation to a place described in subsection (b).

12 “(b) PLACE DESCRIBED.—A place described in this  
13 subsection is a place—

14 “(1) that is otherwise an eligible place; and

15 “(2) for which the per passenger subsidy ex-  
16 ceeds the dollar amount allowable under this sub-  
17 chapter.

18 “(c) DECISIONS.—Not later than 90 days after re-  
19 ceiving a proposal under subsection (a) for compensation  
20 for an air carrier to provide air transportation to a place  
21 described in subsection (b), the Secretary shall—

22 “(1) decide whether to provide compensation  
23 for the air carrier to provide air transportation to  
24 the place; and

1           “(2) approve the proposal if the State or local  
2 government or a person is willing and able to pay  
3 the difference between—

4                   “(A) the per passenger subsidy; and

5                   “(B) the dollar amount allowable for such  
6 subsidy under this subchapter.

7           “(d) COMPENSATION PAYMENTS.—

8                   “(1) IN GENERAL.—The Secretary shall pay  
9 compensation under this section at such time and in  
10 such manner as the Secretary determines is appro-  
11 priate.

12                   “(2) DURATION OF PAYMENTS.—The Secretary  
13 shall continue to pay compensation under this sec-  
14 tion only as long as—

15                   “(A) the State or local government or per-  
16 son agreeing to pay compensation under sub-  
17 section (c)(2) continues to pay such compensa-  
18 tion; and

19                   “(B) the Secretary decides the compensa-  
20 tion is necessary to maintain air transportation  
21 to the place.

22           “(e) REVIEW.—

23                   “(1) IN GENERAL.—The Secretary shall peri-  
24 odically review the type and level of air service pro-  
25 vided under this section.

1           “(2) CONSULTATION.—The Secretary may  
 2           make appropriate adjustments in the type and level  
 3           of air service to a place under this section based on  
 4           the review under paragraph (1) and consultation  
 5           with the affected community and the State or local  
 6           government or person agreeing to pay compensation  
 7           under subsection (c)(2).

8           “(f) ENDING, SUSPENDING, AND REDUCING AIR  
 9           TRANSPORTATION.—An air carrier providing air transpor-  
 10          tation to a place under this section may end, suspend, or  
 11          reduce such air transportation if, not later than 30 days  
 12          before ending, suspending, or reducing such air transpor-  
 13          tation, the air carrier provides notice of the intent of the  
 14          air carrier to end, suspend, or reduce such air transpor-  
 15          tation to—

16                 “(1) the Secretary;

17                 “(2) the affected community; and

18                 “(3) the State or local government or person  
 19                 agreeing to pay compensation under subsection  
 20                 (c)(2).”.

21           (2) CLERICAL AMENDMENT.—The table of con-  
 22           tents for chapter 417 is amended by adding after  
 23           the item relating to section 41748 the following new  
 24           item:

“41749. Essential air service for eligible places above per passenger subsidy  
 cap”.

1 (b) PREFERRED ESSENTIAL AIR SERVICE.—

2 (1) IN GENERAL.—Subchapter II of chapter  
3 417, as amended by subsection (a), is further  
4 amended by adding after section 41749 the fol-  
5 lowing:

6 **“§ 41750. Preferred essential air service**

7 “(a) PROPOSALS.—A State or local government may  
8 submit a proposal to the Secretary of Transportation for  
9 compensation for a preferred air carrier described in sub-  
10 section (b) to provide air transportation to an eligible  
11 place.

12 “(b) PREFERRED AIR CARRIER DESCRIBED.—A pre-  
13 ferred air carrier described in this subsection is an air car-  
14 rier that—

15 “(1) submits an application under section  
16 41733(c) to provide air transportation to an eligible  
17 place;

18 “(2) is not the air carrier that submits the low-  
19 est cost bid to provide air transportation to the eligi-  
20 ble place; and

21 “(3) is an air carrier that the affected commu-  
22 nity prefers to provide air transportation to the eligi-  
23 ble place instead of the air carrier that submits the  
24 lowest cost bid.

1       “(c) DECISIONS.—Not later than 90 days after re-  
2 ceiving a proposal under subsection (a) for compensation  
3 for a preferred air carrier described in subsection (b) to  
4 provide air transportation to an eligible place, the Sec-  
5 retary shall—

6           “(1) decide whether to provide compensation  
7 for the preferred air carrier to provide air transpor-  
8 tation to the eligible place; and

9           “(2) approve the proposal if the State or local  
10 government or a person is willing and able to pay  
11 the difference between—

12           “(A) the rate of compensation the Sec-  
13 retary would provide to the air carrier that sub-  
14 mits the lowest cost bid to provide air transpor-  
15 tation to the eligible place; and

16           “(B) the rate of compensation the pre-  
17 ferred air carrier estimates to be necessary to  
18 provide air transportation to the eligible place.

19       “(d) COMPENSATION PAYMENTS.—

20           “(1) IN GENERAL.—The Secretary shall pay  
21 compensation under this section at such time and in  
22 such manner as the Secretary determines is appro-  
23 priate.



1           “(2) DURATION OF PAYMENTS.—The Secretary  
2 shall continue to pay compensation under this sec-  
3 tion only as long as—

4           “(A) the State or local government or per-  
5 son agreeing to pay compensation under sub-  
6 section (c)(2) continues to pay such compensa-  
7 tion; and

8           “(B) the Secretary decides the compensa-  
9 tion is necessary to maintain air transportation  
10 to the eligible place.

11       “(e) REVIEW.—

12           “(1) IN GENERAL.—The Secretary shall peri-  
13 odically review the type and level of air service pro-  
14 vided under this section.

15           “(2) CONSULTATION.—The Secretary may  
16 make appropriate adjustments in the type and level  
17 of air service to an eligible place under this section  
18 based on the review under paragraph (1) and con-  
19 sultation with the affected community and the State  
20 or local government or person agreeing to pay com-  
21 pensation under subsection (c)(2).

22       “(f) ENDING, SUSPENDING, AND REDUCING AIR  
23 TRANSPORTATION.—A preferred air carrier providing air  
24 transportation to an eligible place under this section may  
25 end, suspend, or reduce such air transportation if, not

1 later than 30 days before ending, suspending, or reducing  
 2 such air transportation, the preferred air carrier provides  
 3 notice of the intent of the preferred air carrier to end,  
 4 suspend, or reduce such air transportation to—

5 “(1) the Secretary;

6 “(2) the affected community; and

7 “(3) the State or local government or person  
 8 agreeing to pay compensation under subsection  
 9 (c)(2).”.

10 (2) CLERICAL AMENDMENT.—The table of con-  
 11 tents for chapter 417, as amended by subsection (a),  
 12 is further amended by adding after the item relating  
 13 to section 41749 the following new item:

“41750. Preferred essential air service”.

14 (c) RESTORATION OF ELIGIBILITY TO A PLACE DE-  
 15 TERMINED BY THE SECRETARY TO BE INELIGIBLE FOR  
 16 SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is  
 17 amended by adding at the end the following:

18 “(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED  
 19 ESSENTIAL AIR SERVICE.—

20 “(1) IN GENERAL.—If the Secretary of Trans-  
 21 portation terminates the eligibility of an otherwise  
 22 eligible place to receive basic essential air service by  
 23 an air carrier for compensation under subsection (c),  
 24 a State or local government may submit to the Sec-  
 25 retary a proposal for restoring such eligibility.

1           “(2) DETERMINATION BY SECRETARY.—If the  
2 per passenger subsidy required by the proposal sub-  
3 mitted by a State or local government under para-  
4 graph (1) does not exceed the per passenger subsidy  
5 cap provided under this subchapter, the Secretary  
6 shall issue an order restoring the eligibility of the  
7 otherwise eligible place to receive basic essential air  
8 service by an air carrier for compensation under  
9 subsection (c).”.

10 (d) OFFICE OF RURAL AVIATION.—

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

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

15           (1) to develop a uniform 4-year contract for air  
16 carriers providing essential air service to commu-  
17 nities under subchapter II of chapter 417 of title 49,  
18 United States Code;

19           (2) to develop a mechanism for comparing ap-  
20 plications submitted by air carriers under section  
21 41733(c) to provide essential air service to commu-  
22 nities, including comparing—

23           (A) estimates from air carriers on—

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

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

4 (B) estimated schedules for air transpor-  
5 tation; and

6 (3) to select an air carrier from among air car-  
7 riers applying to provide essential air service, based  
8 on the criteria described in paragraph (2).

9 (f) EXTENSION OF AUTHORITY TO MAKE AGREE-  
10 MENTS UNDER THE ESSENTIAL AIR SERVICE PRO-  
11 GRAM.—Section 41743(e)(2) is amended by striking  
12 “2009” and inserting “2011”.

13 (g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-  
14 CANTLY INCREASED COSTS.—Section 41737 is amended  
15 by adding at the end thereof the following:

16 “(f) FUEL COST SUBSIDY DISREGARD.—Any amount  
17 provided as an adjustment in compensation pursuant to  
18 subsection (a)(1)(D) shall be disregarded for the purpose  
19 of determining whether the amount of compensation pro-  
20 vided under this subchapter with respect to an eligible  
21 place exceeds the per passenger subsidy exceeds the dollar  
22 amount allowable under this subchapter.”.

1 **SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**  
 2 **TICIPATION PROGRAM.**

3 (a) IN GENERAL.—Subchapter II of chapter 417 of  
 4 title 49, United States Code, is amended by striking sec-  
 5 tion 41747, and such title 49 shall be applied as if such  
 6 section 41747 had not been enacted.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 for chapter 417 of title 49, United States Code, is amend-  
 9 ed by striking the item relating to section 41747.

10 **SUBTITLE C—MISCELLANEOUS**

11 **SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

13 (1) by striking the section heading and insert-  
 14 ing the following:

15 **“§ 47129. Resolution of airport-air carrier and foreign**  
 16 **air carrier disputes concerning airport**  
 17 **fees” ;**

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

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

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

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

4           (6) by striking “air carriers” and inserting “air  
 5           carriers or foreign air carriers”; and

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

9           (b) CONFORMING AMENDMENT.—The table of con-  
 10          tents for chapter 471 is amended by striking the item re-  
 11          lating to section 47129 and inserting the following:

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

12          **SEC. 432. CONTRACT TOWER PROGRAM.**

13          (a)       COST-BENEFIT       REQUIREMENT.—Section  
 14          47124(b)(1) is amended—

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

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

17               “(B) If the Secretary determines that a tower already  
 18          operating under this program has a benefit to cost ratio  
 19          of less than 1.0, the airport sponsor or State or local gov-  
 20          ernment having jurisdiction over the airport shall not be  
 21          required to pay the portion of the costs that exceeds the  
 22          benefit for a period of 18 months after such determination  
 23          is made.

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

7       (b) COSTS EXCEEDING BENEFITS.—Subparagraph  
8 (D) of section 47124(b)(3) is amended—

9           (1) by striking “benefit.” and inserting “ben-  
10 efit, with the maximum allowable local cost share for  
11 FAA Part 139 certified airports capped at 20 per-  
12 cent for those airports with fewer than 50,000 an-  
13 nual passenger enplanements.”.

14       (c) FUNDING.—Subparagraph (E) of section  
15 47124(b)(3) is amended—

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

17           (2) by striking “2007” and inserting “2007,  
18 \$9,500,000 for fiscal year 2010, and \$10,000,000  
19 for fiscal year 2011” after “2007,”; and

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

1 program continued under subsection (b)(1) of this  
2 section.”.

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

6 (e) SAFETY AUDITS.—Section 41724 is amended by  
7 adding at the end the following:

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

13 **SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED**  
14 **FORCES.**

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

16 (1) the Armed Forces is comprised of approxi-  
17 mately 1,450,000 members who are stationed on ac-  
18 tive duty at more than 6,000 military bases in 146  
19 different countries;

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

24 (3) military service, especially in the current  
25 war against terrorism, often requires members of the



1 Armed Forces to be separated from their families on  
2 short notice, for long periods of time, and under  
3 very stressful conditions;

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

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

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

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

18 (2) offer flexible terms that allow members of  
19 the Armed Forces on active duty to purchase, mod-  
20 ify, or cancel tickets without time restrictions, fees  
21 (including baggage fees), ancillary costs, or pen-  
22 alties.

1 **SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN**  
2 **THE LAS VEGAS MCCARRAN INTERNATIONAL**  
3 **AIRPORT ENVIRONS OVERLAY DISTRICT FOR**  
4 **TRANSIENT LODGING AND ASSOCIATED FA-**  
5 **CILITIES.**

6 (a) **IN GENERAL.**—Notwithstanding any other provi-  
7 sion of law and except as provided in subsection (b), Clark  
8 County, Nevada, is authorized to permit transient lodging,  
9 including hotels, and associated facilities, including en-  
10 closed auditoriums, concert halls, sports arenas, and  
11 places of public assembly, on lands in the Las Vegas  
12 McCarran International Airport Environs Overlay District  
13 that fall below the forecasted 2017 65 dB day-night an-  
14 nual average noise level (DNL), as identified in the Noise  
15 Exposure Map Notice published by the Federal Aviation  
16 Administration in the Federal Register on July 24, 2007  
17 (72 Fed. Reg. 40357), and adopted into the Clark County  
18 Development Code in June 2008.

19 (b) **LIMITATION.**—No structure may be permitted  
20 under subsection (a) that would constitute a hazard to air  
21 navigation, result in an increase to minimum flight alti-  
22 tudes, or otherwise pose a significant adverse impact on  
23 airport or aircraft operations.

**TITLE V—SAFETY****SUBTITLE A—AVIATION SAFETY****3 SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

4 Not later than December 31, 2009, the Administrator  
5 of the Federal Aviation Administration shall issue a plan  
6 to develop an installation and deployment schedule for sys-  
7 tems the Administration is installing to alert controllers  
8 and flight crews to potential runway incursions. The plan  
9 shall be integrated into the annual Federal Aviation Ad-  
10 ministration NextGen Implementation Plan.

**11 SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
**12 TIFICATES.**

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

16 “(3) JUDICIAL REVIEW.—A person substantially af-  
17 fected by an order of the Board under this subsection, or  
18 the Administrator when the Administrator decides that an  
19 order of the Board will have a significant adverse impact  
20 on carrying out this part, may obtain judicial review of  
21 the order under section 46110 of this title. The Adminis-  
22 trator shall be made a party to the judicial review pro-  
23 ceedings. The findings of fact of the Board in any such  
24 case are conclusive if supported by substantial evidence.”.

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

4 **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**  
5 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
6 **TYPE CERTIFICATES.**

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

9 “(5) RELEASE OF DATA.—

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

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

21 “(ii) the owner of record, or the owner of  
22 record’s heir, of the type certificate or supple-  
23 mental certificate has not been located despite  
24 a search of due diligence by the agency; and

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

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

10 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

11       Section 44704(e) is amended—

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

15           (2) by striking “testing” in paragraph (2) and  
16           inserting “production”; and

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

19           “(3) ISSUANCE OF CERTIFICATE BASED ON DE-  
20           SIGN ORGANIZATION CERTIFICATION.—The Adminis-  
21           trator may rely on the Design Organization for cer-  
22           tification of compliance under this section.”.

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

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

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

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

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

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

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

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

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

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

7           “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE  
 8           INFORMATION DEFINED.—In this section the term ‘sys-  
 9           tem of documented criminal justice information’ means  
 10          any law enforcement databases, systems, or communica-  
 11          tions containing information concerning identification,  
 12          criminal history, arrests, convictions, arrest warrants, or  
 13          wanted or missing persons, including the National Crime  
 14          Information Center and its incorporated criminal history  
 15          databases and the National Law Enforcement Tele-  
 16          communications System.”.

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

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

20       **SEC. 506. PILOT FATIGUE.**

21          (a) FLIGHT AND DUTY TIME REGULATIONS.—

22               (1) IN GENERAL.—In accordance with para-  
 23          graph (2), the Administrator of the Federal Aviation  
 24          Administration shall issue regulations, based on the  
 25          best available scientific information—



1 (A) to specify limitations on the hours of  
2 flight and duty time allowed for pilots to ad-  
3 dress problems relating to pilot fatigue; and

4 (B) to require part 121 air carriers to de-  
5 velop and implement fatigue risk management  
6 plans.

7 (2) DEADLINES.—The Administrator shall  
8 issue—

9 (A) not later than 180 days after the date  
10 of enactment of this Act, a notice of proposed  
11 rulemaking under paragraph (1); and

12 (B) not later than one year after the date  
13 of enactment of this Act, a final rule under  
14 paragraph (1).

15 (b) FATIGUE RISK MANAGEMENT PLAN.—

16 (1) SUBMISSION OF FATIGUE RISK MANAGE-  
17 MENT PLAN BY PART 121 AIR CARRIERS.—Not later  
18 than 90 days after the date of enactment of this  
19 Act, each part 121 air carrier shall submit to the  
20 Administrator for review and approval a fatigue risk  
21 management plan.

22 (2) CONTENTS OF PLAN.—A fatigue risk man-  
23 agement plan submitted by a part 121 air carrier  
24 under paragraph (1) shall include the following:

1 (A) Current flight time and duty period  
2 limitations.

3 (B) A rest scheme that enables the man-  
4 agement of fatigue, including annual training to  
5 increase awareness of—

6 (i) fatigue;

7 (ii) the effects of fatigue on pilots;

8 and

9 (iii) fatigue countermeasures.

10 (C) Development and use of a methodology  
11 that continually assesses the effectiveness of the  
12 program, including the ability of the program—

13 (i) to improve alertness; and

14 (ii) to mitigate performance errors.

15 (3) PLAN UPDATES.—A part 121 air carrier  
16 shall update its fatigue risk management plan under  
17 paragraph (1) every 2 years and submit the update  
18 to the Administrator for review and approval.

19 (4) APPROVAL.—

20 (A) INITIAL APPROVAL OR MODIFICA-  
21 TION.—Not later than 9 months after the date  
22 of enactment of this Act, the Administrator  
23 shall review and approve or require modification  
24 to fatigue risk management plans submitted

1           under this subsection to ensure that pilots are  
2           not operating aircraft while fatigued.

3           (B) UPDATE APPROVAL OR MODIFICA-  
4           TION.—Not later than 9 months after submis-  
5           sion of a plan update under paragraph (3), the  
6           Administrator shall review and approve or re-  
7           quire modification to such update.

8           (5) CIVIL PENALTIES.—A violation of this sub-  
9           section by a part 121 air carrier shall be treated as  
10          a violation of chapter 447 of title 49, United States  
11          Code, for purposes of the application of civil pen-  
12          alties under chapter 463 of that title.

13          (6) LIMITATION ON APPLICABILITY.—The re-  
14          quirements of this subsection shall cease to apply to  
15          a part 121 air carrier on and after the effective date  
16          of the regulations to be issued under subsection (a).

17          (c) EFFECT OF COMMUTING ON FATIGUE.—

18           (1) IN GENERAL.—Not later than 60 days after  
19           the date of enactment of this Act, the Administrator  
20           shall enter into appropriate arrangements with the  
21           National Academy of Sciences to conduct a study of  
22           the effects of commuting on pilot fatigue and report  
23           its findings to the Administrator.

24           (2) STUDY.—In conducting the study, the Na-  
25           tional Academy of Sciences shall consider—

1 (A) the prevalence of pilot commuting in  
2 the commercial air carrier industry, including  
3 the number and percentage of pilots who com-  
4 mute;

5 (B) information relating to commuting by  
6 pilots, including distances traveled, time zones  
7 crossed, time spent, and methods used;

8 (C) research on the impact of commuting  
9 on pilot fatigue, sleep, and circadian rhythms;

10 (D) commuting policies of commercial air  
11 carriers (including passenger and all-cargo air  
12 carriers), including pilot check-in requirements  
13 and sick leave and fatigue policies;

14 (E) post-conference materials from the  
15 Federal Aviation Administration's June 2008  
16 symposium entitled "Aviation Fatigue Manage-  
17 ment Symposium: Partnerships for Solutions";

18 (F) Federal Aviation Administration and  
19 international policies and guidance regarding  
20 commuting; and

21 (G) any other matters as the Adminis-  
22 trator considers appropriate.

23 (3) PRELIMINARY FINDINGS.—Not later than  
24 90 days after the date of entering into arrangements  
25 under paragraph (1), the National Academy of

1 Sciences shall submit to the Administrator its pre-  
2 liminary findings under the study.

3 (4) REPORT.—Not later than 6 months after  
4 the date of entering into arrangements under para-  
5 graph (1), the National Academy of Sciences shall  
6 submit a report to the Administrator containing its  
7 findings under the study and any recommendations  
8 for regulatory or administrative actions by the Fed-  
9 eral Aviation Administration concerning commuting  
10 by pilots.

11 (5) RULEMAKING.—Following receipt of the re-  
12 port of the National Academy of Sciences under  
13 paragraph (4), the Administrator shall—

14 (A) consider the findings and recommenda-  
15 tions in the report; and

16 (B) update, as appropriate based on sci-  
17 entific data, regulations required by subsection  
18 (a) on flight and duty time.

19 **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**  
20 **FIXED WING EMERGENCY MEDICAL SERVICE**  
21 **OPERATORS AND PATIENTS.**

22 (a) COMPLIANCE REGULATIONS.—

23 (1) IN GENERAL.—Except as provided in para-  
24 graph (2), not later than 18 months after the date  
25 of enactment of this Act, helicopter and fixed wing

1 aircraft certificate holders providing emergency med-  
2 ical services shall comply with part 135 of title 14,  
3 Code of Federal Regulations, if there is a medical  
4 crew on board, without regard to whether there are  
5 patients on board.

6 (2) EXCEPTION.—If a certificate holder de-  
7 scribed in paragraph (1) is operating under instru-  
8 ment flight rules or is carrying out training there-  
9 for—

10 (A) the weather minimums and duty and  
11 rest time regulations under such part 135 of  
12 such title shall apply; and

13 (B) the weather reporting requirement at  
14 the destination shall not apply until such time  
15 as the Administrator of the Federal Aviation  
16 Administration determines that portable, reli-  
17 able, and accurate ground-based weather meas-  
18 uring and reporting systems are available.

19 (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION  
20 PROGRAM.—

21 (1) INITIATION.—Not later than 60 days after  
22 the date of enactment of this Act, the Administrator  
23 of the Federal Aviation Administration shall initiate  
24 a rulemaking—

1 (A) to create a standardized checklist of  
2 risk evaluation factors based on Notice  
3 8000.301, which was issued by the Administra-  
4 tion on August 1, 2005; and

5 (B) to require helicopter and fixed wing  
6 aircraft emergency medical service operators to  
7 use the checklist created under subparagraph  
8 (A) to determine whether a mission should be  
9 accepted.

10 (2) COMPLETION.—The rulemaking initiated  
11 under paragraph (1) shall be completed not later  
12 than 18 months after it is initiated.

13 (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-  
14 PATCH PROCEDURES.—

15 (1) INITIATION.—Not later than 60 days after  
16 the date of enactment of this Act, the Administrator  
17 of the Federal Aviation Administration shall initiate  
18 a rulemaking—

19 (A) to require that helicopter and fixed  
20 wing emergency medical service operators for-  
21 malize and implement performance based flight  
22 dispatch and flight-following procedures; and

23 (B) to develop a method to assess and en-  
24 sure that such operators comply with the re-  
25 quirements described in subparagraph (A).

1           (2) COMPLETION.—The rulemaking initiated  
2           under paragraph (1) shall be completed not later  
3           than 18 months after it is initiated.

4           (d) IMPROVING SITUATIONAL AWARENESS.—Within  
5           1 year after the date of enactment of this Act, any heli-  
6           copter or fixed-wing aircraft used for emergency medical  
7           service shall have on board a device that performs the  
8           function of a terrain awareness and warning system and  
9           a means of displaying that information that meets the re-  
10          quirements of the applicable Federal Aviation Administra-  
11          tion Technical Standard Order or other guidance pre-  
12          scribed by the Administrator.

13          (e) IMPROVING THE DATA AVAILABLE ON AIR MED-  
14          ICAL OPERATIONS.—

15               (1) IN GENERAL.—The Administrator of the  
16               Federal Aviation Administration shall require each  
17               certificate holder for helicopters and fixed-wing air-  
18               craft used for emergency medical service operations  
19               to report not later than 1 year after the date of en-  
20               actment of this Act and annually thereafter on—

21                       (A) the number of aircraft and helicopters  
22                       used to provide air ambulance services, the reg-  
23                       istration number of each of these aircraft or  
24                       helicopters, and the base location of each of  
25                       these aircraft or helicopters;



1 (B) the number of flights and hours flown  
2 by each such aircraft or helicopter used by the  
3 certificate holder to provide such services dur-  
4 ing the reporting period;

5 (C) the number of flights and the purpose  
6 of each flight for each aircraft or helicopter  
7 used by the certificate holder to provide such  
8 services during the reporting period;

9 (D) the number of flight requests for a  
10 helicopter providing helicopter air ambulance  
11 services that were accepted or declined by the  
12 certificate holder and the type of each such  
13 flight request (such as scene response, inter-fa-  
14 cility transport, organ transport, or ferry or  
15 repositioning flight);

16 (E) the number of accidents involving heli-  
17 copters operated by the certificate holder while  
18 providing helicopter air ambulance services and  
19 a description of the accidents;

20 (F) the number of flights and hours flown  
21 under instrument flight rules by helicopters op-  
22 erated by the certificate holder while providing  
23 helicopter air ambulance services;

24 (G) the time of day of each flight flown by  
25 helicopters operated by the certificate holder

1 while providing helicopter air ambulance serv-  
2 ices; and

3 (H) The number of incidents where more  
4 helicopters arrive to transport patients than is  
5 needed in a flight request or scene response.

6 (2) REPORT TO CONGRESS.—The Adminis-  
7 trator of the Federal Aviation Administration shall  
8 report to Congress on the information received pur-  
9 suant to paragraph (1) of this subsection no later  
10 than 18 months after the date of enactment of this  
11 Act.

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

14 (1) STUDY.—Not later than 120 days after the  
15 date of enactment of this Act, the Administrator of  
16 the Federal Aviation Administration shall issue a re-  
17 port that indicates the availability, survivability, size,  
18 weight, and cost of devices that perform the function  
19 of recording voice communications and flight data  
20 information on existing and new helicopters and ex-  
21 isting and new fixed wing aircraft used for emer-  
22 gency medical service operations.

23 (2) RULEMAKING.—Not later than 1 year after  
24 the date of enactment of this Act, the Administrator  
25 of the Federal Aviation Administration shall issue

1 regulations that require devices that perform the  
2 function of recording voice communications and  
3 flight data information on board aircraft described  
4 in paragraph (1).

5 **SEC. 508. CABIN CREW COMMUNICATION.**

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

7 (1) by redesignating subsection (f) as sub-  
8 section (g); and

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

11 “(f) MINIMUM LANGUAGE SKILLS.—

12 “(1) IN GENERAL.—No certificate holder may  
13 use any person to serve, nor may any person serve,  
14 as a flight attendant under this part, unless that  
15 person has demonstrated to an individual qualified  
16 to determine proficiency the ability to read, speak,  
17 and write English well enough to—

18 “(A) read material written in English and  
19 comprehend the information;

20 “(B) speak and understand English suffi-  
21 ciently to provide direction to, and understand  
22 and answer questions from, English-speaking  
23 individuals;

24 “(C) write incident reports and statements  
25 and log entries and statements; and



1           (2) initiate development of a policy statement to  
2       set forth the circumstances in which Occupational  
3       Safety and Health Administration requirements may  
4       be applied to crewmembers while working in the air-  
5       craft.

6       (b) POLICY STATEMENT.—The policy statement to be  
7       developed under subsection (a)(2) shall be completed with-  
8       in 18 months after the date of enactment of this Act and  
9       shall satisfy the following principles:

10           (1) The establishment of a coordinating body  
11       similar to the Aviation Safety and Health Joint  
12       Team established by the August 2000 memorandum  
13       of understanding that includes representatives des-  
14       ignated by both Administrations—

15           (A) to examine the applicability of current  
16       and future Occupational Safety and Health Ad-  
17       ministration regulations;

18           (B) to recommend policies for facilitating  
19       the training of Federal Aviation Administration  
20       inspectors; and

21           (C) to make recommendations that will  
22       govern the inspection and enforcement of safety  
23       and health standards on board aircraft in oper-  
24       ation and all work-related environments.

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

3 (A) the circumstances under which an em-  
4 ployer is required to take action to address oc-  
5 cupational safety and health hazards;

6 (B) the measures required of an employer  
7 under the standard; and

8 (C) the compliance obligations of an em-  
9 ployer under the standard.

10 **SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLE-**  
11 **MENTATION OF REQUIRED NAVIGATION PER-**  
12 **FORMANCE APPROACH PROCEDURES.**

13 (a) IN GENERAL.—

14 (1) ANNUAL MINIMUM REQUIRED NAVIGATION  
15 PERFORMANCE PROCEDURES.—The Administrator  
16 shall set a target of achieving a minimum of 200  
17 Required Navigation Performance procedures each  
18 fiscal year through fiscal year 2012, with 25 percent  
19 of that target number meeting the low visibility ap-  
20 proach criteria consistent with the NextGen Imple-  
21 mentation Plan.

22 (2) USE OF THIRD PARTIES.—The Adminis-  
23 trator is authorized to provide third parties the abil-  
24 ity to design, flight check, and implement Required  
25 Navigation Performance approach procedures.

1 (b) DOT INSPECTOR GENERAL REVIEW OF OPER-  
2 ATIONAL AND APPROACH PROCEDURES BY A THIRD  
3 PARTY.—

4 (1) REVIEW.—The Inspector General of the De-  
5 partment of Transportation shall conduct a review  
6 regarding the effectiveness of the oversight activities  
7 conducted by the Administration in connection with  
8 any agreement with or delegation of authority to a  
9 third party for the development of flight procedures,  
10 including public use procedures, for the National  
11 Airspace System.

12 (2) ASSESSMENTS.—The Inspector General  
13 shall include, at a minimum, in the review—

14 (A) an assessment of the extent to which  
15 the Administration is relying or intends to rely  
16 on a third party for the development of new  
17 procedures and a determination of whether the  
18 Administration has established sufficient mech-  
19 anisms and staffing to provide safety oversight  
20 functions, which may include quality assurance  
21 processes, flight checks, integration of proce-  
22 dures into the National Aviation System, and  
23 operational assessments of procedures developed  
24 by third parties; and

1           (B) an assessment regarding whether the  
2           Administration has sufficient existing personnel  
3           and technical resources or mechanisms to de-  
4           velop such flight procedures in a safe and effi-  
5           cient manner to meet the demands of the Na-  
6           tional Airspace System without the use of third  
7           party resources.

8           (c) REPORT.—No later than 1 year after the date of  
9           enactment of this Act, the Inspector General shall submit  
10          to the Senate Committee on Commerce, Science, and  
11          Transportation and the House of Representatives Com-  
12          mittee on Transportation and Infrastructure a report on  
13          the results of the review conducted under this section.

14       **SEC. 511. IMPROVED SAFETY INFORMATION.**

15          Not later than December 31, 2009, the Administrator  
16          of the Federal Aviation Administration shall issue a final  
17          rule in docket No. FAA–2008–0188, Re-registration and  
18          Renewal of Aircraft Registration. The final rule shall in-  
19          clude—

20               (1) provision for the expiration of a certificate  
21               for an aircraft registered as of the date of enactment  
22               of this Act, with re-registration requirements for  
23               those aircraft that remain eligible for registration;



1           (2) provision for the periodic expiration of all  
2 certificates issued after the effective date of the rule  
3 with a registration renewal process; and

4           (3) other measures to promote the accuracy and  
5 efficient operation and value of the Administration's  
6 aircraft registry.

7 **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**  
8 **IMPROVEMENTS.**

9           (a) IN GENERAL.—Within 180 days after the date  
10 of enactment of this Act, the Administrator of the Federal  
11 Aviation Administration shall—

12           (1) take such action as may be necessary to en-  
13 sure that the Voluntary Disclosure Reporting Proc-  
14 ess requires inspectors—

15           (A) to evaluate corrective action proposed  
16 by an air carrier with respect to a matter dis-  
17 closed by that air carrier is sufficiently com-  
18 prehensive in scope and application and applies  
19 to all affected aircraft operated by that air car-  
20 rier before accepting the proposed voluntary  
21 disclosure;

22           (B) to verify that corrective action so iden-  
23 tified by an air carrier is completed within the  
24 timeframe proposed; and

1 (C) to verify by inspection that the car-  
2 rier's corrective action adequately corrects the  
3 problem that was disclosed; and

4 (2) establish a second level supervisory review  
5 of disclosures under the Voluntary Disclosure Re-  
6 porting Process before any proposed disclosure is ac-  
7 cepted and closed that will ensure that a matter dis-  
8 closed by an air carrier—

9 (A) has not been previously identified by a  
10 Federal Aviation Administration inspector; and

11 (B) has not been previously disclosed by  
12 the carrier in the preceding 5 years.

13 (b) GAO STUDY.—

14 (1) IN GENERAL.—The Comptroller General  
15 shall conduct a study of the Voluntary Disclosure  
16 Reporting Program.

17 (2) REVIEW.—In conducting the study, the  
18 Comptroller General shall examine, at a minimum,  
19 whether—

20 (A) there is evidence that voluntary disclo-  
21 sure is resulting in regulated entities discov-  
22 ering and correcting violations to a greater ex-  
23 tent than would otherwise occur if there was no  
24 program for immunity from enforcement action;

1 (B) the voluntary disclosure program  
2 makes the Federal Aviation Administration  
3 aware of violations that it would not have dis-  
4 covered if there was not a program, and if a  
5 violation is disclosed voluntarily, whether the  
6 Administration insists on stronger corrective ac-  
7 tions than would have occurred if the regulated  
8 entity knew of a violation, but the Administra-  
9 tion did not;

10 (C) the information the Administration  
11 gets under the program leads to fewer viola-  
12 tions by other entities, either because the infor-  
13 mation leads other entities to look for similar  
14 violations or because the information leads Ad-  
15 ministration investigators to look for similar  
16 violations at other entities; and

17 (D) there is any evidence that voluntary  
18 disclosure has improved compliance with regula-  
19 tions, either for the entities making disclosures  
20 or for the industry generally.

21 (3) REPORT.—Not later than one year after the  
22 date of enactment of this Act, the Comptroller Gen-  
23 eral shall submit a report to the Senate Committee  
24 on Commerce, Science, and Transportation and the  
25 House of Representatives Committee on Transpor-

1 tation and Infrastructure on the results of the study  
2 conducted under this subsection.

3 **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPEC-**  
4 **TIONS.**

5 (a) IN GENERAL.—Section 44711 is amended by  
6 adding at the end the following:

7 “(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT  
8 STANDARDS INSPECTORS.—

9 “(1) PROHIBITION.—A person holding an oper-  
10 ating certificate issued under title 14, Code of Fed-  
11 eral Regulations, may not knowingly employ, or  
12 make a contractual arrangement which permits, an  
13 individual to act as an agent or representative of the  
14 certificate holder in any matter before the Federal  
15 Aviation Administration if the individual, in the pre-  
16 ceding 3-year period—

17 “(A) served as, or was responsible for over-  
18 sight of, a flight standards inspector of the Ad-  
19 ministration; and

20 “(B) had responsibility to inspect, or over-  
21 see inspection of, the operations of the certifi-  
22 cate holder.

23 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

24 For purposes of paragraph (1), an individual shall  
25 be considered to be acting as an agent or representa-

1       tive of a certificate holder in a matter before the  
2       Federal Aviation Administration if the individual  
3       makes any written or oral communication on behalf  
4       of the certificate holder to the Administration (or  
5       any of its officers or employees) in connection with  
6       a particular matter, whether or not involving a spe-  
7       cific party and without regard to whether the indi-  
8       vidual has participated in, or had responsibility for,  
9       the particular matter while serving as a flight stand-  
10      ards inspector of the Administration.”.

11      (b) **APPLICABILITY.**—The amendment made by sub-  
12      section (a) shall not apply to an individual employed by  
13      a certificate holder as of the date of enactment of this  
14      Act.

15      **SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.**

16      Within 30 days after the date of enactment of this  
17      Act, the Comptroller General shall initiate a review and  
18      investigation of air safety issues identified by Federal  
19      Aviation Administration employees and reported to the  
20      Administrator. The Comptroller General shall report the  
21      Government Accountability Office’s findings and rec-  
22      ommendations to the Administrator, the Senate Com-  
23      mittee on Commerce, Science, and Transportation, and  
24      the House of Representatives Committee on Transpor-  
25      tation and Infrastructure on an annual basis.

1 **SEC. 515. NATIONAL REVIEW TEAM.**

2 (a) IN GENERAL.—Within 180 days after the date  
3 of enactment of this Act, the Administrator of the Federal  
4 Aviation Administration shall establish a national review  
5 team within the Administration to conduct periodic, unan-  
6 nounced, and random reviews of the Administration’s  
7 oversight of air carriers and report annually its findings  
8 and recommendations to the Administrator, the Senate  
9 Commerce, Science, and Transportation Committee, and  
10 the House of Representatives Committee on Transpor-  
11 tation and Infrastructure.

12 (b) LIMITATION.—The Administrator shall prohibit a  
13 member of the National Review Team from participating  
14 in any review or audit of an air carrier under subsection  
15 (a) if the member has previously had responsibility for in-  
16 specting, or overseeing the inspection of, the operations  
17 of that air carrier.

18 (c) INSPECTOR GENERAL REPORTS.—The Inspector  
19 General of the Department of Transportation shall provide  
20 progress reports to the Senate Committee on Commerce,  
21 Science, and Transportation and the House of Represent-  
22 atives Committee on Transportation and Infrastructure on  
23 the review teams and their effectiveness.

24 **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

25 (a) REVIEW.—Within 1 year after the date of enact-  
26 ment of this Act, the Administrator of the Federal Avia-

1 tion Administration shall conduct a comprehensive review  
2 and evaluation of its Academy and facility training efforts.

3 (b) FACILITY TRAINING PROGRAM.—The Adminis-  
4 trator shall—

5 (1) clarify responsibility for oversight and direc-  
6 tion of the Academy’s facility training program at  
7 the national level;

8 (2) communicate information concerning that  
9 responsibility to facility managers; and

10 (3) establish standards to identify the number  
11 of developmental controllers that can be accommo-  
12 dated at each facility, based on—

13 (A) the number of available on-the-job-  
14 training instructors;

15 (B) available classroom space;

16 (C) the number of available simulators;

17 (D) training requirements; and

18 (E) the number of recently placed new per-  
19 sonnel already in training.

20 **SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPER-**  
21 **ATIONAL ERRORS.**

22 (a) PLAN.—The Administrator of the Federal Avia-  
23 tion Administration shall develop a plan for the reduction  
24 of runway incursions by reviewing every commercial serv-  
25 ice airport (as defined in section 47102 of title 49, United

1 States Code) in the United States and initiating action  
2 to improve airport lighting, provide better signage, and  
3 improve runway and taxiway markings.

4 (b) PROCESS.—Within 1 year after the date of enact-  
5 ment of this Act, the Administrator of the Federal Avia-  
6 tion Administration shall develop a process for tracking  
7 and investigating operational errors and runway incur-  
8 sions that includes—

9 (1) identifying the office responsible for estab-  
10 lishing regulations regarding operational errors and  
11 runway incursions;

12 (2) identifying who is responsible for tracking  
13 and investigating operational errors and runway in-  
14 cursions and taking remedial actions;

15 (3) identifying who is responsible for tracking  
16 operational errors and runway incursions, including  
17 a process for lower level employees to report to high-  
18 er supervisory levels; and

19 (4) periodic random audits of the oversight  
20 process.

21 **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**  
22 **TION OFFICE.**

23 Section 106 is amended by adding at the end the fol-  
24 lowing:



1       “(s) AVIATION SAFETY WHISTLEBLOWER INVES-  
2 TIGATION OFFICE.—

3           “(1) ESTABLISHMENT.—There is established in  
4 the Administration an Aviation Safety Whistleblower  
5 Investigation Office.

6           “(2) DIRECTOR.—

7           “(A) APPOINTMENT.—The head of the Of-  
8 fice shall be the Director, who shall be ap-  
9 pointed by the Secretary of Transportation.

10          “(B) QUALIFICATIONS.—The Director  
11 shall have a demonstrated ability in investiga-  
12 tions and knowledge of or experience in avia-  
13 tion.

14          “(C) TERM.—The Director shall be ap-  
15 pointed for a term of 5 years.

16          “(D) VACANCY.—Any individual appointed  
17 to fill a vacancy in the position of the Director  
18 occurring before the expiration of the term for  
19 which the individual’s predecessor was ap-  
20 pointed shall be appointed for the remainder of  
21 that term.

22          “(3) COMPLAINTS AND INVESTIGATIONS.—

23           “(A) AUTHORITY OF DIRECTOR.—The Di-  
24 rector shall—

1           “(i) receive complaints and informa-  
2           tion submitted by employees of persons  
3           holding certificates issued under title 14,  
4           Code of Federal Regulations, and employ-  
5           ees of the Administration concerning the  
6           possible existence of an activity relating to  
7           a violation of an order, regulation, or  
8           standard of the Administration or any  
9           other provision of Federal law relating to  
10          aviation safety;

11          “(ii) assess complaints and informa-  
12          tion submitted under clause (i) and deter-  
13          mine whether a substantial likelihood ex-  
14          ists that a violation of an order, regulation,  
15          or standard of the Administration or any  
16          other provision of Federal law relating to  
17          aviation safety may have occurred; and

18          “(iii) based on findings of the assess-  
19          ment conducted under clause (ii), make  
20          recommendations to the Administrator in  
21          writing for further investigation or correc-  
22          tive actions.

23          “(B) DISCLOSURE OF IDENTITIES.—The  
24          Director shall not disclose the identity of an in-

1 individual who submits a complaint or informa-  
2 tion under subparagraph (A)(i) unless—

3 “(i) the individual consents to the dis-  
4 closure in writing; or

5 “(ii) the Director determines, in the  
6 course of an investigation, that the dislo-  
7 sure is unavoidable.

8 “(C) INDEPENDENCE OF DIRECTOR.—The  
9 Secretary, the Administrator, or any officer or  
10 employee of the Administration may not pre-  
11 vent or prohibit the Director from initiating,  
12 carrying out, or completing any assessment of  
13 a complaint or information submitted subpara-  
14 graph (A)(i) or from reporting to Congress on  
15 any such assessment.

16 “(D) ACCESS TO INFORMATION.—In con-  
17 ducting an assessment of a complaint or infor-  
18 mation submitted under subparagraph (A)(i),  
19 the Director shall have access to all records, re-  
20 ports, audits, reviews, documents, papers, rec-  
21 ommendations, and other material necessary to  
22 determine whether a substantial likelihood ex-  
23 ists that a violation of an order, regulation, or  
24 standard of the Administration or any other

1 provision of Federal law relating to aviation  
2 safety may have occurred.

3 “(4) RESPONSES TO RECOMMENDA-  
4 TIONS.—The Administrator shall respond to a  
5 recommendation made by the Director under  
6 subparagraph (A)(iii) in writing and retain  
7 records related to any further investigations or  
8 corrective actions taken in response to the rec-  
9 ommendation.

10 “(5) INCIDENT REPORTS.—If the Director de-  
11 termines there is a substantial likelihood that a vio-  
12 lation of an order, regulation, or standard of the Ad-  
13 ministration or any other provision of Federal law  
14 relating to aviation safety may have occurred that  
15 requires immediate corrective action, the Director  
16 shall report the potential violation expeditiously to  
17 the Administrator and the Inspector General of the  
18 Department of Transportation.

19 “(6) REPORTING OF CRIMINAL VIOLATIONS TO  
20 INSPECTOR GENERAL.—If the Director has reason-  
21 able grounds to believe that there has been a viola-  
22 tion of Federal criminal law, the Director shall re-  
23 port the violation expeditiously to the Inspector Gen-  
24 eral.

1           “(7) ANNUAL REPORTS TO CONGRESS.—Not  
2 later than October 1 of each year, the Director shall  
3 submit to Congress a report containing—

4                   “(A) information on the number of submis-  
5 sions of complaints and information received by  
6 the Director under paragraph (3)(A)(i) in the  
7 preceding 12-month period;

8                   “(B) summaries of those submissions;

9                   “(C) summaries of further investigations  
10 and corrective actions recommended in response  
11 to the submissions; and

12                   “(D) summaries of the responses of the  
13 Administrator to such recommendations.”.

14 **SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIA-**  
15 **TIVE.**

16           (a) MODIFICATION OF INITIATIVE.—Not later than  
17 90 days after the date of enactment of this Act, the Ad-  
18 ministrator of the Federal Aviation Administration shall  
19 modify the customer service initiative, mission and vision  
20 statements, and other statements of policy of the Adminis-  
21 tration—

22                   (1) to remove any reference to air carriers or  
23 other entities regulated by the Administration as  
24 “customers”;

1           (2) to clarify that in regulating safety the only  
2 customers of the Administration are members of the  
3 traveling public; and

4           (3) to clarify that air carriers and other entities  
5 regulated by the Administration do not have the  
6 right to select the employees of the Administration  
7 who will inspect their operations.

8           (b) SAFETY PRIORITY.—In carrying out the Adminis-  
9 trator’s responsibilities, the Administrator shall ensure  
10 that safety is given a higher priority than preventing the  
11 dissatisfaction of an air carrier or other entity regulated  
12 by the Administration with an employee of the Adminis-  
13 tration.

14 **SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
15 **TATION OVERSIGHT SYSTEM DATABASE.**

16           (a) REVIEWS.—The Administrator of the Federal  
17 Aviation Administration shall establish a process by which  
18 the air transportation oversight system database of the  
19 Administration is reviewed by a team of employees of the  
20 Agency on a monthly basis to ensure that—

21           (1) any trends in regulatory compliance are  
22 identified; and

23           (2) appropriate corrective actions are taken in  
24 accordance with Agency regulations, advisory direc-  
25 tives, policies, and procedures.

1 (b) MONTHLY TEAM REPORTS.—

2 (1) IN GENERAL.—The team of employees con-  
3 ducting a monthly review of the air transportation  
4 oversight system database under subsection (a) shall  
5 submit to the Administrator, the Associate Adminis-  
6 trator for Aviation Safety, and the Director of  
7 Flight Standards a report on the results of the re-  
8 view.

9 (2) CONTENTS.—A report submitted under  
10 paragraph (1) shall identify—

11 (A) any trends in regulatory compliance  
12 discovered by the team of employees in con-  
13 ducting the monthly review; and

14 (B) any corrective actions taken or pro-  
15 posed to be taken in response to the trends.

16 (c) QUARTERLY REPORTS TO CONGRESS.—The Ad-  
17 ministrator, on a quarterly basis, shall submit a report  
18 to the Senate Committee on Commerce, Science, and  
19 Transportation and the House of Representatives Com-  
20 mittee on Transportation and Infrastructure on the re-  
21 sults of reviews of the air transportation oversight system  
22 database conducted under this section, including copies of  
23 reports received under subsection (b).

1 **SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.**

2 (a) IN GENERAL.—Chapter 447 is amended by add-  
3 ing at the end the following:

4 **“§ 44730. Inspection of foreign repair stations**

5 “(a) IN GENERAL.—Within 1 year after the date of  
6 enactment of the FAA Air Transportation Modernization  
7 and Safety Improvement Act the Administrator of the  
8 Federal Aviation Administration shall establish and imple-  
9 ment a safety assessment system for all part 145 repair  
10 stations based on the type, scope, and complexity of work  
11 being performed. The system shall—

12 “(1) ensure that repair stations outside the  
13 United States are subject to appropriate inspections  
14 based on identified risk and consistent with existing  
15 United States requirements;

16 “(2) consider inspection results and findings  
17 submitted by foreign civil aviation authorities oper-  
18 ating under a maintenance safety or maintenance  
19 implementation agreement with the United States in  
20 meeting the requirements of the safety assessment  
21 system; and

22 “(3) require all maintenance safety or mainte-  
23 nance implementation agreements to provide an op-  
24 portunity for the Federal Aviation Administration to  
25 conduct independent inspections of covered part 145



1 repair stations when safety concerns warrant such  
2 inspections.

3 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The  
4 Administrator shall notify the Senate Committee on Com-  
5 merce, Science, and Transportation and the House of Rep-  
6 resentatives Committee on Transportation and Infrastruc-  
7 ture within 30 days after initiating formal negotiations  
8 with foreign aviation authorities or other appropriate for-  
9 eign government agencies on a new maintenance safety or  
10 maintenance implementation agreement.

11 “(c) ANNUAL REPORT.—The Administrator shall  
12 publish an annual report on the Federal Aviation Adminis-  
13 tration’s oversight of part 145 repair stations and imple-  
14 mentation of the safety assessment system required by  
15 subsection (a). The report shall—

16 “(1) describe in detail any improvements in the  
17 Federal Aviation Administration’s ability to identify  
18 and track where part 121 air carrier repair work is  
19 performed;

20 “(2) include a staffing model to determine the  
21 best placement of inspectors and the number of in-  
22 spectors needed;

23 “(3) describe the training provided to inspec-  
24 tors; and

1           “(4) include an assessment of the quality of  
2           monitoring and surveillance by the Federal Aviation  
3           Administration of work provided by its inspectors  
4           and the inspectors of foreign authorities operating  
5           under a maintenance safety or implementation  
6           agreement.

7           “(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-  
8           ING PROGRAM REQUIREMENTS.—

9           “(1) IN GENERAL.—The Secretaries of State  
10          and Transportation jointly shall request the govern-  
11          ments of foreign countries that are members of the  
12          International Civil Aviation Organization to establish  
13          international standards for alcohol and controlled  
14          substances testing of persons that perform safety  
15          sensitive maintenance functions upon commercial air  
16          carrier aircraft.

17          “(2) APPLICATION TO PART 121 AIRCRAFT  
18          WORK.—Within 1 year after the date of enactment  
19          of the FAA Air Transportation Modernization and  
20          Safety Improvement Act the Administrator shall  
21          promulgate a proposed rule requiring that all part  
22          145 repair station employees responsible for safety-  
23          sensitive functions on part 121 air carrier aircraft  
24          are subject to an alcohol and controlled substance  
25          testing program determined acceptable by the Ad-

1 administrator and consistent with the applicable laws  
2 of the country in which the repair station is located.

3 “(e) BIENNIAL INSPECTIONS.—The Administrator  
4 shall require part 145 repair stations to be inspected twice  
5 each year by Federal Aviation Administration safety in-  
6 spectors, regardless of where the station is located, in a  
7 manner consistent with United States obligations under  
8 international agreements.

9 “(f) DEFINITIONS.—In this section:

10 “(1) PART 121 AIR CARRIER.—The term ‘part  
11 121 air carrier’ means an air carrier that holds a  
12 certificate issued under part 121 of title 14, Code of  
13 Federal Regulations.

14 “(2) PART 145 REPAIR STATION.—The term  
15 ‘part 145 repair station’ means a repair station that  
16 holds a certificate issued under part 145 of title 14,  
17 Code of Federal Regulations.”.

18 (b) CONFORMING AMENDMENT.—The table of con-  
19 tents for chapter 447 is amended by adding at the end  
20 thereof the following:

“44730. Inspection of foreign repair stations”.

21 **SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.**

22 (a) REGULATIONS.—Not later than 3 years after the  
23 date of enactment of this Act, the Administrator of the  
24 Federal Aviation Administration shall issue regulations re-  
25 quiring that all covered maintenance work on aircraft used

1 to provide air transportation under part 121 of title 14,  
2 Code of Federal Regulations, be performed by individuals  
3 in accordance with subsection (b).

4 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN  
5 WORK.—No individual may perform covered maintenance  
6 work on aircraft used to provide air transportation under  
7 part 121 of title 14, Code of Federal Regulations unless  
8 that individual is employed by—

9 (1) a part 121 air carrier;

10 (2) a part 145 repair station or a person au-  
11 thORIZED under section 43.17 of title 14, Code of  
12 Federal Regulations;

13 (3) a person that provides contract maintenance  
14 workers or services to a part 145 repair station or  
15 part 121 air carrier, and the individual—

16 (A) meets the requirements of the part  
17 121 air carrier or the part 145 repair station;

18 (B) performs the work under the direct su-  
19 pervision and control of the part 121 air carrier  
20 or the part 145 repair station directly in charge  
21 of the maintenance services; and

22 (C) carries out the work in accordance  
23 with the part 121 air carrier's maintenance  
24 manual;

1           (4) by the holder of a type certificate, produc-  
2           tion certificate, or other production approval issued  
3           under part 21 of title 14, Code of Federal Regula-  
4           tions, and the holder of such certificate or ap-  
5           proval—

6                   (A) originally produced, and continues to  
7           produce, the article upon which the work is to  
8           be performed; and

9                   (B) is acting in conjunction with a part  
10           121 air carrier or a part 145 repair station.

11           (d) DEFINITIONS.—In this section:

12                   (1) COVERED MAINTENANCE WORK.—The term  
13           “covered maintenance work” means maintenance  
14           work that is essential maintenance, regularly sched-  
15           uled maintenance, or a required inspection item, as  
16           determined by the Administrator.

17                   (2) PART 121 AIR CARRIER.—The term “part  
18           121 air carrier” has the meaning given that term in  
19           section 44730(f)(1) of title 49, United States Code.

20                   (3) PART 145 REPAIR STATION.—The term  
21           “part 145 repair station” has the meaning given  
22           that term in section 44730(f)(2) of title 49, United  
23           States Code.

## 1                   SUBTITLE B—FLIGHT SAFETY

2   **SEC. 551. FAA PILOT RECORDS DATABASE.**

3           (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-  
4 CANTS.—Section 44703(h) is amended by adding at the  
5 end the following:

6                   “(16) APPLICABILITY.—This subsection shall  
7 cease to be effective on the date specified in regula-  
8 tions issued under subsection (i).”.

9           (b) ESTABLISHMENT OF FAA PILOT RECORDS  
10 DATABASE.—Section 44703 is amended—

11                   (1) by redesignating subsections (i) and (j) as  
12 subsections (j) and (k), respectively; and

13                   (2) by inserting after subsection (h) the fol-  
14 lowing:

15                   “(i) FAA PILOT RECORDS DATABASE.—

16                           “(1) IN GENERAL.—Before allowing an indi-  
17 vidual to begin service as a pilot, an air carrier shall  
18 access and evaluate, in accordance with the require-  
19 ments of this subsection, information pertaining to  
20 the individual from the pilot records database estab-  
21 lished under paragraph (2).

22                           “(2) PILOT RECORDS DATABASE.—The Admin-  
23 istrator shall establish an electronic database (in this  
24 subsection referred to as the ‘database’) containing  
25 the following records:

1           “(A) FAA RECORDS.—From the Adminis-  
2           trator—

3           “(i) records that are maintained by  
4           the Administrator concerning current air-  
5           man certificates, including airman medical  
6           certificates and associated type ratings and  
7           information on any limitations to those  
8           certificates and ratings;

9           “(ii) records that are maintained by  
10          the Administrator concerning any failed at-  
11          tempt of an individual to pass a practical  
12          test required to obtain a certificate or type  
13          rating under part 61 of title 14, Code of  
14          Federal Regulations; and

15          “(iii) summaries of legal enforcement  
16          actions resulting in a finding by the Ad-  
17          ministrator of a violation of this title or a  
18          regulation prescribed or order issued under  
19          this title that was not subsequently over-  
20          turned.

21          “(B) AIR CARRIER AND OTHER  
22          RECORDS.—From any air carrier or other per-  
23          son (except a branch of the Armed Forces, the  
24          National Guard, or a reserve component of the  
25          Armed Forces) that has employed an individual

1 as a pilot of a civil or public aircraft, or from  
2 the trustee in bankruptcy for such air carrier or  
3 person—

4 “(i) records pertaining to the indi-  
5 vidual that are maintained by the air car-  
6 rier (other than records relating to flight  
7 time, duty time, or rest time), including  
8 records under regulations set forth in—

9 “(I) section 121.683 of title 14,  
10 Code of Federal Regulations;

11 “(II) paragraph (A) of section  
12 VI, appendix I, part 121 of such title;

13 “(III) paragraph (A) of section  
14 IV, appendix J, part 121 of such title;

15 “(IV) section 125.401 of such  
16 title; and

17 “(V) section 135.63(a)(4) of such  
18 title; and

19 “(ii) other records pertaining to the  
20 individual’s performance as a pilot that are  
21 maintained by the air carrier or person  
22 concerning—

23 “(I) the training, qualifications,  
24 proficiency, or professional com-  
25 petence of the individual, including



1           comments and evaluations made by a  
2           check airman designated in accord-  
3           ance with section 121.411, 125.295,  
4           or 135.337 of such title;

5           “(II) any disciplinary action  
6           taken with respect to the individual  
7           that was not subsequently overturned;  
8           and

9           “(III) any release from employ-  
10          ment or resignation, termination, or  
11          disqualification with respect to em-  
12          ployment.

13          “(C) NATIONAL DRIVER REGISTER  
14          RECORDS.—In accordance with section  
15          30305(b)(8) of this title, from the chief driver  
16          licensing official of a State, information con-  
17          cerning the motor vehicle driving record of the  
18          individual.

19          “(3) WRITTEN CONSENT; RELEASE FROM LI-  
20          ABILITY.—An air carrier—

21                 “(A) shall obtain the written consent of an  
22                 individual before accessing records pertaining to  
23                 the individual under paragraph (1); and

24                 “(B) may, notwithstanding any other pro-  
25                 vision of law or agreement to the contrary, re-

1           quire an individual with respect to whom the  
2           carrier is accessing records under paragraph (1)  
3           to execute a release from liability for any claim  
4           arising from accessing the records or the use of  
5           such records by the air carrier in accordance  
6           with this section (other than a claim arising  
7           from furnishing information known to be false  
8           and maintained in violation of a criminal stat-  
9           ute).

10          “(4) REPORTING.—

11                 “(A) REPORTING BY ADMINISTRATOR.—

12           The Administrator shall enter data described in  
13           paragraph (2)(A) into the database promptly to  
14           ensure that an individual’s records are current.

15                 “(B) REPORTING BY AIR CARRIERS AND

16           OTHER PERSONS.—

17                 “(i) IN GENERAL.—Air carriers and

18           other persons shall report data described  
19           in paragraphs (2)(B) and (2)(C) to the  
20           Administrator promptly for entry into the  
21           database.

22                 “(ii) DATA TO BE REPORTED.—Air

23           carriers and other persons shall report, at  
24           a minimum, under clause (i) the following  
25           data described in paragraph (2)(B):

1                   “(I) Records that are generated  
2                   by the air carrier or other person  
3                   after the date of enactment of the  
4                   FAA Air Transportation Moderniza-  
5                   tion and Safety Improvement Act.

6                   “(II) Records that the air carrier  
7                   or other person is maintaining, on  
8                   such date of enactment, pursuant to  
9                   subsection (h)(4).

10                   “(5) REQUIREMENT TO MAINTAIN RECORDS.—

11                   The Administrator—

12                   “(A) shall maintain all records entered into  
13                   the database under paragraph (2) pertaining to  
14                   an individual until the date of receipt of notifi-  
15                   cation that the individual is deceased; and

16                   “(B) may remove the individual’s records  
17                   from the database after that date.

18                   “(6) RECEIPT OF CONSENT.—The Adminis-  
19                   trator shall not permit an air carrier to access  
20                   records pertaining to an individual from the data-  
21                   base under paragraph (1) without the air carrier  
22                   first demonstrating to the satisfaction of the Admin-  
23                   istrator that the air carrier has obtained the written  
24                   consent of the individual.

1           “(7) RIGHT OF PILOT TO REVIEW CERTAIN  
2 RECORDS AND CORRECT INACCURACIES.—Notwith-  
3 standing any other provision of law or agreement,  
4 the Administrator, upon receipt of written request  
5 from an individual—

6           “(A) shall make available, not later than  
7 30 days after the date of the request, to the in-  
8 dividual for review all records referred to in  
9 paragraph (2) pertaining to the individual; and

10           “(B) shall provide the individual with a  
11 reasonable opportunity to submit written com-  
12 ments to correct any inaccuracies contained in  
13 the records.

14           “(8) REASONABLE CHARGES FOR PROCESSING  
15 REQUESTS AND FURNISHING COPIES.—The Adminis-  
16 trator may establish a reasonable charge for the cost  
17 of processing a request under paragraph (1) or (7)  
18 and for the cost of furnishing copies of requested  
19 records under paragraph (7).

20           “(9) PRIVACY PROTECTIONS.—

21           “(A) USE OF RECORDS.—An air carrier  
22 that accesses records pertaining to an individual  
23 under paragraph (1) may use the records only  
24 to assess the qualifications of the individual in  
25 deciding whether or not to hire the individual as

1 a pilot. The air carrier shall take such actions  
2 as may be necessary to protect the privacy of  
3 the individual and the confidentiality of the  
4 records accessed, including ensuring that infor-  
5 mation contained in the records is not divulged  
6 to any individual that is not directly involved in  
7 the hiring decision.

8 “(B) DISCLOSURE OF INFORMATION.—

9 “(i) IN GENERAL.—Except as pro-  
10 vided by clause (ii), information collected  
11 by the Administrator under paragraph (2)  
12 shall be exempt from the disclosure re-  
13 quirements of section 552 of title 5.

14 “(ii) EXCEPTIONS.—Clause (i) shall  
15 not apply to—

16 “(I) de-identified, summarized in-  
17 formation to explain the need for  
18 changes in policies and regulations;

19 “(II) information to correct a  
20 condition that compromises safety;

21 “(III) information to carry out a  
22 criminal investigation or prosecution;

23 “(IV) information to comply with  
24 section 44905, regarding information  
25 about threats to civil aviation; and

1                   “(V) such information as the Ad-  
2                   ministrator determines necessary, if  
3                   withholding the information would not  
4                   be consistent with the safety respon-  
5                   sibilities of the Federal Aviation Ad-  
6                   ministration.

7                   “(10) PERIODIC REVIEW.—Not later than 18  
8                   months after the date of enactment of the FAA Air  
9                   Transportation Modernization and Safety Improve-  
10                  ment Act, and at least once every 3 years thereafter,  
11                  the Administrator shall transmit to Congress a  
12                  statement that contains, taking into account recent  
13                  developments in the aviation industry—

14                         “(A) recommendations by the Adminis-  
15                         trator concerning proposed changes to Federal  
16                         Aviation Administration records, air carrier  
17                         records, and other records required to be in-  
18                         cluded in the database under paragraph (2); or

19                         “(B) reasons why the Administrator does  
20                         not recommend any proposed changes to the  
21                         records referred to in subparagraph (A).

22                   “(11) REGULATIONS FOR PROTECTION AND SE-  
23                   CURITY OF RECORDS.—The Administrator shall pre-  
24                   scribe such regulations as may be necessary—

25                         “(A) to protect and secure—

1                   “(i) the personal privacy of any indi-  
2                   vidual whose records are accessed under  
3                   paragraph (1); and

4                   “(ii) the confidentiality of those  
5                   records; and

6                   “(B) to preclude the further dissemination  
7                   of records received under paragraph (1) by the  
8                   person who accessed the records.

9                   “(12) GOOD FAITH EXCEPTION.—Notwith-  
10                  standing paragraph (1), an air carrier may allow an  
11                  individual to begin service as a pilot, without first  
12                  obtaining information described in paragraph (2)(B)  
13                  from the database pertaining to the individual, if—

14                  “(A) the air carrier has made a docu-  
15                  mented good faith attempt to access the infor-  
16                  mation from the database; and

17                  “(B) has received written notice from the  
18                  Administrator that the information is not con-  
19                  tained in the database because the individual  
20                  was employed by an air carrier or other person  
21                  that no longer exists or by a foreign govern-  
22                  ment or other entity that has not provided the  
23                  information to the database.

24                  “(13) LIMITATIONS ON ELECTRONIC ACCESS TO  
25                  RECORDS.—

1           “(A) ACCESS BY INDIVIDUALS DES-  
2           IGNATED BY AIR CARRIERS.—For the purpose  
3           of increasing timely and efficient access to  
4           records described in paragraph (2), the Admin-  
5           istrator may allow, under terms established by  
6           the Administrator, an individual designated by  
7           an air carrier to have electronic access to the  
8           database.

9           “(B) TERMS.—The terms established by  
10          the Administrator under subparagraph (A) for  
11          allowing a designated individual to have elec-  
12          tronic access to the database shall limit such  
13          access to instances in which information in the  
14          database is required by the designated indi-  
15          vidual in making a hiring decision concerning a  
16          pilot applicant and shall require that the des-  
17          ignated individual provide assurances satisfac-  
18          tory to the Administrator that—

19                 “(i) the designated individual has re-  
20                 ceived the written consent of the pilot ap-  
21                 plicant to access the information; and

22                 “(ii) information obtained using such  
23                 access will not be used for any purpose  
24                 other than making the hiring decision.

25          “(14) REGULATIONS.—



1           “(A) IN GENERAL.—The Administrator  
2 shall issue regulations to carry out this sub-  
3 section.

4           “(B) EFFECTIVE DATE.—The regulations  
5 shall specify the date on which the requirements  
6 of this subsection take effect and the date on  
7 which the requirements of subsection (h) cease  
8 to be effective.

9           “(C) EXCEPTIONS.—Notwithstanding sub-  
10 paragraph (B)—

11           “(i) the Administrator shall begin to  
12 establish the database under paragraph (2)  
13 not later than 90 days after the date of en-  
14 actment of the FAA Air Transportation  
15 Modernization and Safety Improvement  
16 Act;

17           “(ii) the Administrator shall maintain  
18 records in accordance with paragraph (5)  
19 beginning on the date of enactment of that  
20 Act; and

21           “(iii) air carriers and other persons  
22 shall maintain records to be reported to  
23 the database under paragraph (4)(B) in  
24 the period beginning on such date of enact-  
25 ment and ending on the date that is 5

1                   years after the requirements of subsection  
2                   (h) cease to be effective pursuant to sub-  
3                   paragraph (B).

4                   “(15) SPECIAL RULE.—During the one-year pe-  
5                   riod beginning on the date on which the require-  
6                   ments of this section become effective pursuant to  
7                   paragraph (15)(B), paragraph (7)(A) shall be ap-  
8                   plied by substituting ‘45 days’ for ‘30 days’.”.

9                   (c) CONFORMING AMENDMENTS.—

10                   (1) LIMITATION ON LIABILITY; PREEMPTION OF  
11                   STATE LAW.—Section 44703(j) (as redesignated by  
12                   subsection (b)(1) of this section) is amended—

13                   (A) in the subsection heading by striking  
14                   “LIMITATION” and inserting “LIMITATIONS”;

15                   (B) in paragraph (1)—

16                   (i) in the matter preceding subpara-  
17                   graph (A) by striking “paragraph (2)” and  
18                   inserting “subsection (h)(2) or (i)(3)”;

19                   (ii) in subparagraph (A) by inserting  
20                   “or accessing the records of that individual  
21                   under subsection (i)(1)” before the semi-  
22                   colon; and

23                   (iii) in the matter following subpara-  
24                   graph (D) by striking “subsection (h)” and  
25                   inserting “subsection (h) or (i)”;

1 (C) in paragraph (2) by striking “sub-  
2 section (h)” and inserting “subsection (h) or  
3 (i)”;

4 (D) in paragraph (3), in the matter pre-  
5 ceeding subparagraph (A), by inserting “or who  
6 furnished information to the database estab-  
7 lished under subsection (i)(2)” after “sub-  
8 section (h)(1)”;

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

10 “(4) PROHIBITION ON ACTIONS AND PRO-  
11 CEEDINGS AGAINST AIR CARRIERS.—

12 “(A) HIRING DECISIONS.—An air carrier  
13 may refuse to hire an individual as a pilot if the  
14 individual did not provide written consent for  
15 the air carrier to receive records under sub-  
16 section (h)(2)(A) or (i)(3)(A) or did not execute  
17 the release from liability requested under sub-  
18 section (h)(2)(B) or (i)(3)(B).

19 “(B) ACTIONS AND PROCEEDINGS.—No  
20 action or proceeding may be brought against an  
21 air carrier by or on behalf of an individual who  
22 has applied for or is seeking a position as a  
23 pilot with the air carrier if the air carrier re-  
24 fused to hire the individual after the individual  
25 did not provide written consent for the air car-

1 rier to receive records under subsection  
2 (h)(2)(A) or (i)(3)(A) or did not execute a re-  
3 lease from liability requested under subsection  
4 (h)(2)(B) or (i)(3)(B).”.

5 (2) LIMITATION ON STATUTORY CONSTRUC-  
6 TION.—Section 44703(k) (as redesignated by sub-  
7 section (b)(1) of this section) is amended by striking  
8 “subsection (h)” and inserting “subsection (h) or  
9 (i)”.

10 **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

11 (a) IN GENERAL.—Within 60 days after the date of  
12 enactment of this Act, the Administrator shall initiate and  
13 complete a rulemaking to require part 121 air carriers—

14 (1) to implement, as part of their safety man-  
15 agement systems—

16 (A) an Aviation Safety Action Program;

17 (B) a Flight Operations Quality Assurance  
18 Program;

19 (C) a Line Operational Safety Audit Pro-  
20 gram; and

21 (D) a Flight Crew Fatigue Risk Manage-  
22 ment Program;

23 (2) to implement appropriate privacy protection  
24 safeguards with respect to data included in such  
25 programs; and

1           (3) to provide appropriate collaboration and  
2           operational oversight of regional/commuter air car-  
3           riers by affiliated major air carriers that include—

4                   (A) periodic safety audits of flight oper-  
5                   ations;

6                   (B) training, maintenance, and inspection  
7                   programs; and

8                   (C) provisions for the exchange of safety  
9                   information.

10          (b) EFFECT ON ADVANCED QUALIFICATION PRO-  
11          GRAM.—Implementation of the programs under subsection  
12          (a)(1) neither limits nor invalidates the Federal Aviation  
13          Administration’s advanced qualification program.

14          (c) LIMITATIONS ON DISCIPLINE AND ENFORCE-  
15          MENT.—The Administrator shall require that each of the  
16          programs described in subsection (a)(1)(A) and (B) estab-  
17          lish protections for an air carrier or employee submitting  
18          data or reports against disciplinary or enforcement actions  
19          by any Federal agency or employer. The protections shall  
20          not be less than the protections provided under Federal  
21          Aviation Administration Advisory Circulars governing  
22          those programs, including Advisory Circular AC No. 120–  
23          66 and AC No. 120–82.

24          (d) CVR DATA.—The Administrator, acting in col-  
25          laboration with aviation industry interested parties, shall

1 consider the merits and feasibility of incorporating cockpit  
2 voice recorder data in safety oversight practices.

3 (e) ENFORCEMENT CONSISTENCY.—Within 9 months  
4 after the date of enactment of this Act, the Administrator  
5 shall—

6 (1) develop and implement a plan that will en-  
7 sure that the FAA’s safety enforcement plan is con-  
8 sistently enforced; and

9 (2) ensure that the FAA’s safety oversight pro-  
10 gram is reviewed periodically and updated as nec-  
11 essary.

12 **SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES**  
13 **TO SAFETY RECOMMENDATIONS.**

14 (a) IN GENERAL.—The first sentence of section  
15 1135(a) is amended by inserting “to the National Trans-  
16 portation Safety Board” after “shall give”.

17 (b) AIR CARRIER SAFETY RECOMMENDATIONS.—  
18 Section 1135 is amended—

19 (1) by redesignating subsections (c) and (d) as  
20 subsections (d) and (e), respectively; and

21 (2) by inserting after subsection (b) the fol-  
22 lowing:

23 “(c) ANNUAL REPORT ON AIR CARRIER SAFETY  
24 RECOMMENDATIONS.—

1           “(1) IN GENERAL.—The Secretary shall submit  
2           an annual report to the Congress and the Board on  
3           the recommendations made by the Board to the Sec-  
4           retary regarding air carrier operations conducted  
5           under part 121 of title 14, Code of Federal Regula-  
6           tions.

7           “(2) RECOMMENDATIONS TO BE COVERED.—  
8           The report shall cover—

9                   “(A) any recommendation for which the  
10                  Secretary has developed, or intends to develop,  
11                  procedures to adopt the recommendation or  
12                  part of the recommendation, but has yet to  
13                  complete the procedures; and

14                  “(B) any recommendation for which the  
15                  Secretary, in the preceding year, has issued a  
16                  response under subsection (a)(2) or (a)(3) re-  
17                  fusing to carry out all or part of the procedures  
18                  to adopt the recommendation.

19           “(3) CONTENTS.—

20                   “(A) PLANS TO ADOPT RECOMMENDA-  
21                  TIONS.—For each recommendation of the  
22                  Board described in paragraph (2)(A), the report  
23                  shall contain—

24                           “(i) a description of the recommenda-  
25                           tion;

1           “(ii) a description of the procedures  
2           planned for adopting the recommendation  
3           or part of the recommendation;

4           “(iii) the proposed date for completing  
5           the procedures; and

6           “(iv) if the Secretary has not met a  
7           deadline contained in a proposed timeline  
8           developed in connection with the rec-  
9           ommendation under subsection (b), an ex-  
10          planation for not meeting the deadline.

11          “(B) REFUSALS TO ADOPT RECOMMENDA-  
12          TIONS.—For each recommendation of the  
13          Board described in paragraph (2)(B), the re-  
14          port shall contain—

15                 “(i) a description of the recommenda-  
16                 tion; and

17                 “(ii) a description of the reasons for  
18                 the refusal to carry out all or part of the  
19                 procedures to adopt the recommendation.”.

20   **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**  
21                 **SURANCE, AVIATION SAFETY ACTION, AND**  
22                 **LINE OPERATIONAL SAFETY AUDIT PRO-**  
23                 **GRAMS.**

24           (a) **LIMITATION ON DISCLOSURE AND USE OF IN-**  
25           **FORMATION.—**



1           (1) IN GENERAL.—Except as provided by this  
2 section, a party in a judicial proceeding may not use  
3 discovery to obtain—

4                   (A) an Aviation Safety Action Program re-  
5 port;

6                   (B) Flight Operational Quality Assurance  
7 Program data; or

8                   (C) a Line Operations Safety Audit Pro-  
9 gram report.

10           (2) FOIA NOT APPLICABLE.—Section 522 of  
11 title 5, United States Code, shall not apply to re-  
12 ports or data described in paragraph (1).

13           (3) EXCEPTIONS.—Nothing in paragraph (1) or  
14 (2) prohibits the FAA from disclosing information  
15 contained in reports or data described in paragraph  
16 (1) if withholding the information would not be con-  
17 sistent with the FAA’s safety responsibilities, includ-  
18 ing—

19                   (A) a summary of information, with identi-  
20 fying information redacted, to explain the need  
21 for changes in policies or regulations;

22                   (B) information provided to correct a con-  
23 dition that compromises safety, if that condition  
24 continues uncorrected; or

1 (C) information provided to carry out a  
2 criminal investigation or prosecution.

3 (b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS  
4 AND DATA.—Except as provided in subsection (c), a court  
5 may allow discovery by a party of an Aviation Safety Ac-  
6 tion Program report, Flight Operational Quality Assur-  
7 ance Program data, or a Line Operations Safety Audit  
8 Program report if, after an in camera review of the infor-  
9 mation, the court determines that a party to a claim or  
10 defense in the proceeding shows a particularized need for  
11 the report or data that outweighs the need for confiden-  
12 tiality of the report or data, considering the confidential  
13 nature of the report or data, and upon a showing that  
14 the report or data is both relevant to the preparation of  
15 a claim or defense and not otherwise known or available.

16 (c) PROTECTIVE ORDER.—When a court allows dis-  
17 covery, in a judicial proceeding, of an Aviation Safety Ac-  
18 tion Program report, Flight Operational Quality Assur-  
19 ance Program data, or a Line Operations Safety Audit  
20 Program report, the court shall issue a protective order—

21 (1) to limit the use of the information contained  
22 in the report or data to the judicial proceeding;

23 (2) to prohibit dissemination of the report or  
24 data to any person that does not need access to the  
25 report for the proceeding; and

1           (3) to limit the use of the report or data in the  
2           proceeding to the uses permitted for privileged self-  
3           analysis information as defined under the Federal  
4           Rules of Evidence.

5           (d) SEALED INFORMATION.—A court may allow an  
6           Aviation Safety Action Program report, Flight Oper-  
7           ational Quality Assurance Program data, or a Line Oper-  
8           ations Safety Audit Program report to be admitted into  
9           evidence in a judicial proceeding only if the court places  
10          the report or data under seal to prevent the use of the  
11          report or data for purposes other than for the proceeding.

12          (e) SAFETY RECOMMENDATIONS.—This section does  
13          not prevent the National Transportation Safety Board  
14          from referring at any time to information contained in an  
15          Aviation Safety Action Program report, Flight Oper-  
16          ational Quality Assurance Program data, or a Line Oper-  
17          ations Safety Audit Program report in making safety rec-  
18          ommendations.

19          (f) WAIVER.—Any waiver of the privilege for self-  
20          analysis information by a protected party, unless occa-  
21          sioned by the party's own use of the information in pre-  
22          senting a claim or defense, must be in writing.

1 **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**  
2 **TESTING, AND CERTIFICATION REQUIRE-**  
3 **MENTS.**

4 (a) TRAINING AND TESTING.—The Administrator  
5 shall develop and implement a plan for reevaluation of  
6 flight crew training regulations in effect on the date of  
7 enactment of this Act, including regulations for—

8 (1) classroom instruction requirements gov-  
9 erning curriculum content and hours of instruction;

10 (2) crew leadership training; and

11 (3) initial and recurrent testing requirements  
12 for pilots, including the rigor and consistency of  
13 testing programs such as check rides.

14 (b) BEST PRACTICES.—The plan shall incorporate  
15 best practices in the aviation industry with respect to  
16 training protocols, methods, and procedures.

17 (c) CERTIFICATION.—The Administrator shall ini-  
18 tiate a rulemaking to re-evaluate FAA regulations gov-  
19 erning the minimum requirements—

20 (1) to become a commercial pilot;

21 (2) to receive an Air Transport Pilot Certificate  
22 to become a captain; and

23 (3) to transition to a new type of aircraft.

24 (d) REMEDIAL TRAINING PROGRAMS.—

25 (1) IN GENERAL.—The Administrator shall ini-  
26 tiate a rulemaking to require part 121 air carriers

1 to establish remedial training programs for  
2 flightcrew members who have demonstrated perform-  
3 ance deficiencies or experienced failures in the train-  
4 ing environment.

5 (2) DEADLINES.—The Administrator shall—

6 (A) not later than 180 days after the date  
7 of enactment of this Act, issue a notice of pro-  
8 posed rulemaking under paragraph (1); and

9 (B) not later than 24 months after the  
10 date of enactment of this Act, issue a final rule  
11 for the rulemaking.

12 (e) STICK PUSHER TRAINING AND WEATHER EVENT  
13 TRAINING.—

14 (1) MULTIDISCIPLINARY PANEL.—Not later  
15 than 120 days after the date of enactment of this  
16 Act, the Administrator shall convene a multidisci-  
17 plinary panel of specialists in aircraft operations,  
18 flightcrew member training, human factors, and  
19 aviation safety to study and submit to the Adminis-  
20 trator a report on methods to increase the famili-  
21 arity of flightcrew members with, and improve the  
22 response of flightcrew members to, stick pusher sys-  
23 tems, icing conditions, and microburst and  
24 windshear weather events.

1           (2) REPORT TO CONGRESS.—Not later than one  
2 year after the date on which the Administrator con-  
3 venes the panel, the Administrator shall—

4           (A) submit a report to the Committee on  
5 Transportation and Infrastructure of the House  
6 of Representatives and the Committee on Com-  
7 merce, Science, and Transportation based on  
8 the findings of the panel; and

9           (B) with respect to stick pusher systems,  
10 initiate appropriate actions to implement the  
11 recommendations of the panel.

12 **SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFES-**  
13 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

14       (a) AVIATION RULEMAKING COMMITTEE.—

15           (1) IN GENERAL.—The Administrator of the  
16 Federal Aviation Administration shall conduct an  
17 aviation rulemaking committee proceeding with  
18 stakeholders to develop procedures for each part 121  
19 air carrier to take the following actions:

20           (A) Establish flightcrew member men-  
21 toring programs under which the air carrier will  
22 pair highly experienced flightcrew members who  
23 will serve as mentor pilots and be paired with  
24 newly employed flightcrew members. Mentor pi-  
25 lots should be provided, at a minimum, specific

1 instruction on techniques for instilling and rein-  
2 forcing the highest standards of technical per-  
3 formance, airmanship, and professionalism in  
4 newly employed flightcrew members.

5 (B) Establish flightcrew member profes-  
6 sional development committees made up of air  
7 carrier management and labor union or profes-  
8 sional association representatives to develop, ad-  
9 minister, and oversee formal mentoring pro-  
10 grams of the carrier to assist flightcrew mem-  
11 bers to reach their maximum potential as safe,  
12 seasoned, and proficient flightcrew members.

13 (C) Establish or modify training programs  
14 to accommodate substantially different levels  
15 and types of flight experience by newly em-  
16 ployed flightcrew members.

17 (D) Establish or modify training programs  
18 for second-in-command flightcrew members at-  
19 tempting to qualify as pilot-in-command  
20 flightcrew members for the first time in a spe-  
21 cific aircraft type and ensure that such pro-  
22 grams include leadership and command train-  
23 ing.

1           (E) Ensure that recurrent training for pi-  
2           lots in command includes leadership and com-  
3           mand training.

4           (F) Such other actions as the aviation  
5           rulemaking committee determines appropriate  
6           to enhance flightcrew member professional de-  
7           velopment.

8           (2) COMPLIANCE WITH STERILE COCKPIT  
9           RULE.—Leadership and command training described  
10          in paragraphs (1)(D) and (1)(E) shall include in-  
11          struction on compliance with flightcrew member du-  
12          ties under part 121.542 of title 14, Code of Federal  
13          Regulations.

14          (3) STREAMLINED PROGRAM REVIEW.—

15           (A) IN GENERAL.—As part of the rule-  
16           making required by subsection (a), the Admin-  
17           istrator shall establish a streamlined process for  
18           part 121 air carriers that have in effect, as of  
19           the date of enactment of this Act, the programs  
20           required by paragraph (1).

21           (B) EXPEDITED APPROVALS.—Under the  
22           streamlined process, the Administrator shall—

23           (i) review the programs of such part  
24           121 air carriers to determine whether the  
25           programs meet the requirements set forth



1 in the final rule referred to in subsection  
2 (b)(2); and

3 (ii) expedite the approval of the pro-  
4 grams that the Administrator determines  
5 meet such requirements.

6 (b) DEADLINES.—The Administrator shall issue—

7 (1) not later than 180 days after the date of  
8 enactment of this Act, a notice of proposed rule-  
9 making under subsection (a); and

10 (2) not later than 24 months after such date of  
11 enactment, a final rule under subsection (a).

12 **SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALI-**  
13 **FICATIONS.**

14 (a) REQUIREMENTS.—The Administrator of the Fed-  
15 eral Aviation Administration shall conduct a rulemaking  
16 proceeding to require part 121 air carriers to develop and  
17 implement means and methods for ensuring that  
18 flightcrew members have proper qualifications and experi-  
19 ence.

20 (b) MINIMUM EXPERIENCE REQUIREMENT.—

21 (1) IN GENERAL.—The final rule prescribed  
22 under subsection (a) shall, among any other require-  
23 ments established by the rule, require that a pilot—

1 (A) have not less than 800 hours of flight  
2 time before serving as a flightcrew member for  
3 a part 121 air carrier; and

4 (B) demonstrate the ability to—

5 (i) function effectively in a multipilot  
6 environment;

7 (ii) function effectively in an air car-  
8 rier operational environment;

9 (iii) function effectively in adverse  
10 weather conditions, including icing condi-  
11 tions if the pilot is expected to be oper-  
12 ating aircraft in icing conditions;

13 (iv) function effectively during high  
14 altitude operations; and

15 (v) adhere to the highest professional  
16 standards.

17 (2) HOURS OF FLIGHT EXPERIENCE IN DIF-  
18 FICULT OPERATIONAL CONDITIONS.—The total num-  
19 ber of hours of flight experience required by the Ad-  
20 ministrator under paragraph (1) for pilots shall in-  
21 clude a number of hours of flight experience in dif-  
22 ficult operational conditions that may be encoun-  
23 tered by an air carrier that the Administrator deter-  
24 mines to be sufficient to enable a pilot to operate an  
25 aircraft safely in such conditions.

1 (c) DEADLINES.—The Administrator shall issue—

2 (1) not later than 180 days after the date of  
3 enactment of this Act, a notice of proposed rule-  
4 making under subsection (a); and

5 (2) not later than December 31, 2011, a final  
6 rule under subsection (a).

7 (d) DEFAULT REQUIREMENTS.—If the Adminis-  
8 trator fails to meet the deadline established by subsection  
9 (c)(2), then all flightcrew members for part 121 air car-  
10 riers shall meet the requirements established by subpart  
11 G of part 61 of the Federal Aviation Administration’s reg-  
12 ulations (14 C.F.R. 61.151 et seq.).

13 (e) DEFINITIONS.—In this section:

14 (1) FLIGHTCREW MEMBER.—The term  
15 “flightcrew member” has the meaning given that  
16 term in section 1.1 of the Federal Aviation Adminis-  
17 tration’s regulations (14 C.F.R. 1.1)).

18 (2) PART 121 AIR CARRIER.—The term “part  
19 121 air carrier” has the meaning given that term by  
20 section 41720(d)(1) of title 49, United States Code.

21 **SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DE-**  
22 **VICES ON FLIGHT DECK.**

23 (a) IN GENERAL.—Chapter 447, as amended by sec-  
24 tion 521 of this Act, is further amended by adding at the  
25 end thereof the following:

1 **“§ 44731. Use of certain devices on flight deck**

2       “(a) IN GENERAL.—It is unlawful for any member  
3 of the flight crew of an aircraft used to provide air trans-  
4 portation under part 121 of title 14, Code of Federal Reg-  
5 ulations, to use a personal wireless communications device  
6 or laptop computer while at the crew member’s duty sta-  
7 tion on the flight deck of such an aircraft while the air-  
8 craft is being operated.

9       “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
10 the use of a personal wireless communications device or  
11 laptop computer for a purpose directly related to operation  
12 of the aircraft, or for emergency, safety-related, or em-  
13 ployment-related communications, in accordance with pro-  
14 cedures established by the air carrier or the Federal Avia-  
15 tion Administration.

16       “(c) ENFORCEMENT.—In addition to the penalties  
17 provided under section 46301 of this title applicable to any  
18 violation of this section, the Administrator of the Federal  
19 Aviation Administration may enforce compliance with this  
20 section under section 44709.

21       “(d) PERSONAL WIRELESS COMMUNICATIONS DE-  
22 VICE DEFINED.—The term ‘personal wireless communica-  
23 tions device’ means a device through which personal wire-  
24 less services (as defined in section 332(c)(7)(C)(i) of the  
25 Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)))  
26 are transmitted.”.

1 (b) PENALTY.—Section 44711(a) is amended—

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

4 (2) by striking “title.” in paragraph (9) and in-  
5 serting “title; or”; and

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

7 “(10) violate section 44730 of this title or any  
8 regulation issued thereunder.”.

9 (c) CONFORMING AMENDMENT.—The table of con-  
10 tents for chapter 447 is amended by adding at the end  
11 thereof the following:

“44731. Use of certain devices on flight deck”.

12 (d) REGULATIONS.—Within 30 days after the date  
13 of enactment of this Act, the Secretary of Transportation  
14 shall initiate a rulemaking procedure for regulations under  
15 section 44730 of title 49, United States Code, and shall  
16 issue a final rule thereunder within 1 year after the date  
17 of enactment of this Act.

18 (e) STUDY.—

19 (1) IN GENERAL.—The Administrator of the  
20 Federal Aviation Administration shall review rel-  
21 evant air carrier data and carry out a study—

22 (A) to identify common sources of distrac-  
23 tion for the cockpit flight crew on commercial  
24 aircraft; and

1 (B) to determine the safety impacts of  
2 such distractions.

3 (2) REPORT.—Not later than 6 months after  
4 the date of the enactment of this Act, the Adminis-  
5 trator shall submit a report to the Committee on  
6 Commerce, Science, and Transportation of the Sen-  
7 ate and the Committee on Transportation and Infra-  
8 structure of the House of Representatives that con-  
9 tains—

10 (A) the findings of the study conducted  
11 under paragraph (1); and

12 (B) recommendations about ways to reduce  
13 distractions for cockpit flight crews.

14 **SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**  
15 **RIERS.**

16 The Administrator shall, not less frequently than  
17 once each year, perform random, unannounced, on-site in-  
18 spections of air carriers that provide air transportation  
19 pursuant to a contract with a part 121 air carrier to en-  
20 sure that such air carriers are complying with all applica-  
21 ble safety standards of the Administration.

1 **SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH**  
2 **RESPECT TO THE TRAINING, HIRING, AND OP-**  
3 **ERATION OF AIRCRAFT BY PILOTS.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of enactment of this Act, the Administrator shall  
6 issue a final rule with respect to the Notice of Proposed  
7 Rulemaking published in the Federal Register on January  
8 12, 2009 (74 Fed. Reg. 1280), relating to training pro-  
9 grams for flight crew members and aircraft dispatchers.

10 (b) EXPERT PANEL TO REVIEW PART 121 AND PART  
11 135 TRAINING HOURS.—

12 (1) ESTABLISHMENT.—Not later than 60 days  
13 after the date of enactment of this Act, the Adminis-  
14 trator shall convene a multidisciplinary expert panel  
15 comprised of, at a minimum, air carrier representa-  
16 tives, training facility representatives, instructional  
17 design experts, aircraft manufacturers, safety orga-  
18 nization representatives, and labor union representa-  
19 tives.

20 (2) ASSESSMENT AND RECOMMENDATIONS.—  
21 The panel shall assess and make recommendations  
22 concerning—

23 (A) the best methods and optimal time  
24 needed for flightcrew members of part 121 air  
25 carriers and flightcrew members of part 135 air  
26 carriers to master aircraft systems, maneuvers,

1 procedures, take offs and landings, and crew co-  
2 ordination;

3 (B) the optimal length of time between  
4 training events for such crewmembers, includ-  
5 ing recurrent training events;

6 (C) the best methods to reliably evaluate  
7 mastery by such crewmembers of aircraft sys-  
8 tems, maneuvers, procedures, take offs and  
9 landings, and crew coordination; and

10 (D) the best methods to allow specific aca-  
11 demic training courses to be credited pursuant  
12 to section 11(d) toward the total flight hours  
13 required to receive an airline transport pilot  
14 certificate.

15 (3) REPORT.—Not later than one year after the  
16 date of enactment of this Act, the Administrator  
17 shall submit a report to the House of Representa-  
18 tives Committee on Transportation and Infrastruc-  
19 ture and the Senate Committee on Commerce,  
20 Science, and Transportation based on the findings of  
21 the panel.

22 **SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

23 (a) IN GENERAL.—Not later than 1 year after the  
24 date of the enactment of this Act, the Administrator shall  
25 submit to Congress a plan for overseeing pilot schools cer-



1 tified under part 141 of title 14, Code of Federal Regula-  
2 tions, that includes—

3           (1) ensuring that the curriculum and course  
4           outline requirements for such schools under subpart  
5           C of such part are being met; and

6           (2) conducting on-site inspections of each such  
7           school not less frequently than once every 2 years.

8           (b) GAO STUDY.—The Comptroller General shall  
9           conduct a comprehensive study of flight schools, flight  
10          education, and academic training requirements for certifi-  
11          cation of an individual as a pilot.

12          (c) REPORT.—Not later than 180 days after the date  
13          of enactment of this Act, the Comptroller General shall  
14          submit a report to the House of Representatives Com-  
15          mittee on Transportation and Infrastructure and the Sen-  
16          ate Committee on Commerce, Science, and Transportation  
17          on the results of the study.

18 **SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS**

19 **AND GATE AGENTS.**

20          (a) IN GENERAL.—Chapter 447, as amended by sec-  
21          tion 558 of this Act, is further amended by adding at the  
22          end the following:

1 **“§ 44732. Training of flight attendants and gate**  
2 **agents**

3 “(a) TRAINING REQUIRED.—In addition to other  
4 training required under this chapter, each air carrier shall  
5 provide initial and annual recurring training for flight at-  
6 tendants and gate agents employed or contracted by such  
7 air carrier regarding—

8 “(1) serving alcohol to passengers;

9 “(2) recognizing intoxicated passengers; and

10 “(3) dealing with disruptive passengers.

11 “(b) SITUATIONAL TRAINING.—In carrying out the  
12 training required under subsection (a), each air carrier  
13 shall provide situational training to flight attendants and  
14 gate agents on the proper method for dealing with intoxi-  
15 cated passengers who act in a belligerent manner.

16 “(c) DEFINITIONS.—In this section:

17 “(1) AIR CARRIER.—The term ‘air carrier’  
18 means a person or commercial enterprise that has  
19 been issued an air carrier operating certificate under  
20 section 44705.

21 “(2) FLIGHT ATTENDANT.—The term ‘flight at-  
22 tendant’ has the meaning given the term in section  
23 44728(f).

24 “(3) GATE AGENT.—The term ‘gate agent’  
25 means an individual working at an airport whose re-

1       sponsibilities include facilitating passenger access to  
2       commercial aircraft.

3               “(4) PASSENGER.—The term ‘passenger’ means  
4       an individual traveling on a commercial aircraft,  
5       from the time at which the individual arrives at the  
6       airport from which such aircraft departs until the  
7       time the individual leaves the airport to which such  
8       aircraft arrives.”.

9       (b) CLERICAL AMENDMENT.—The table of contents  
10      for chapter 447 is amended by adding at the end the fol-  
11      lowing:

      “44732. Training of flight attendants and gate agents”.

12       (c) RULEMAKING.—Not later than 180 days after the  
13      date of the enactment of this Act, the Secretary of Trans-  
14      portation shall issue regulations to carry out section  
15      44730 of title 49, United States Code, as added by sub-  
16      section (a).

17      **SEC. 563. DEFINITIONS.**

18       In this subtitle:

19               (1) AVIATION SAFETY ACTION PROGRAM.—The  
20      term “Aviation Safety Action Program” means the  
21      program described under Federal Aviation Adminis-  
22      tration Advisory Circular No. 120–66B that permits  
23      employees of participating air carriers and repair  
24      station certificate holders to identify and report safe-

1 ty issues to management and to the Administration  
2 for resolution.

3 (2) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator.

5 (3) AIR CARRIER.—The term “air carrier” has  
6 the meaning given that term by section 40102(2) of  
7 title 49, United States Code.

8 (4) FAA.—The term “FAA” means the Fed-  
9 eral Aviation Administration.

10 (5) FLIGHT OPERATIONAL QUALITY ASSURANCE  
11 PROGRAM.—The term “Flight Operational Quality  
12 Assurance Program” means the voluntary safety  
13 program authorized under section 13.401 of title 14,  
14 Code of Federal Regulations, that permits commer-  
15 cial air carriers and pilots to share confidential ag-  
16 gregate information with the Administration to per-  
17 mit the Administration to target resources to ad-  
18 dress operational risk issues.

19 (6) LINE OPERATIONS SAFETY AUDIT PRO-  
20 GRAM.—The term “Line Operations Safety Audit  
21 Program” has the meaning given that term by Fed-  
22 eral Aviation Administration Advisory Circular  
23 Number 120–90.

1           (7) PART 121 AIR CARRIER.—The term “part  
2           121 air carrier” has the meaning given that term by  
3           section 41719(d)(1) of title 49, United States Code.

4 **SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.**

5           (a) IN GENERAL.—Not later than 1 year after the  
6           date of the enactment of this Act, the Administrator of  
7           the Federal Aviation Administration shall initiate a study  
8           of air quality in aircraft cabins to—

9                   (1) assess bleed air quality on the full range of  
10                  commercial aircraft operating in the United States;

11                   (2) identify oil-based contaminants, hydraulic  
12                  fluid toxins, and other air toxins that appear in  
13                  cabin air and measure the quantity and prevalence,  
14                  or absence of those toxins through a comprehensive  
15                  sampling program;

16                   (3) determine the specific amount and duration  
17                  of toxic fumes present in aircraft cabins that con-  
18                  stitutes a health risk to passengers;

19                   (4) develop a systematic reporting standard for  
20                  smoke and fume events in aircraft cabins;

21                   (5) identify the potential health risks to individ-  
22                  uals exposed to toxic fumes during flight; and

23                   (6) determine the extent to which the installa-  
24                  tion of sensors and air filters on commercial aircraft  
25                  would provide a public health benefit.

1 (b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CAB-  
2 INS.—For purposes of conducting the study required by  
3 subsection (a), the Administrator of the Federal Aviation  
4 Administration shall require domestic air carriers to allow  
5 air quality monitoring on their aircraft in a manner that  
6 imposes no significant costs on the air carrier and does  
7 not interfere with the normal operation of the aircraft.

## 8 **TITLE VI—AVIATION RESEARCH**

### 9 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

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

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

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

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

19 (b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

20 Not more than \$15,000,000 per year for fiscal years 2010  
21 and 2011 may be appropriated to the Secretary of Trans-  
22 portation from the amounts made available each year  
23 under subsection (a) for the Airport Cooperative Research  
24 Program under section 44511 of this title, of which not  
25 less than \$5,000,000 per year shall be for research activi-

1 ties related to the airport environment, including reduction  
2 of community exposure to civil aircraft noise, reduction of  
3 civil aviation emissions, or addressing water quality issues.

4 **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**  
5 **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

6 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
7 From amounts made available under section 48102(a) of  
8 title 49, United States Code, the Administrator of the  
9 Federal Aviation Administration shall establish a research  
10 program related to reducing civilian aircraft energy use,  
11 emissions, and source noise with equivalent safety through  
12 grants or other measures, which may include cost-sharing,  
13 authorized under section 106(l)(6) of such title, including  
14 reimbursable agreements with other Federal agencies.

15 (b) ESTABLISHMENT OF CONSORTIUM.—

16 (1) DESIGNATION AS CONSORTIUM.—Not later  
17 than 180 days after the date of the enactment of  
18 this Act, the Administrator shall designate, using a  
19 competitive process, one or more institutions or enti-  
20 ties described in paragraph (2) as a Consortium for  
21 Continuous Low Energy, Emissions, and Noise  
22 (CLEEN) to perform research in accordance with  
23 this section.

24 (2) PARTICIPATION.—The Administrator shall  
25 include educational and research institutions or pri-

1 vate sector entities that have existing facilities and  
2 experience for developing and testing noise, emis-  
3 sions and energy reduction engine and aircraft tech-  
4 nology, and developing alternative fuels in the re-  
5 search program required by subsection (a).

6 (3) COORDINATION MECHANISMS.—In con-  
7 ducting the research program, the Consortium des-  
8 ignated under paragraph (1) shall—

9 (A) coordinate its activities with the De-  
10 partment of Agriculture, the Department of  
11 Energy, the National Aeronautics and space  
12 Administration, and other relevant Federal  
13 agencies; and

14 (B) consult on a regular basis with the  
15 Commercial Aviation Alternative Fuels Initia-  
16 tive.

17 (c) PERFORMANCE OBJECTIVES.—Not later than  
18 January 1, 2016, the research program shall accomplish  
19 the following objectives:

20 (1) Certifiable aircraft technology that reduces  
21 fuel burn 33 percent compared to current tech-  
22 nology, reducing energy consumption and carbon di-  
23 oxide emissions.

24 (2) Certifiable engine technology that reduces  
25 landing and takeoff cycle nitrogen oxide emissions



1 by 60 percent, at a pressure ratio of 30 over the  
2 International Civil Aviation Organization standard  
3 adopted at the 6th Meeting of the Committee on  
4 Aviation Environmental Protection, with commensu-  
5 rate reductions over the full pressure ratio range,  
6 while limiting or reducing other gaseous or particle  
7 emissions.

8 (3) Certifiable aircraft technology that reduces  
9 noise levels by 32 Effective Perceived Noise in deci-  
10 bels (EPNdb) cumulative, relative to Stage 4 stand-  
11 ards.

12 (4) Advance qualification and environmental as-  
13 surance of alternative aviation fuels to support a  
14 goal of having 20 percent of the jet fuel available for  
15 purchase by United States commercial airlines and  
16 cargo carriers be alternative fuels.

17 (5) Determination of the extent to which new  
18 engine and aircraft technologies may be used to ret-  
19 rofit or re-engine aircraft so as to increase the level  
20 of penetration into the commercial fleet.

21 **SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECH-**  
22 **NOLOGY FOR CIVILIAN AIRCRAFT.**

23 (a) IN GENERAL.—From amounts made available  
24 under section 48102(a) of title 49, United States Code,  
25 the Secretary of Transportation shall establish a research

1 program related to developing jet fuel from natural gas,  
2 biomass and other renewable sources through grants or  
3 other measures authorized under section 106(l)(6) of such  
4 title, including reimbursable agreements with other Fed-  
5 eral agencies.

6 (b) PARTICIPATION IN PROGRAM.—The Secretary  
7 shall—

8 (1) include educational and research institu-  
9 tions that have existing facilities and experience in  
10 the research, small-scale development, testing, or  
11 evaluation of technologies related to the creation,  
12 processing, and production of a variety of feedstocks  
13 into aviation fuel under the program required by  
14 subsection (a); and

15 (2) consider utilizing the existing capacity in  
16 Aeronautics research at Langley Research Center of  
17 the National Aeronautics and Space Administration  
18 to carry out the program required by subsection (a).

19 (c) DESIGNATION OF INSTITUTION AS A CENTER OF  
20 EXCELLENCE.—Not later than 180 days after the date  
21 of the enactment of this Act, the Administrator of the  
22 Federal Aviation Administration shall designate an insti-  
23 tution described in subsection (b) as a Center of Excel-  
24 lence for Alternative Jet-Fuel Research in Civil Aircraft.  
25 The Center of Excellence shall be a member of the

1 CLEEN Consortium established under section 602(b),  
2 and shall be part of a Joint Center of Excellence with the  
3 Partnership for Air Transportation Noise and Emission  
4 Reduction FAA Center of Excellence.

5 **SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECH-**  
6 **NOLOGY FOR CIVILIAN AIRCRAFT.**

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

18 (b) DESIGNATION OF INSTITUTION AS A CENTER OF  
19 EXCELLENCE.—Within 6 months after the date of enact-  
20 ment of this Act, the Administrator of the Federal Avia-  
21 tion Administration shall designate an institution de-  
22 scribed in subsection (a) as a Center of Excellence for  
23 Coal-to-Jet-Fuel Research.

1 **SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERO-**  
2 **NAUTICS.**

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

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

10 (c) CHAIRPERSON.—The Advisory Committee mem-  
11 bers shall elect 1 member to serve as chairperson of the  
12 Advisory Committee.

13 (d) FUNCTIONS.—The Advisory Committee shall ex-  
14 amine the best governmental and organizational struc-  
15 tures for the conduct of civil aeronautics research and de-  
16 velopment, including options and recommendations for  
17 consolidating such research to ensure continued United  
18 States leadership in civil aeronautics. The Committee shall  
19 consider transferring responsibility for civil aeronautics re-  
20 search and development from the National Aeronautics  
21 and Space Administration to other existing departments  
22 or agencies of the Federal Government or to a non-govern-  
23 mental organization such as academic consortia or not-  
24 for-profit organizations. In developing its recommenda-  
25 tions, the Advisory Committee shall consider, as appro-  
26 priate, the aeronautics research policies developed pursu-

1 ant to section 101(d) of Public Law 109–155 and the re-  
2 quirements and priorities for aeronautics research estab-  
3 lished by title IV of Public Law 109–155.

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

12 (f) TERMINATION.—The Advisory Committee shall  
13 terminate 60 days after the date on which it submits the  
14 report to the Congress.

15 **SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
16 **PAVEMENTS.**

17 (a) CONTINUATION OF PROGRAM.—The Adminis-  
18 trator of the Federal Aviation Administration shall con-  
19 tinue the program to consider awards to nonprofit con-  
20 crete and asphalt pavement research foundations to im-  
21 prove the design, construction, rehabilitation, and repair  
22 of airfield pavements to aid in the development of safer,  
23 more cost effective, and more durable airfield pavements.

1 (b) USE OF GRANTS OR COOPERATIVE AGREE-  
2 MENTS.—The Administrator may use grants or coopera-  
3 tive agreements in carrying out this section.

4 **SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
5 **ER RESEARCH.**

6 Within 60 days after the date of enactment of this  
7 Act, the Administrator of the Federal Aviation Adminis-  
8 tration shall—

9 (1) initiate evaluation of proposals that would  
10 increase capacity throughout the air transportation  
11 system by reducing existing spacing requirements  
12 between aircraft of all sizes, including research on  
13 the nature of wake vortices;

14 (2) begin implementation of a system to im-  
15 prove volcanic ash avoidance options for aircraft, in-  
16 cluding the development of a volcanic ash warning  
17 and notification system for aviation; and

18 (3) establish research projects on—

19 (A) ground de-icing/anti-icing, ice pellets,  
20 and freezing drizzle;

21 (B) oceanic weather, including convective  
22 weather;

23 (C) en route turbulence prediction and de-  
24 tection; and

1 (D) all hazards during oceanic operations,  
2 where commercial traffic is high and only rudi-  
3 mentary satellite sensing is available, to reduce  
4 the hazards presented to commercial aviation.

5 **SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYS-**  
6 **TEMS INTO FAA PLANS AND POLICIES.**

7 (a) RESEARCH.—

8 (1) EQUIPMENT.—Section 44504, as amended  
9 by section 216 of this Act, is further amended—

10 (A) by inserting “unmanned and manned”  
11 in subsection (a) after “improve”;

12 (B) by striking “and” after the semicolon  
13 in subsection (b)(7);

14 (C) by striking “emitted.” in subsection  
15 (b)(8) and inserting “emitted; and”; and

16 (D) by adding at the end of subsection (b)  
17 the following:

18 “(9) in conjunction with other Federal agencies  
19 as appropriate, to develop technologies and methods  
20 to assess the risk of and prevent defects, failures,  
21 and malfunctions of products, parts, and processes,  
22 for use in all classes of unmanned aircraft systems  
23 that could result in a catastrophic failure.”.

24 (2) HUMAN FACTORS; SIMULATIONS.—Section  
25 44505(b) is amended—

1 (A) by striking “and” after the semicolon  
2 in paragraph (4);

3 (B) by striking “programs.” in paragraph  
4 (5)(C) and inserting “programs; and”; and

5 (C) by adding at the end thereof the fol-  
6 lowing:

7 “(6) to develop a better understanding of the  
8 relationship between human factors and unmanned  
9 aircraft systems air safety; and

10 “(7) to develop dynamic simulation models of  
11 integrating all classes of unmanned aircraft systems  
12 into the National Airspace System.”.

13 (b) NATIONAL ACADEMY OF SCIENCES ASSESS-  
14 MENT.—

15 (1) IN GENERAL.—Within 3 months after the  
16 date of enactment of this Act, the Administrator of  
17 the Federal Aviation Administration shall enter into  
18 an arrangement with the National Academy of  
19 Sciences for an assessment of unmanned aircraft  
20 systems that may include consideration of—

21 (A) human factors regarding unmanned  
22 aircraft systems operation;

23 (B) “detect, sense and avoid technologies”  
24 with respect to both cooperative and non-coop-  
25 erative aircraft;



1 (C) spectrum issues and bandwidth re-  
2 quirements;

3 (D) operation in suboptimal winds and ad-  
4 verse weather conditions;

5 (E) mechanisms such as the use of tran-  
6 sponders for letting other entities know where  
7 the unmanned aircraft system is flying;

8 (F) airworthiness and system redundancy;

9 (G) flight termination systems for safety  
10 and security;

11 (H) privacy issues;

12 (I) technologies for unmanned aircraft sys-  
13 tems flight control;

14 (J) technologies for unmanned aircraft sys-  
15 tems propulsion;

16 (K) unmanned aircraft systems operator  
17 qualifications, medical standards, and training  
18 requirements;

19 (L) unmanned aircraft systems mainte-  
20 nance requirements and training requirements;  
21 and

22 (M) any other unmanned aircraft systems-  
23 related issue the Administrator believes should  
24 be addressed.

1           (2) REPORT.—Within 12 months after initi-  
2           ating the study, the National Academy shall submit  
3           its report to the Administrator, the Senate Com-  
4           mittee on Commerce, Science, and Transportation,  
5           and the House of Representatives Committee on  
6           Transportation and Infrastructure containing its  
7           findings and recommendations.

8           (c) PILOT PROJECTS.—

9           (1) IN GENERAL.—Not later than 6 months  
10          after the date of enactment of this Act, the Adminis-  
11          trator of the Federal Aviation Administration shall  
12          establish 3 2-year cost-shared pilot projects in  
13          sparsely populated, low-density Class G air traffic  
14          airspace new test sites to conduct experiments and  
15          collect data in order to accelerate the safe integra-  
16          tion of unmanned aircraft systems into the National  
17          Airspace System as follows:

18               (A) 1 project shall address operational  
19               issues required for integration of Category 1  
20               unmanned aircraft systems defined as analo-  
21               gous to RC models covered in the FAA Advi-  
22               sory Circular AC 91–57.

23               (B) 1 project shall address operational  
24               issues required for integration of Category 2  
25               unmanned aircraft systems defined as non-

1 standard aircraft that perform special purpose  
2 operations. Operators must provide evidence of  
3 airworthiness and operator qualifications.

4 (C) 1 project shall address operational  
5 issues required for integration of Category 3  
6 unmanned aircraft systems defined as capable  
7 of flying throughout all categories of airspace  
8 and conforming to part 91 of title 14, Code of  
9 Federal Regulations.

10 (D) All 3 pilot projects shall be operational  
11 no later than 6 months after being established.

12 (2) USE OF CONSORTIA.—In conducting the  
13 pilot projects, the Administrator shall encourage the  
14 formation of participating consortia from the public  
15 and private sectors, educational institutions, and  
16 non-profit organization.

17 (3) REPORT.—Within 90 days after completing  
18 the pilot projects, the Administrator shall transmit  
19 a report to the Senate Committee on Commerce,  
20 Science, and Transportation and the House of Rep-  
21 resentatives Committee on Transportation and In-  
22 frastructure setting forth the Administrator's find-  
23 ings and conclusions concerning the projects.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—  
25 There are authorized to be appropriated to the Ad-

1        administrator for fiscal years 2010 and 2011 such  
2        sums as may be necessary to conduct the pilot  
3        projects.

4        (d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—  
5        Within 30 days after the date of enactment of this Act,  
6        the Administrator of the Federal Aviation Administration  
7        shall approve and make available in print and on the Ad-  
8        ministration’s website a 5-year “roadmap” for the intro-  
9        duction of unmanned aircraft systems into the National  
10        Airspace System being coordinated by its Unmanned Air-  
11        craft Program Office. The Administrator shall update the  
12        “roadmap” annually.

13        (e) UPDATED POLICY STATEMENT.—Not later than  
14        90 days after the date of enactment of this Act, the Ad-  
15        ministrator shall issue a notice of proposed rulemaking to  
16        update the Administration’s most recent policy statement  
17        on unmanned aircraft systems, Docket No. FAA–2006–  
18        25714.

19        (f) EXPANDING THE USE OF UAS IN THE ARCTIC.—  
20        Within 6 months after the date of enactment of this Act,  
21        the Administrator, in consultation with the National Oce-  
22        anic and Atmospheric Administration, the Coast Guard,  
23        and other Federal agencies as appropriate, shall identify  
24        permanent areas in the Arctic where small unmanned air-  
25        craft may operate 24 hours per day from 2000 feet to

1 the surface and beyond line-of-sight for research and com-  
2 mercial purposes. Within 12 months after the date of en-  
3 actment of this Act, the Administrator shall have estab-  
4 lished and implemented a single process for approving un-  
5 manned aircraft use in the designated arctic regions re-  
6 gardless of whether the unmanned aircraft is used as a  
7 public aircraft, a civil aircraft, or as a model aircraft.

8 (g) DEFINITIONS.—In this section:

9 (1) ARCTIC.—The term “Arctic” means the  
10 United States zone of the Chukchi, Beaufort, and  
11 Bering Sea north of the Aleutian chain.

12 (2) PERMANENT AREAS.—The term “perma-  
13 nent areas” means areas on land or water that pro-  
14 vide for terrestrial launch and recovery of small un-  
15 manned aircraft.

16 **SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
17 **IN APPLIED RESEARCH AND TRAINING IN**  
18 **THE USE OF ADVANCED MATERIALS IN**  
19 **TRANSPORT AIRCRAFT.**

20 Section 708(b) of the Vision 100—Century of Avia-  
21 tion Reauthorization Act (49 U.S.C. 44504 note) is  
22 amended by striking “\$500,000 for fiscal year 2004” and  
23 inserting “\$1,000,000 for each of fiscal years 2008  
24 through 2012”.

1 **SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**  
2 **VEHICLES.**

3 (a) IN GENERAL.—Subchapter I of chapter 471 is  
4 amended by inserting after section 47136 the following:

5 **“§ 47136A. Zero emission airport vehicles and infra-**  
6 **structure**

7 “(a) IN GENERAL.—The Secretary of Transportation  
8 shall establish a pilot program under which the sponsor  
9 of a public-use airport may use funds made available  
10 under section 47117 or section 48103 for use at such air-  
11 ports or passenger facility revenue (as defined in section  
12 40117(a)(6)) to carry out activities associated with the ac-  
13 quisition and operation of zero emission vehicles (as de-  
14 fined in section 88.120–94 of title 40, Code of Federal  
15 Regulations), including the construction or modification of  
16 infrastructure to facilitate the delivery of fuel and services  
17 necessary for the use of such vehicles. Any use of funds  
18 authorized by the preceding sentence shall be considered  
19 to be an authorized use of funds under section 47117 or  
20 section 48103, or an authorized use of passenger facility  
21 revenue (as defined in section 40117(a)(6)), as the case  
22 may be.

23 “(b) LOCATION IN AIR QUALITY NONATTAINMENT  
24 AREAS.—

25 “(1) IN GENERAL.—A public-use airport shall  
26 be eligible for participation in the pilot program only

1 if the airport is located in an air quality nonattain-  
2 ment area (as defined in section 171(2) of the Clean  
3 Air Act (42 U.S.C. 7501(2))).

4 “(2) SHORTAGE OF CANDIDATES.—If the Sec-  
5 retary receives an insufficient number of applications  
6 from public-use airports located in such areas, then  
7 the Secretary may consider applications from public-  
8 use airports that are not located in such areas.

9 “(c) SELECTION CRITERIA.—In selecting from  
10 among applicants for participation in the program, the  
11 Secretary shall give priority consideration to applicants  
12 that will achieve the greatest air quality benefits measured  
13 by the amount of emissions reduced per dollar of funds  
14 expended under the program.

15 “(d) FEDERAL SHARE.—Notwithstanding any other  
16 provision of this subchapter, the Federal share of the costs  
17 of a project carried out under the program shall be 50  
18 percent.

19 “(e) TECHNICAL ASSISTANCE.—

20 “(1) IN GENERAL.—The sponsor of a public-use  
21 airport carrying out activities funded under the pro-  
22 gram may not use more than 10 percent of the  
23 amounts made available under the program in any  
24 fiscal year for technical assistance in carrying out  
25 such activities.

1           “(2) ELIGIBLE CONSORTIUM.—To the max-  
2           imum extent practicable, participants in the program  
3           shall use an eligible consortium (as defined in sec-  
4           tion 5506 of this title) in the region of the airport  
5           to receive technical assistance described in para-  
6           graph (1).

7           “(f) MATERIALS IDENTIFYING BEST PRACTICES.—  
8           The Secretary may develop and make available materials  
9           identifying best practices for carrying out activities funded  
10          under the program based on projects carried out under  
11          section 47136 and other sources.”.

12          (b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not  
13          later than 18 months after the date of enactment of the  
14          FAA Air Transportation Modernization and Safety Im-  
15          provement Act, the Secretary of Transportation shall  
16          transmit a report to the Senate Committee on Commerce,  
17          Science, and Transportation the House of Representatives  
18          Committee on Transportation and Infrastructure con-  
19          taining—

20                 (1) an evaluation of the effectiveness of the  
21                 pilot program;

22                 (2) an identification of all public-use airports  
23                 that expressed an interest in participating in the  
24                 program; and



1           (3) a description of the mechanisms used by the  
 2           Secretary to ensure that the information and know-  
 3           how gained by participants in the program is trans-  
 4           ferred among the participants and to other inter-  
 5           ested parties, including other public-use airports.

6           (c) CONFORMING AMENDMENT.—The table of con-  
 7           tents for chapter 471 is amended by inserting after the  
 8           item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

9           **SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT**  
 10   **POWER SOURCES.**

11           (a) IN GENERAL.—Subchapter I of chapter 471 is  
 12           amended by inserting after section 47140 the following:

13           **“§ 47140A. Reduction of emissions from airport power**  
 14   **sources**

15           “(a) IN GENERAL.—The Secretary of Transportation  
 16           shall establish a program under which the sponsor of each  
 17           airport eligible to receive grants under section 48103 is  
 18           encouraged to assess the airport’s energy requirements,  
 19           including heating and cooling, base load, back-up power,  
 20           and power for on-road airport vehicles and ground support  
 21           equipment, in order to identify opportunities to reduce  
 22           harmful emissions and increase energy efficiency at the  
 23           airport.

24           “(b) GRANTS.—The Secretary may make grants  
 25           under section 48103 to assist airport sponsors that have

1 completed the assessment described in subsection (a) to  
 2 acquire or construct equipment, including hydrogen equip-  
 3 ment and related infrastructure, that will reduce harmful  
 4 emissions and increase energy efficiency at the airport. To  
 5 be eligible for such a grant, the sponsor of such an airport  
 6 shall submit an application to the Secretary, at such time,  
 7 in such manner, and containing such information as the  
 8 Secretary may require.”.

9 (b) CONFORMING AMENDMENT.—The table of con-  
 10 tents for chapter 471 is amended by inserting after the  
 11 item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources”.

12 **SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL**  
 13 **AIDES AND OTHER ASSETS.**

14 (a) SURVEY AND ASSESSMENT.—

15 (1) IN GENERAL.—In order to address safety  
 16 and operational concerns associated with the con-  
 17 struction, alteration, establishment, or expansion of  
 18 wind farms in proximity to critical FAA facilities,  
 19 the Administrator shall, within 60 days after the  
 20 date of enactment of this Act, complete a survey and  
 21 assessment of leases for critical FAA facility sites,  
 22 including—

23 (A) an inventory of the leases that de-  
 24 scribes, for each such lease—

1 (i) the periodic cost, location, site,  
2 terms, number of years remaining, and les-  
3 sor;

4 (ii) other Administration facilities that  
5 share the leasehold, including surveillance  
6 and communications equipment; and

7 (iii) the type of transmission services  
8 supported, including the terms of service,  
9 cost, and support contract obligations for  
10 the services; and

11 (B) a list of those leases for facilities lo-  
12 cated in or near areas suitable for the construc-  
13 tion and operation of wind farms, as deter-  
14 mined by the Administrator in consultation  
15 with the Secretary of Energy.

16 (2) REPORT.—Upon completion of the survey  
17 and assessment, the Administrator shall submit a re-  
18 port to the Senate Committee on Commerce,  
19 Science, and Transportation, the House of Rep-  
20 resentatives Committee on Transportation and In-  
21 frastructure, and the Comptroller General containing  
22 the Administrator’s findings, conclusions, and rec-  
23 ommendations.

24 (b) GAO ASSESSMENT.—

1           (1) IN GENERAL.—Within 180 days after re-  
2           ceiving the Administrator’s report under subsection  
3           (a)(2), the Comptroller General, in consultation with  
4           the Administrator, shall report on—

5                   (A) the current and potential impact of  
6                   wind farms on the national airspace system;

7                   (B) the extent to which the Department of  
8                   Defense and the Federal Aviation Administra-  
9                   tion have guidance, processes, and procedures  
10                  in place to evaluate the impact of wind farms  
11                  on the implementation of the Next Generation  
12                  air traffic control system; and

13                  (C) potential mitigation strategies, if nec-  
14                  essary, to ensure that wind farms do not have  
15                  an adverse impact on the implementation of the  
16                  Next Generation air traffic control system, in-  
17                  cluding the installation of navigational aides as-  
18                  sociated with that system.

19           (c) ISSUANCE OF GUIDELINES; PUBLIC INFORMA-  
20           TION.—

21           (1) GUIDANCE.—Within 60 days after the Ad-  
22           ministrators receives the Comptroller’s recommenda-  
23           tions, the Administrator shall publish guidelines for  
24           the construction and operation of wind farms to be

1 located in proximity to critical Federal Aviation Ad-  
2 ministration facilities. The guidelines may include—

3 (A) the establishment of a zone system for  
4 wind farms based on proximity to critical FAA  
5 assets;

6 (B) the establishment of turbine height  
7 and density limitations on such wind farms;

8 (C) requirements for notice to the Admin-  
9 istration under section 44718(a) of title 49,  
10 United States Code, before the construction, al-  
11 teration, establishment, or expansion of a such  
12 a wind farm; and

13 (D) any other requirements or rec-  
14 ommendations designed to address Administra-  
15 tion safety or operational concerns related to  
16 the construction, alteration, establishment, or  
17 expansion of such wind farms.

18 (2) PUBLIC ACCESS TO INFORMATION.—To the  
19 extent feasible, taking into consideration security,  
20 operational, and public safety concerns (as deter-  
21 mined by the Administrator), the Administrator  
22 shall provide public access to information regarding  
23 the planning, construction, and operation of wind  
24 farms in proximity to critical FAA facilities on, or

1 by linkage from, the homepage of the Federal Avia-  
2 tion Administration's public website.

3 (d) CONSULTATION WITH OTHER FEDERAL AGEN-  
4 CIES.—In carrying out this section, the Administrator and  
5 the Comptroller General shall consult, as appropriate, with  
6 the Secretaries of the Army, the Navy, the Air Force,  
7 Homeland Security, and Energy—

8 (1) to coordinate the requirements of each de-  
9 partment for future air space needs;

10 (2) to determine what the acceptable risks are  
11 to the existing infrastructure of each department;  
12 and

13 (3) to define the different levels of risk for such  
14 infrastructure.

15 (e) REPORTS.—The Administrator and the Comp-  
16 troller General shall provide a copy of reports under sub-  
17 sections (a) and (b), respectively, to the Senate Committee  
18 on Homeland Security and Governmental Affairs, the Sen-  
19 ate Committee on Armed Services, the House of Rep-  
20 resentatives Committee on Homeland Security, the House  
21 of Representatives Committee on Armed Services, and the  
22 House of Representatives Committee on Science and  
23 Technology, as appropriate.

24 (f) DEFINITIONS.—In this section:

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

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

6           (3) CRITICAL FAA FACILITIES.—The term “crit-  
7           ical FAA facilities” means facilities on which are lo-  
8           cated navigational aides, surveillance systems, or  
9           communications systems used by the Administration  
10          in administration of the national airspace system.

11          (4) WIND FARM.—The term “wind farm”  
12          means an installation of 1 or more wind turbines  
13          used for the generation of electricity.

14 **SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT**  
15                   **TO CLEAN AND MONITOR THE ENGINE AND**  
16                   **APU BLEED AIR SUPPLIED ON PRESSURIZED**  
17                   **AIRCRAFT.**

18          (a) IN GENERAL.—Not later than 60 days after the  
19          date of enactment of this Act, the Administrator of the  
20          Federal Aviation Administration shall, to the degree prac-  
21          ticable, implement a research program for the identifica-  
22          tion or development of appropriate and effective air clean-  
23          ing technology and sensor technology for the engine and  
24          auxiliary power unit (APU) bleed air supplied to the pas-  
25          senger cabin and flight deck of all pressurized aircraft.

1 (b) TECHNOLOGY REQUIREMENTS.—The technology  
2 referred to in subsection (a) should, at a minimum, have  
3 the capacity—

4 (1) to remove oil-based contaminants from the  
5 bleed air supplied to the passenger cabin and flight  
6 deck; and

7 (2) to detect and record oil-based contaminants  
8 in the portion of the total air supplied to the pas-  
9 senger cabin and flight deck from bleed air.

10 (c) REPORT.—Not later than 1 year after the date  
11 of enactment of this Act, the Administrator shall submit  
12 to the Committee on Commerce, Science, and Transpor-  
13 tation of the Senate and the Committee on Transportation  
14 and Infrastructure of the House of Representatives a re-  
15 port on the results of the research and development work  
16 carried out under this section.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as nec-  
19 essary to carry out this section.

## 20 **TITLE VII—MISCELLANEOUS**

### 21 **SEC. 701. GENERAL AUTHORITY.**

22 (a) THIRD PARTY LIABILITY.—Section 44303(b) is  
23 amended by striking “December 31, 2009,” and inserting  
24 “December 31, 2012,”.



1 (b) EXTENSION OF PROGRAM AUTHORITY.—Section  
2 44310 is amended by striking “December 31, 2013.” and  
3 inserting “October 1, 2017.”.

4 (c) WAR RISK.—Section 44302(f)(1) is amended—

5 (1) by striking “September 30, 2009,” and in-  
6 serting “September 30, 2011,”; and

7 (2) by striking “December 31, 2009,” and in-  
8 serting “December 31, 2011,”.

9 **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

10 Within 6 months after the date of enactment of this  
11 Act, the Administrator of the Federal Aviation Adminis-  
12 tration shall develop a Human Intervention Management  
13 Study program for cabin crews employed by commercial  
14 air carriers in the United States.

15 **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

16 The Administrator of the Federal Aviation Adminis-  
17 tration—

18 (1) shall establish a formal, structured certifi-  
19 cation training program for the airport concessions  
20 disadvantaged business enterprise program; and

21 (2) may appoint 3 additional staff to implement  
22 the programs of the airport concessions disadvan-  
23 taged business enterprise initiative.

1 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

2 (a) MARSHALL ISLANDS, FEDERATED STATES OF  
3 MICRONESIA, AND PALAU.—Section 47115(j) is amended  
4 by striking “2009,” and inserting “2011,”.

5 (b) MIDWAY ISLAND AIRPORT.—Section 186(d) of  
6 the Vision 100—Century of Aviation Reauthorization Act  
7 (117 Stat. 2518) is amended by striking “2009,” and in-  
8 serting “2011,”.

9 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

10 Section 47107(s) is amended by striking paragraph  
11 (3).

12 **SEC. 706. UPDATE ON OVERFLIGHTS.**

13 (a) IN GENERAL.—Section 45301(b) is amended to  
14 read as follows:

15 “(b) LIMITATIONS.—

16 “(1) IN GENERAL.—In establishing fees under  
17 subsection (a), the Administrator shall ensure that  
18 the fees required by subsection (a) are reasonably  
19 related to the Administration’s costs, as determined  
20 by the Administrator, of providing the services ren-  
21 dered. Services for which costs may be recovered in-  
22 clude the costs of air traffic control, navigation,  
23 weather services, training, and emergency services  
24 which are available to facilitate safe transportation  
25 over the United States, and other services provided  
26 by the Administrator or by programs financed by

1 the Administrator to flights that neither take off nor  
2 land in the United States. The determination of  
3 such costs by the Administrator is not subject to ju-  
4 dicial review.

5 “(2) ADJUSTMENT OF FEES.—The Adminis-  
6 trator shall adjust the overflight fees established by  
7 subsection (a)(1) by expedited rulemaking and begin  
8 collections under the adjusted fees by October 1,  
9 2010. In developing the adjusted overflight fees, the  
10 Administrator shall seek and consider the rec-  
11 ommendations, if any, offered by the Aviation Rule-  
12 making Committee for Overflight Fees that are in-  
13 tended to ensure that overflight fees are reasonably  
14 related to the Administrator’s costs of providing air  
15 traffic control and related services to overflights. In  
16 addition, the Administrator may periodically modify  
17 the fees established under this section either on the  
18 Administrator’s own initiative or on a recommenda-  
19 tion from the Air Traffic Control Modernization  
20 Board.

21 “(3) COST DATA.—The adjustment of overflight  
22 fees under paragraph (2) shall be based on the costs  
23 to the Administration of providing the air traffic  
24 control and related activities, services, facilities, and  
25 equipment using the available data derived from the

1 Administration's cost accounting system and cost al-  
2 location system to users, as well as budget and oper-  
3 ational data.

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

8 “(5) COSTS DEFINED.—In this subsection, the  
9 term ‘costs’ means those costs associated with the  
10 operation, maintenance, debt service, and overhead  
11 expenses of the services provided and the facilities  
12 and equipment used in such services, including the  
13 projected costs for the period during which the serv-  
14 ices will be provided.

15 “(6) PUBLICATION; COMMENT.—The Adminis-  
16 trator shall publish in the Federal Register any fee  
17 schedule under this section, including any adjusted  
18 overflight fee schedule, and the associated collection  
19 process as a proposed rule, pursuant to which public  
20 comment will be sought and a final rule issued.”.

21 (b) ADMINISTRATIVE PROVISION.—Section  
22 45303(c)(2) is amended to read as follows:

23 “(2) shall be available to the Administrator for  
24 expenditure for purposes authorized by Congress for  
25 the Federal Aviation Administration, however, fees

1 established by section 45301(a)(1) of this title shall  
2 be available only to pay the cost of activities and  
3 services for which the fee is imposed, including the  
4 costs to determine, assess, review, and collect the  
5 fee; and”.

6 **SEC. 707. TECHNICAL CORRECTIONS.**

7 Section 40122(g), as amended by section 307 of this  
8 Act, is further amended—

9 (1) by striking “section 2302(b), relating to  
10 whistleblower protection,” in paragraph (2)(A) and  
11 inserting “sections 2301 and 2302,”;

12 (2) by striking “and” after the semicolon in  
13 paragraph (2)(H);

14 (3) by striking “Plan.” in paragraph (2)(I)(iii)  
15 and inserting “Plan;”;

16 (4) by adding at the end of paragraph (2) the  
17 following:

18 “(J) section 5596, relating to back pay;

19 and

20 “(K) sections 6381 through 6387, relating  
21 to Family and Medical Leave.”; and

22 (5) by adding at the end of paragraph (3)  
23 “Notwithstanding any other provision of law, retro-  
24 active to April 1, 1996, the Board shall have the

1 same remedial authority over such employee appeals  
2 that it had as of March 31, 1996.”.

3 **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

4 (a) STUDY.—

5 (1) IN GENERAL.—The Comptroller General  
6 shall conduct a study of the training of airway  
7 transportation systems specialists of the Federal  
8 Aviation Administration that includes—

9 (A) an analysis of the type of training pro-  
10 vided to such specialists;

11 (B) an analysis of the type of training that  
12 such specialists need to be proficient in the  
13 maintenance of the latest technologies;

14 (C) actions that the Administration has  
15 undertaken to ensure that such specialists re-  
16 ceive up-to-date training on such technologies;

17 (D) the amount and cost of training pro-  
18 vided by vendors for such specialists;

19 (E) the amount and cost of training pro-  
20 vided by the Administration after developing in-  
21 house training courses for such specialists;

22 (F) the amount and cost of travel required  
23 of such specialists in receiving training; and

1 (G) a recommendation regarding the most  
2 cost-effective approach to providing such train-  
3 ing.

4 (2) REPORT.—Within 1 year after the date of  
5 enactment of this Act, the Comptroller General shall  
6 transmit a report on the study containing the Comp-  
7 troller General’s findings and recommendations to  
8 the Senate Committee on Commerce, Science, and  
9 Transportation and the House of Representatives  
10 Committee on Transportation and Infrastructure.

11 (b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

12 (1) IN GENERAL.—Not later than 90 days after  
13 the date of enactment of this Act, the Administrator  
14 of the Federal Aviation Administration shall con-  
15 tract with the National Academy of Sciences to con-  
16 duct a study of the assumptions and methods used  
17 by the Federal Aviation Administration to estimate  
18 staffing needs for Federal Aviation Administration  
19 air traffic controllers, system specialists, and engi-  
20 neers to ensure proper maintenance, certification,  
21 and operation of the National Airspace System. The  
22 National Academy of Sciences shall consult with the  
23 Exclusive Bargaining Representative certified under  
24 section 7111 of title 5, United States Code, and the  
25 Administration (including the Civil Aeronautical

1 Medical Institute) and examine data entailing  
2 human factors, traffic activity, and the technology at  
3 each facility.

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

5 (A) recommendations for objective staffing  
6 standards that maintain the safety of the Na-  
7 tional Airspace System; and

8 (B) the approximate length of time for de-  
9 veloping such standards.

10 (3) REPORT.—Not later than 24 months after  
11 executing a contract under subsection (a), the Na-  
12 tional Academy of Sciences shall transmit a report  
13 containing its findings and recommendations to the  
14 Congress.

15 (c) AVIATION SAFETY INSPECTORS.—

16 (1) SAFETY STAFFING MODEL.—Within 12  
17 months after the date of enactment of this Act, the  
18 Administrator of the Federal Aviation Administra-  
19 tion shall develop a staffing model for aviation safety  
20 inspectors. In developing the model, the Adminis-  
21 trator shall consult with representatives of the avia-  
22 tion safety inspectors and other interested parties.

23 (2) SAFETY INSPECTOR STAFFING.—The Fed-  
24 eral Aviation Administration aviation safety inspec-  
25 tor staffing requirement shall be no less than the



1 staffing levels indicated as necessary in the staffing  
2 model described under subsection (a).

3 (d) ALASKA FLIGHT SERVICE STATIONS.—Not later  
4 than 180 days after the date of the enactment of this Act,  
5 the Administrator, in conjunction with flight service sta-  
6 tion personnel, shall submit a report to Congress on the  
7 future of flight service stations in Alaska, which in-  
8 cludes—

9 (1) an analysis of the number of flight service  
10 specialists needed, the training needed by such per-  
11 sonnel, and the need for a formal training and hir-  
12 ing program for such personnel;

13 (2) a schedule for necessary inspection, up-  
14 grades, and modernization of stations and equip-  
15 ment; and

16 (3) a description of the interaction between  
17 flight service stations operated by the Administra-  
18 tion and flight service stations operated by contrac-  
19 tors.

20 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
21 **TIONAL PARKS.**

22 (a) SECRETARY OF THE INTERIOR AND OVER-  
23 FLIGHTS OF NATIONAL PARKS.—

24 (1) Section 40128 is amended—

1 (A) by striking paragraph (8) of subsection  
2 (f);

3 (B) by striking “Director” each place it  
4 appears and inserting “Secretary of the Inte-  
5 rior”;

6 (C) by striking “National Park Service” in  
7 subsection (a)(2)(B)(vi) and inserting “Depart-  
8 ment of the Interior”; and

9 (D) in subsection (b)—

10 (i) in paragraph (1)—

11 (I) in subparagraph (A)—

12 (aa) by striking “, in co-  
13 operation with” and inserting  
14 “and”; and

15 (bb) by striking “The air  
16 tour” and all that follows; and

17 (II) by redesignating subpara-  
18 graph (B) as subparagraph (C);

19 (III) by inserting after subpara-  
20 graph (A) the following:

21 “(B) PROCESS AND APPROVAL.—The Fed-  
22 eral Aviation Administration has sole authority  
23 to control airspace over the United States. The  
24 National Park Service has the sole responsi-  
25 bility for conserving the scenery and natural re-

1 sources in National Parks and providing for the  
2 enjoyment of the National Parks unimpaired  
3 for future generations. Each air tour manage-  
4 ment plan shall be—

5 “(i) developed through a public proc-  
6 ess that complies with paragraph (4); and

7 “(ii) approved by the Administrator  
8 and the Director.”; and

9 (IV) by adding at the end the fol-

10 lowing:

11 “(D) EXCEPTION.—An application to  
12 begin commercial air tour operations at Crater  
13 Lake National Park may be denied without the  
14 establishment of an air tour management plan  
15 by the Director of the National Park Service if  
16 the Director determines that such operations  
17 would unacceptably impact park resources or  
18 visitor experiences.”; and

19 (ii) in paragraph (4)(C), by striking

20 “National Park Service” and inserting

21 “Department of the Interior”.

22 (2) The National Parks Air Tour Management  
23 Act of 2000 (49 U.S.C. 40128 note) is amended—

1 (A) by striking “Director” in section  
2 804(b) and inserting “Secretary of the Inte-  
3 rior”;

4 (B) in section 805—

5 (i) by striking “Director of the Na-  
6 tional Park Service” in subsection (a) and  
7 inserting “Secretary of the Interior”;

8 (ii) by striking “Director” each place  
9 it appears and inserting “Secretary of the  
10 Interior”;

11 (iii) by striking “National Park Serv-  
12 ice” each place it appears in subsection (b)  
13 and inserting “Department of the Inte-  
14 rior”;

15 (iv) by striking “National Park Serv-  
16 ice” in subsection (d)(2) and inserting  
17 “Department of the Interior”; and

18 (C) in section 807—

19 (i) by striking “National Park Serv-  
20 ice” in subsection (a)(1) and inserting  
21 “Department of the Interior”; and

22 (ii) by striking “Director of the Na-  
23 tional Park Service” in subsection (b) and  
24 inserting “Secretary of the Interior”.

1 (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-  
2 MENT.—Paragraph (1) of subsection (a) of section 40128  
3 is amended—

4 (1) by striking “and” after the semicolon in  
5 subparagraph (B);

6 (2) by striking “lands.” in subparagraph (C)  
7 and inserting “lands; and”; and

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

9 “(D) in accordance with a voluntary agree-  
10 ment between the commercial air tour operator  
11 and appropriate representatives of the national  
12 park or tribal lands, as the case may be.”.

13 (c) MODIFICATION OF INTERIM OPERATING AU-  
14 THORITY.—Section 40128(c)(2)(I) is amended to read as  
15 follows:

16 “(I) may allow for modifications of the in-  
17 terim operating authority without further envi-  
18 ronmental process, if—

19 “(i) adequate information on the ex-  
20 isting and proposed operations of the com-  
21 mercial air tour operator is provided to the  
22 Administrator and the Secretary by the op-  
23 erator seeking operating authority;

24 “(ii) the Administrator determines  
25 that the modifications would not adversely

1 affect aviation safety or the management  
2 of the national airspace system; and

3 “(iii) the Secretary agrees that the  
4 modifications would not adversely affect  
5 park resources and visitor experiences.”.

6 (d) REPORTING REQUIREMENTS FOR COMMERCIAL  
7 AIR TOUR OPERATORS.—

8 (1) IN GENERAL.—Not later than 90 days after  
9 the date of the enactment of this Act, and annually  
10 thereafter, each commercial air tour conducting com-  
11 mercial air tour operations over a national park shall  
12 report to the Administrator of the Federal Aviation  
13 Administration and the Secretary of the Interior  
14 on—

15 (A) the number of commercial air tour op-  
16 erations conducted by such operator over the  
17 national park each day;

18 (B) any relevant characteristics of com-  
19 mercial air tour operations, including the  
20 routes, altitudes, duration, and time of day of  
21 flights; and

22 (C) such other information as the Adminis-  
23 trator and the Secretary may determine nec-  
24 essary to administer the provisions of the Na-

1            tional Parks Air Tour Management Act of 2000  
2            (49 U.S.C. 40128 note).

3            (2) **FORMAT.**—The report required by para-  
4            graph (1) shall be submitted in such form as the Ad-  
5            ministrator and the Secretary determine to be ap-  
6            propriate.

7            (3) **EFFECT OF FAILURE TO REPORT.**—The Ad-  
8            ministrator shall rescind the operating authority of  
9            a commercial air tour operator that fails to file a re-  
10          port not later than 180 days after the date for the  
11          submittal of the report described in paragraph (1).

12          (4) **AUDIT OF REPORTS.**—Not later than 2  
13          years after the date of the enactment of this Act,  
14          and at such times thereafter as the Inspector Gen-  
15          eral of the Department of Transportation determines  
16          necessary, the Inspector General shall audit the re-  
17          ports required by paragraph (1).

18          (e) **COLLECTION OF FEES FROM AIR TOUR OPER-**  
19          **ATIONS.**—

20          (1) **IN GENERAL.**—The Secretary of the Inte-  
21          rior shall assess a fee in an amount determined by  
22          the Secretary under paragraph (2) on a commercial  
23          air tour operator conducting commercial air tour op-  
24          erations over a national park.

1           (2) AMOUNT OF FEE.—In determining the  
2 amount of the fee assessed under paragraph (1), the  
3 Secretary shall collect sufficient revenue, in the ag-  
4 gregate, to pay for the expenses incurred by the  
5 Federal Government to develop air tour management  
6 plans for national parks.

7           (3) EFFECT OF FAILURE TO PAY FEE.—The  
8 Administrator of the Federal Aviation Administra-  
9 tion shall revoke the operating authority of a com-  
10 mercial air tour operator conducting commercial air  
11 tour operations over any national park, including the  
12 Grand Canyon National Park, that has not paid the  
13 fee assessed by the Secretary under paragraph (1)  
14 by the date that is 180 days after the date on which  
15 the Secretary determines the fee shall be paid.

16       (f) FUNDING FOR AIR TOUR MANAGEMENT  
17 PLANS.—The Secretary of the Interior shall use the  
18 amounts collected under subsection (e) to develop air tour  
19 management plans under section 40128(b) of title 49,  
20 United States Code, for the national parks the Secretary  
21 determines would most benefit from such a plan.

22       (g) GUIDANCE TO DISTRICT OFFICES ON COMMER-  
23 CIAL AIR TOUR OPERATORS.—The Administrator of the  
24 Federal Aviation Administration shall provide to the Ad-



1   ministration’s district offices clear guidance on the ability  
2   of commercial air tour operators to obtain—

3           (1) increased safety certifications;

4           (2) exemptions from regulations requiring safe-  
5   ty certifications; and

6           (3) other information regarding compliance  
7   with the requirements of this Act and other Federal  
8   and State laws and regulations.

9           (h) OPERATING AUTHORITY OF COMMERCIAL AIR  
10 TOUR OPERATORS.—

11           (1) TRANSFER OF OPERATING AUTHORITY.—

12           (A) IN GENERAL.—Subject to subpara-  
13 graph (B), a commercial air tour operator that  
14 obtains operating authority from the Adminis-  
15 trator under section 40128 of title 49, United  
16 States Code, to conduct commercial air tour op-  
17 erations may transfer such authority to another  
18 commercial air tour operator at any time.

19           (B) NOTICE.—Not later than 30 days be-  
20 fore the date on which a commercial air tour  
21 operator transfers operating authority under  
22 subparagraph (A), the operator shall notify the  
23 Administrator and the Secretary of the intent  
24 of the operator to transfer such authority.

1           (C) REGULATIONS.—Not later than 180  
2           days after the date of the enactment of this  
3           Act, the Administrator shall prescribe regula-  
4           tions to allow transfers of operating authority  
5           described in subparagraph (A).

6           (2) TIME FOR DETERMINATION REGARDING OP-  
7           ERATING AUTHORITY.—Notwithstanding any other  
8           provision of law, the Administrator shall determine  
9           whether to grant a commercial air tour operator op-  
10          erating authority under section 40128 of title 49,  
11          United States Code, not later than 180 days after  
12          the earlier of the date on which—

13                 (A) the operator submits an application; or

14                 (B) an air tour management plan is com-  
15                 pleted for the national park over which the op-  
16                 erator seeks to conduct commercial air tour op-  
17                 erations.

18           (3) INCREASE IN INTERIM OPERATING AUTHOR-  
19           ITY.—The Administrator and the Secretary may in-  
20           crease the interim operating authority while an air  
21           tour management plan is being developed for a park  
22           if—

23                 (A) the Secretary determines that such an  
24                 increase does not adversely impact park re-  
25                 sources or visitor experiences; and

1 (B) the Administrator determines that  
2 granting interim operating authority does not  
3 adversely affect aviation safety or the manage-  
4 ment of the national airspace system.

5 (4) ENFORCEMENT OF OPERATING AUTHOR-  
6 ITY.—The Administrator is authorized and directed  
7 to enforce the requirements of this Act and any  
8 agency rules or regulations related to operating au-  
9 thority.

10 **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

11 (a) IN GENERAL.—Subchapter II of chapter 475 is  
12 amended by adding at the end the following:

13 **“§ 47534. Prohibition on operating certain aircraft**  
14 **weighing 75,000 pounds or less not com-**  
15 **plying with Stage 3 noise levels**

16 “(a) PROHIBITION.—Except as provided in sub-  
17 section (b), (c), or (d), a person may not operate a civil  
18 subsonic turbojet with a maximum weight of 75,000  
19 pounds or less to or from an airport in the United States  
20 unless the Secretary of Transportation finds that the air-  
21 craft complies with stage 3 noise levels.

22 “(b) EXCEPTION.—Subsection (a) shall not apply to  
23 aircraft operated only outside the 48 contiguous States.

24 “(c) OPT-OUT.—Subsection (a) shall not apply at an  
25 airport where the airport operator has notified the Sec-

1   retary that it wants to continue to permit the operation  
2   of civil subsonic turbojets with a maximum weight of  
3   75,000 pounds or less that do not comply with stage 3  
4   noise levels. The Secretary shall post the notices received  
5   under this subsection on its website or in another place  
6   easily accessible to the public.

7       “(d) LIMITATION.—The Secretary shall permit a per-  
8   son to operate Stage 1 and Stage 2 aircraft with a max-  
9   imum weight of 75,000 pounds or less to or from an air-  
10  port in the contiguous 48 States in order—

11           “(1) to sell, lease, or use the aircraft outside  
12   the 48 contiguous States;

13           “(2) to scrap the aircraft;

14           “(3) to obtain modifications to the aircraft to  
15   meet stage 3 noise levels;

16           “(4) to perform scheduled heavy maintenance  
17   or significant modifications on the aircraft at a  
18   maintenance facility located in the contiguous 48  
19   states;

20           “(5) to deliver the aircraft to an operator leas-  
21   ing the aircraft from the owner or return the air-  
22   craft to the lessor;

23           “(6) to prepare or park or store the aircraft in  
24   anticipation of any of the activities described in  
25   paragraphs (1) through (5); or

1           “(7) to divert the aircraft to an alternative air-  
2           port in the 48 contiguous States on account of  
3           weather, mechanical, fuel air traffic control or other  
4           safety reasons while conducting a flight in order to  
5           perform any of the activities described in paragraphs  
6           (1) through (6).

7           “(e) STATUTORY CONSTRUCTION.—Nothing in the  
8           section may be construed as interfering with, nullifying,  
9           or otherwise affecting determinations made by the Federal  
10          Aviation Administration, or to be made by the Administra-  
11          tion, with respect to applications under part 161 of title  
12          14, Code of Federal Regulations, that were pending on  
13          the date of enactment of the Aircraft Noise Reduction Act  
14          of 2006.”.

15          (b) CONFORMING AMENDMENTS.—

16                (1) Section 47531 is amended by striking  
17                “47529, or 47530” and inserting “47529, 47530, or  
18                47534”.

19                (2) Section 47532 is amended by striking  
20                “47528–47531” and inserting “47528 through  
21                47531 or 47534”.

22                (3) The table of contents for chapter 475 is  
23                amended by inserting after the item relating to sec-  
24                tion 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with Stage 3 noise levels”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect 5 years after the date of en-  
3 actment of this Act.

4 **SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

5 On and after the date of the enactment of this Act,  
6 the Administrator of the Federal Aviation Administration  
7 is prohibited from taking actions designed to challenge or  
8 influence weight restrictions or prior permission rules at  
9 Teterboro Airport in Teterboro, New Jersey, except in an  
10 emergency.

11 **SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
12 **PORT PROPERTIES.**

13 (a) IN GENERAL.—Within 1 year after the date of  
14 enactment of this Act, the Administrator of the Federal  
15 Aviation Administration shall establish a pilot program at  
16 up to 4 public-use airports for local airport operators that  
17 have submitted a noise compatibility program approved by  
18 the Federal Aviation Administration under section 47504  
19 of title 49, United States Code, under which such airport  
20 operators may use funds made available under section  
21 47117(e) of that title, or passenger facility revenue col-  
22 lected under section 40117 of that title, in partnership  
23 with affected neighboring local jurisdictions, to support  
24 joint planning, engineering design, and environmental per-  
25 mitting for the assembly and redevelopment of property

1 purchased with noise mitigation funds or passenger facil-  
2 ity charge funds, to encourage airport-compatible land  
3 uses and generate economic benefits to the local airport  
4 authority and adjacent community.

5 (b) NOISE COMPATIBILITY MEASURES.—Section  
6 47504(a)(2) is amended—

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

9 (2) by striking “operations.” in subparagraph  
10 (E) and inserting “operations; and”; and

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

12 “(F) joint comprehensive land use planning in-  
13 cluding master plans, traffic studies, environmental  
14 evaluation and economic and feasibility studies, with  
15 neighboring local jurisdictions undertaking commu-  
16 nity redevelopment in the area where the land or  
17 other property interest acquired by the airport oper-  
18 ator pursuant to this subsection is located, to en-  
19 courage and enhance redevelopment opportunities  
20 that reflect zoning and uses that will prevent the in-  
21 troduction of additional incompatible uses and en-  
22 hance redevelopment potential.”.

23 (c) GRANT REQUIREMENTS.—The Administrator  
24 may not make a grant under subsection (a) unless the  
25 grant is made—

1           (1) to enable the airport operator and local ju-  
2           risdictions undertaking the community redevelop-  
3           ment effort to expedite redevelopment efforts;

4           (2) subject to a requirement that the local juris-  
5           diction governing the property interests in question  
6           has adopted zoning regulations that permit airport  
7           compatible redevelopment; and

8           (3) subject to a requirement that, in deter-  
9           mining the part of the proceeds from disposing of  
10          the land that is subject to repayment or reinvest-  
11          ment under section 47107(c)(2)(A) of title 49,  
12          United States Code, the total amount of the grant  
13          issued under this section shall be added to the  
14          amount of any grants issued for acquisition of land.

15          (d) DEMONSTRATION GRANTS.—

16                 (1) IN GENERAL.—The Administrator shall pro-  
17                 vide grants for up to 4 pilot property redevelopment  
18                 projects distributed geographically and targeted to  
19                 airports that demonstrate—

20                         (A) a readiness to implement cooperative  
21                         land use management and redevelopment plans  
22                         with the adjacent community; and

23                         (B) the probability of clear economic ben-  
24                         efit to the local community and financial return



1 to the airport through the implementation of  
2 the redevelopment plan.

3 (2) FEDERAL SHARE.—

4 (A) Notwithstanding any other provision of  
5 law, the Federal share of the allowable costs of  
6 a project carried out under the pilot program  
7 shall be 80 percent.

8 (B) In determining the allowable costs, the  
9 Administrator shall deduct from the total costs  
10 of the activities described in subsection (a) that  
11 portion of the costs which is equal to that por-  
12 tion of the total property to be redeveloped  
13 under this section that is not owned or to be ac-  
14 quired by the airport operator pursuant to the  
15 noise compatibility program or that is not  
16 owned by the affected neighboring local juris-  
17 dictions or other public entities.

18 (3) MAXIMUM AMOUNT.—Not more than  
19 \$5,000,000 in funds made available under section  
20 47117(e) of title 49, United States Code, may be ex-  
21 pended under the pilot program at any single public-  
22 use airport.

23 (4) EXCEPTION.—Amounts paid to the Admin-  
24 istrator under subsection (c)(3)—

1           (A) shall be in addition to amounts author-  
2           ized under section 48203 of title 49, United  
3           States Code;

4           (B) shall not be subject to any limitation  
5           on grant obligations for any fiscal year; and

6           (C) shall remain available until expended.

7           (e) USE OF PASSENGER REVENUE.—An airport  
8           sponsor that owns or operates an airport participating in  
9           the pilot program may use passenger facility revenue col-  
10          lected under section 40117 of title 49, United States Code,  
11          to pay any project cost described in subsection (a) that  
12          is not financed by a grant under the program.

13          (f) SUNSET.—This section, other than the amend-  
14          ments made by subsections (b), shall not be in effect after  
15          September 30, 2011.

16          (g) REPORT TO CONGRESS.—The Administrator shall  
17          report to Congress within 18 months after making the  
18          first grant under this section on the effectiveness of this  
19          program on returning part 150 lands to productive use.

20       **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

21          (a) IN GENERAL.—Subchapter I of chapter 417 is  
22          amended by adding at the end thereof the following:

23       **“§ 41724. Musical instruments**

24          “(a) IN GENERAL.—

1           “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-  
2           GAGE.—An air carrier providing air transportation  
3           shall permit a passenger to carry a violin, guitar, or  
4           other musical instrument in the aircraft cabin with-  
5           out charge if—

6                   “(A) the instrument can be stowed safely  
7                   in a suitable baggage compartment in the air-  
8                   craft cabin or under a passenger seat; and

9                   “(B) there is space for such stowage at the  
10                  time the passenger boards the aircraft.

11           “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-  
12           GAGE.—An air carrier providing air transportation  
13           shall permit a passenger to carry a musical instru-  
14           ment that is too large to meet the requirements of  
15           paragraph (1) in the aircraft cabin without charge  
16           if—

17                   “(A) the instrument is contained in a case  
18                   or covered so as to avoid injury to other pas-  
19                   sengers;

20                   “(B) the weight of the instrument, includ-  
21                   ing the case or covering, does not exceed 165  
22                   pounds;

23                   “(C) the instrument can be secured by a  
24                   seat belt to avoid shifting during flight;

1           “(D) the instrument does not restrict ac-  
2           cess to, or use of, any required emergency exit,  
3           regular exit, or aisle;

4           “(E) the instrument does not obscure any  
5           passenger’s view of any illuminated exit, warn-  
6           ing, or other informational sign;

7           “(F) neither the instrument nor the case  
8           contains any object not otherwise permitted to  
9           be carried in an aircraft cabin because of a law  
10          or regulation of the United States; and

11          “(G) the passenger wishing to carry the in-  
12          strument in the aircraft cabin has purchased an  
13          additional seat to accommodate the instrument.

14          “(3) LARGE INSTRUMENTS AS CHECKED BAG-  
15          GAGE.—An air carrier shall transport as baggage,  
16          without charge, a musical instrument that is the  
17          property of a passenger traveling in air transpor-  
18          tation that may not be carried in the aircraft cabin  
19          if—

20                 “(A) the sum of the length, width, and  
21                 height measured in inches of the outside linear  
22                 dimensions of the instrument (including the  
23                 case) does not exceed 150 inches; and

24                 “(B) the weight of the instrument does not  
25                 exceed 165 pounds.

1       “(b) REGULATIONS.—The Secretary may prescribe  
2 such regulations as may be necessary or appropriate to  
3 implement subsection (a).”.

4       (b) CONFORMING AMENDMENT.—The table of con-  
5 tents for chapter 417 is amended by inserting after the  
6 item relating to section 41723 the following:

“41724. Musical instruments”.

7       (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect 30 days after the date of en-  
9 actment of this Act.

10 **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

11       (a) AIRPORT PLANNING.—Section 47102(5) is  
12 amended by striking “planning.” and inserting “planning  
13 and a plan for recycling and minimizing the generation  
14 of airport solid waste, consistent with applicable State and  
15 local recycling laws, including the cost of a waste audit.”.

16       (b) MASTER PLAN.—Section 47106(a) is amended—

17               (1) by striking “and” in paragraph (4);

18               (2) by striking “proposed.” in paragraph (5)  
19 and inserting “proposed; and”; and

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

21                       “(6) if the project is for an airport that has an  
22 airport master plan, the master plan addresses—

23                               “(A) the feasibility of solid waste recycling  
24 at the airport;

1           “(B) minimizing the generation of solid  
2 waste at the airport;

3           “(C) operation and maintenance require-  
4 ments;

5           “(D) the review of waste management con-  
6 tracts;

7           “(E) the potential for cost savings or the  
8 generation of revenue; and

9           “(F) training and education require-  
10 ments.”.

11 **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**  
12 **GRAM ADJUSTMENTS.**

13       (a) PURPOSE.—It is the purpose of the airport dis-  
14 advantaged business enterprise program (49 U.S.C.  
15 47107(e) and 47113) to ensure that minority- and women-  
16 owned businesses do not face barriers because of their race  
17 or gender and so that they have a fair opportunity to com-  
18 pete in Federally assisted airport contracts and conces-  
19 sions.

20       (b) FINDINGS.—The Congress finds the following:

21           (1) While significant progress has occurred due  
22 to the enactment of the airport disadvantaged busi-  
23 ness enterprise program (49 U.S.C. 47107(e) and  
24 47113), discrimination continues to be a barrier for  
25 minority- and women-owned businesses seeking to do

1 business in airport-related markets. This continuing  
2 barrier merits the continuation of the airport dis-  
3 advantaged business enterprise program.

4 (2) The Congress has received recent evidence  
5 of discrimination from numerous sources, including  
6 congressional hearings and roundtables, scientific re-  
7 ports, reports issued by public and private agencies,  
8 news stories, reports of discrimination by organiza-  
9 tions and individuals, and discrimination lawsuits.  
10 This evidence also shows that race- and gender-neu-  
11 tral efforts alone are insufficient to address the  
12 problem.

13 (3) This evidence demonstrates that discrimina-  
14 tion across the nation poses a barrier to full and fair  
15 participation in airport related businesses of women  
16 business owners and minority business owners in the  
17 racial groups detailed in parts 23 and 26 of title 49,  
18 Code of Federal Regulations, and has impacted firm  
19 development and many aspects of airport related  
20 business in the public and private markets.

21 (4) This evidence provides a strong basis for  
22 the continuation of the airport disadvantaged busi-  
23 ness enterprise program and the airport concessions  
24 disadvantaged business enterprise program.

25 (c) IN GENERAL.—Section 47107(e) is amended—

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

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

5           “(8) MANDATORY TRAINING PROGRAM FOR  
6 AIRPORT CONCESSIONS.—

7           “(A) IN GENERAL.—Not later than  
8 one year after the date of enactment of the  
9 FAA Air Transportation Modernization  
10 and Safety Improvement Act, the Sec-  
11 retary shall establish a mandatory training  
12 program for persons described in subpara-  
13 graph (C) on the certification of whether a  
14 small business concern in airport conces-  
15 sions qualifies as a small business concern  
16 owned and controlled by a socially and eco-  
17 nomically disadvantaged individual for pur-  
18 poses of paragraph (1).

19           “(B) IMPLEMENTATION.—The train-  
20 ing program may be implemented by one  
21 or more private entities approved by the  
22 Secretary.

23           “(C) PARTICIPANTS.—A person re-  
24 ferred to in paragraph (1) is an official or  
25 agent of an airport owner or operator who



1 is required to provide a written assurance  
2 under paragraph (1) that the airport  
3 owner or operator will meet the percentage  
4 goal of paragraph (1) or who is responsible  
5 for determining whether or not a small  
6 business concern in airport concessions  
7 qualifies as a small business concern owned  
8 and controlled by a socially and economi-  
9 cally disadvantaged individual for purposes  
10 of paragraph (1).

11 “(D) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—There are authorized to be appro-  
13 priated to the Secretary such sums as may  
14 be necessary to carry out this paragraph.”.

15 (d) REPORT.—Not later than 24 months after the  
16 date of enactment of this Act, the Secretary shall submit  
17 a report to the Senate Committee on Commerce, Science,  
18 and Transportation, the House of Representatives Com-  
19 mittee on Transportation and Infrastructure, and other  
20 appropriate committees of Congress on the results of the  
21 training program conducted under section 47107(e)(8) of  
22 title 49, United States Code, as added by subsection (a).

23 (e) DISADVANTAGED BUSINESS ENTERPRISE PER-  
24 SONAL NET WORTH CAP; BONDING REQUIREMENTS.—

1 Section 47113 is amended by adding at the end the fol-  
2 lowing:

3       “(e) PERSONAL NET WORTH CAP.—Not later than  
4 180 days after the date of enactment of the FAA Air  
5 Transportation Modernization and Safety Improvement  
6 Act, the Secretary shall issue final regulations to adjust  
7 the personal net worth cap used in determining whether  
8 an individual is economically disadvantaged for purposes  
9 of qualifying under the definition contained in subsection  
10 (a)(2) and under section 47107(e). The regulations shall  
11 correct for the impact of inflation since the Small Business  
12 Administration established the personal net worth cap at  
13 \$750,000 in 1989.

14       “(f) EXCLUSION OF RETIREMENT BENEFITS.—

15               “(1) IN GENERAL.—In calculating a business  
16 owner’s personal net worth, any funds held in a  
17 qualified retirement account owned by the business  
18 owner shall be excluded, subject to regulations to be  
19 issued by the Secretary.

20               “(2) REGULATIONS.—Not later than one year  
21 after the date of enactment of the FAA Air Trans-  
22 portation Modernization and Safety Improvement  
23 Act, the Secretary shall issue final regulations to im-  
24 plement paragraph (1), including consideration of  
25 appropriate safeguards, such as a limit on the

1 amount of such accounts, to prevent circumvention  
2 of personal net worth requirements.

3 “(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-  
4 TORY BONDING REQUIREMENTS.—

5 “(1) IN GENERAL.—The Secretary shall estab-  
6 lish a program to eliminate barriers to small busi-  
7 ness participation in airport-related contracts and  
8 concessions by prohibiting excessive, unreasonable,  
9 or discriminatory bonding requirements for any  
10 project funded under this chapter or using passenger  
11 facility revenues under section 40117.

12 “(2) REGULATIONS.—Not later than one year  
13 after the date of enactment of the FAA Air Trans-  
14 portation Modernization and Safety Improvement  
15 Act, the Secretary shall issue a final rule to establish  
16 the program under paragraph (1).”.

17 **SEC. 716. FRONT LINE MANAGER STAFFING.**

18 (a) STUDY.—Not later than 45 days after the date  
19 of enactment of this Act, the Administrator of the Federal  
20 Aviation Administration shall initiate a study on front line  
21 manager staffing requirements in air traffic control facili-  
22 ties.

23 (b) CONSIDERATIONS.—In conducting the study, the  
24 Administrator may take into consideration—

1           (1) the number of supervisory positions of oper-  
2           ation requiring watch coverage in each air traffic  
3           control facility;

4           (2) coverage requirements in relation to traffic  
5           demand;

6           (3) facility type;

7           (4) complexity of traffic and managerial respon-  
8           sibilities;

9           (5) proficiency and training requirements; and

10          (6) such other factors as the Administrator con-  
11          siders appropriate.

12          (c) DETERMINATIONS.—The Administrator shall  
13          transmit any determinations made as a result of the study  
14          to the Chief Operating Officer for the air traffic control  
15          system.

16          (d) REPORT.—Not later than 180 days after the date  
17          of enactment of this Act, the Administrator shall submit  
18          to the Senate Committee on Commerce, Science, and  
19          Transportation and the House of Representatives Com-  
20          mittee on Transportation and Infrastructure a report on  
21          the results of the study and a description of any deter-  
22          minations submitted to the Chief Operating Officer under  
23          subsection (c).

1 **SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AM-**  
2 **BULANCE SERVICES.**

3 (a) IN GENERAL.— The Comptroller General shall  
4 conduct a study of the helicopter and fixed-wing air ambu-  
5 lance industry. The study shall include information, anal-  
6 ysis, and recommendations pertinent to ensuring a safe  
7 air ambulance industry.

8 (b) REQUIRED INFORMATION.—In conducting the  
9 study, the Comptroller General shall obtain detailed infor-  
10 mation on the following aspects of the air ambulance in-  
11 dustry:

12 (1) A review of the industry, for part 135 cer-  
13 tificate holders and indirect carriers providing heli-  
14 copter and fixed-wing air ambulance services, includ-  
15 ing—

16 (A) a listing of the number, size, and loca-  
17 tion of helicopter and fixed-wing aircraft and  
18 their flight bases;

19 (B) affiliations of certificate holders and  
20 indirect carriers with hospitals, governments,  
21 and other entities;

22 (C) coordination of air ambulance services,  
23 with each other, State and local emergency  
24 medical services systems, referring entities, and  
25 receiving hospitals;

1 (D) nature of services contracts, sources of  
2 payment, financial relationships between certifi-  
3 cate holders and indirect carriers providing air  
4 ambulance services and referring entities, and  
5 costs of operations; and

6 (E) a survey of business models for air  
7 ambulance operations, including expenses,  
8 structure, and sources of income.

9 (2) Air ambulance request and dispatch prac-  
10 tices, including the various types of protocols, mod-  
11 els, training, certifications, and air medical commu-  
12 nications centers relating to part 135 certificate  
13 holders and indirect carriers providing helicopter  
14 and fixed-wing air ambulance services, including—

15 (A) the practices that emergency and med-  
16 ical officials use to request an air ambulance;

17 (B) information on whether economic or  
18 other nonmedical factors lead to air ambulance  
19 transport when it is not medically needed, ap-  
20 propriate, or safe; and

21 (C) the cause, occurrence, and extent of  
22 delays in air ambulance transport.

23 (3) Economic and medical issues relating to the  
24 air ambulance industry, including—

25 (A) licensing;

1 (B) certificates of need;

2 (C) public convenience and necessity re-  
3 quirements;

4 (D) assignment of geographic coverage  
5 areas;

6 (E) accreditation requirements;

7 (F) compliance with dispatch procedures;  
8 and

9 (G) requirements for medical equipment  
10 and personnel onboard the aircraft.

11 (4) Such other matters as the Comptroller Gen-  
12 eral considers relevant to the purpose of the study.

13 (c) ANALYSIS AND RECOMMENDATIONS.—Based on  
14 information obtained under subsection (b) and other infor-  
15 mation the Comptroller General considers appropriate, the  
16 report shall also include an analysis and specific rec-  
17 ommendations, as appropriate, related to—

18 (1) the relationship between State regulation  
19 and Federal preemption of rates, routes, and serv-  
20 ices of air ambulances;

21 (2) the extent to which Federal law may impact  
22 existing State regulation of air ambulances and the  
23 potential effect of greater State regulation—

24 (A) in the air ambulance industry, on the  
25 economic viability of air ambulance services, the

1           availability and coordination of service, and  
2           costs of operations both in rural and highly  
3           populated areas;

4                   (B) on the quality of patient care and out-  
5           comes; and

6                   (C) on competition and safety; and

7           (3) whether systemic or other problems exist on  
8           a statewide, regional, or national basis with the cur-  
9           rent system governing air ambulances.

10          (d) REPORT.—Not later than June 1, 2010, the  
11          Comptroller General shall submit a report to the Secretary  
12          of Transportation, the Senate Committee on Commerce,  
13          Science, and Transportation, and the House of Represent-  
14          atives Committee on Transportation and Infrastructure  
15          containing the Government Accountability Office’s find-  
16          ings and recommendations regarding the study under this  
17          section.

18          (e) ADOPTION OF RECOMMENDED POLICY  
19          CHANGES.—Not later than 60 days after the date of re-  
20          ceipt of the report under subsection (d), the Secretary  
21          shall issue a report to the Senate Committee on Com-  
22          merce, Science, and Transportation, and the House of  
23          Representatives Committee on Transportation and Infra-  
24          structure that—



1 (1) specifies which, if any, policy changes rec-  
 2 ommended by the Comptroller General and any  
 3 other policy changes with respect to air ambulances  
 4 the Secretary will adopt and implement; and

5 (2) includes recommendations for legislative  
 6 change, if appropriate

7 (f) PART 135 CERTIFICATE HOLDER DEFINED.—In  
 8 this section, the term “part 135 certificate holder” means  
 9 a person holding a certificate issued under part 135 of  
 10 title 14, Code of Federal Regulations.

11 **SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METRO-**  
 12 **POLITAN WASHINGTON AIRPORTS AUTHOR-**  
 13 **ITY.**

14 (a) IN GENERAL.—Section 49108 is repealed.

15 (b) CONFORMING REPEAL.—The table of sections for  
 16 chapter 491 is amended by striking the item relating to  
 17 section 49108.

18 **SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.**

19 Not later than 180 days after the date of enactment  
 20 of this Act, the Administrator of the Federal Aviation Ad-  
 21 ministration, in consultation with other Federal agencies,  
 22 shall submit a report to the Senate Committee on Com-  
 23 merce, Science, and Transportation, the House of Rep-  
 24 resentatives Committee on Science and Technology, and

1 the House of Representatives Committee on Energy and  
2 Commerce that identifies—

3           (1) the current and anticipated need over the  
4 next decade by civil aviation, including equipment  
5 manufacturers, for aeronautical mobile telemetry  
6 services; and

7           (2) the potential impact to the aerospace indus-  
8 try of the introduction of a new radio service oper-  
9 ating in the same spectrum allocated to the aero-  
10 nautical mobile telemetry service.

11 **SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RE-**  
12 **SOURCE MANAGEMENT TECHNIQUES.**

13           (a) **STUDY.**—The Administrator of the Federal Avia-  
14 tion Administration shall conduct a study on aviation in-  
15 dustry best practices with regard to flightcrew member  
16 pairing, crew resource management techniques, and pilot  
17 commuting.

18           (b) **REPORT.**—Not later than one year after the date  
19 of enactment of this Act, the Administrator shall submit  
20 a report to the House of Representatives Committee on  
21 Transportation and Infrastructure and the Senate Com-  
22 mittee on Commerce, Science, and Transportation on the  
23 results of the study.

1 **SEC. 721. 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.—No later than 2 years after the date of enactment  
7 of this Act, and every 2 years thereafter, the Adminis-  
8 trator of the Federal Aviation Administration shall submit  
9 a report to the Senate Committee on Commerce, Science,  
10 and Transportation and the House of Representatives  
11 Committee on Transportation and Infrastructure con-  
12 taining—

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 Federal Aviation Administra-  
24 tion—

25 (A) may not publish any report required or  
26 authorized by law in printed format; and

1 (B) shall publish any such report by post-  
2 ing it on the Administration's website in an eas-  
3 ily accessible and downloadable electronic for-  
4 mat.

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. 722. LINE CHECK EVALUATIONS.**

21 Section 44729(h) is amended—

22 (1) by striking paragraph (2); and

23 (2) by redesignating paragraph (3) as para-  
24 graph (2).

1 **SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR**  
2 **TRAFFIC CONTROL TOWER.**

3 Not later than 90 days after the date of the enact-  
4 ment of this Act, the Administrator of the Federal Avia-  
5 tion Administration shall report to the Committee on  
6 Commerce, Science, and Transportation of the Senate,  
7 and the Committee on Transportation and Infrastructure  
8 of the House of Representatives, on the Federal Aviation  
9 Administration's plan to staff the Newark Liberty Airport  
10 air traffic control tower at negotiated staffing levels within  
11 1 year after such date of enactment.

12 **SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS**  
13 **IN COLD WEATHER STATES.**

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

21 **SEC. 725. AIR-RAIL CODESHARE STUDY.**

22 (a) CODESHARE STUDY.—Not later than 180 days  
23 after the date of the enactment of this Act, the GAO shall  
24 conduct a study of—

25 (1) the current airline and intercity passenger  
26 rail codeshare arrangements;

1           (2) the feasibility and costs to taxpayers and  
2 passengers of increasing intermodal connectivity of  
3 airline and intercity passenger rail facilities and sys-  
4 tems to improve passenger travel.

5           (b) CONSIDERATIONS.—The study shall consider—

6           (1) the potential benefits to passengers and  
7 costs to taxpayers from the implementation of more  
8 integrated scheduling between airlines and Amtrak  
9 or other intercity passenger rail carriers achieved  
10 through codesharing arrangements;

11           (2) airport operations that can improve  
12 connectivity to intercity passenger rail facilities and  
13 stations.

14           (c) REPORT.—Not later than 1 year after com-  
15 mencing the study required by subsection (a), the Comp-  
16 troller shall submit the report to the Committee on Com-  
17 merce, Science, and Transportation of the Senate and the  
18 Committee on Transportation and Infrastructure of the  
19 House of Representatives. The report shall include any  
20 conclusions of the Comptroller resulting from the study.

21 **SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE**  
22 **NEW YORK/NEW JERSEY/PHILADELPHIA MET-**  
23 **ROPOLITAN AREA AIRSPACE REDESIGN.**

24           Not later than 270 days after the date of the enact-  
25 ment of this Act and every 180 days thereafter until the

1 completion of the New York/New Jersey/Philadelphia Met-  
2 ropolitan Area Airspace Redesign, the Administrator of  
3 the Federal Aviation Administration shall, in conjunction  
4 with the Port Authority of New York and New Jersey and  
5 the Philadelphia International Airport—

6 (1) monitor the air noise impacts of the New  
7 York/New Jersey/Philadelphia Metropolitan Area  
8 Airspace Redesign; and

9 (2) submit to Congress a report on the findings  
10 of the Administrator with respect to the monitoring  
11 described in paragraph (1).

12 **SEC. 727. STUDY ON AVIATION FUEL PRICES.**

13 (a) IN GENERAL.—Not later than 180 days after the  
14 date of the enactment of this Act, the Comptroller General  
15 of the United States shall conduct a study and report to  
16 Congress on the impact of increases in aviation fuel prices  
17 on the Airport and Airway Trust Fund and the aviation  
18 industry in general. The study shall include the impact  
19 of increases in aviation fuel prices on—

20 (1) general aviation;

21 (2) commercial passenger aviation;

22 (3) piston aircraft purchase and use;

23 (4) the aviation services industry, including re-  
24 pair and maintenance services;

25 (5) aviation manufacturing;

1 (6) aviation exports; and

2 (7) the use of small airport installations.

3 (b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—

4 In conducting the study required by subsection (a), the

5 Comptroller General shall use the average aviation fuel

6 price for fiscal year 2010 as a baseline and measure the

7 impact of increases in aviation fuel prices that range from

8 5 percent to 200 percent over the 2010 baseline.

9 **SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA**

10 **SUPPLEMENTAL AIRPORT.**

11 (a) DEFINITIONS.—In this section:

12 (1) COUNTY.—The term “County” means Clark  
13 County, Nevada.

14 (2) PUBLIC LAND.—The term “public land”  
15 means the land located at—

16 (A) sec. 23 and sec. 26, T. 26 S., R. 59  
17 E., Mount Diablo Meridian;

18 (B) the NE  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$   
19 of sec. 6, T. 25 S., R. 59 E., Mount Diablo Me-  
20 ridian, together with the SE  $\frac{1}{4}$  of sec. 31, T.  
21 24 S., R. 59 E., Mount Diablo Meridian; and

22 (C) sec. 8, T. 26 S., R. 60 E., Mount Dia-  
23 blo Meridian.

24 (3) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.



1 (b) LAND CONVEYANCE.—

2 (1) IN GENERAL.—As soon as practicable after  
3 the date described in paragraph (2), subject to valid  
4 existing rights, and notwithstanding the land use  
5 planning requirements of sections 202 and 203 of  
6 the Federal Land Policy and Management Act of  
7 1976 (43 U.S.C. 1712, 1713), the Secretary shall  
8 convey to the County, without consideration, all  
9 right, title, and interest of the United States in and  
10 to the public land.

11 (2) DATE ON WHICH CONVEYANCE MAY BE  
12 MADE.—The Secretary shall not make the convey-  
13 ance described in paragraph (1) until the later of  
14 the date on which the Administrator of the Federal  
15 Aviation Administration has—

16 (A) approved an airport layout plan for an  
17 airport to be located in the Ivanpah Valley; and

18 (B) with respect to the construction and  
19 operation of an airport on the site conveyed to  
20 the County pursuant to section 2(a) of the  
21 Ivanpah Valley Airport Public Lands Transfer  
22 Act (Public Law 106–362; 114 Stat. 1404),  
23 issued a record of decision after the preparation  
24 of an environmental impact statement or simi-  
25 lar analysis required under the National Envi-

1           ronmental Policy Act of 1969 (42 U.S.C. 4321  
2           et seq.).

3           (3) WITHDRAWAL.—Subject to valid existing  
4           rights, the public land to be conveyed under para-  
5           graph (1) is withdrawn from—

6                   (A) location, entry, and patent under the  
7           mining laws; and

8                   (B) operation of the mineral leasing and  
9           geothermal leasing laws.

10           (4) USE.—The public land conveyed under  
11           paragraph (1) shall be used for the development of  
12           flood mitigation infrastructure for the Southern Ne-  
13           vada Supplemental Airport.

14 **SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUN-**  
15 **TEER PILOTS OPERATING CHARITABLE MED-**  
16 **ICAL FLIGHTS.**

17           In administering part 61.113(e) of title 14, Code of  
18           Federal Regulations, the Administrator of the Federal  
19           Aviation Administration shall allow an aircraft owner or  
20           aircraft operator who has volunteered to provide transpor-  
21           tation for an individual or individuals for medical purposes  
22           to accept reimbursement to cover all or part of the fuel  
23           costs associated with the operation from a volunteer pilot  
24           organization.

1 **SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS**  
2 **OXIDE, OR OTHER OXIDIZING GASES.**

3 (a) IN GENERAL.—The transportation within Alaska  
4 of cylinders of compressed oxygen, nitrous oxide, or other  
5 oxidizing gases aboard aircraft shall be exempt from com-  
6 pliance with the requirements, under sections  
7 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of  
8 the Pipeline and Hazardous Material Safety Administra-  
9 tion’s regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and  
10 173.304(f)(3) and (f)(4)), that oxidizing gases transported  
11 aboard aircraft be enclosed in outer packaging capable of  
12 passing the flame penetration and resistance test and the  
13 thermal resistance test, without regard to the end use of  
14 the cylinders, if—

15 (1) there is no other practical means of trans-  
16 portation for transporting the cylinders to their des-  
17 tination and transportation by ground or vessel is  
18 unavailable; and

19 (2) the transportation meets the requirements  
20 of subsection (b).

21 (b) EXEMPTION REQUIREMENTS.—Subsection (a)  
22 shall not apply to the transportation of cylinders of com-  
23 pressed oxygen, nitrous oxide, or other oxidizing gases  
24 aboard aircraft unless the following requirements are met:

25 (1) PACKAGING.—

1 (A) SMALLER CYLINDERS.—Each cylinder  
2 with a capacity of not more than 116 cubic feet  
3 shall be—

4 (i) fully covered with a fire or flame  
5 resistant blanket that is secured in place;  
6 and

7 (ii) placed in a rigid outer packaging  
8 or an ATA 300 Category 1 shipping con-  
9 tainer.

10 (B) LARGER CYLINDERS.—Each cylinder  
11 with a capacity of more than 116 cubic feet but  
12 not more than 281 cubic feet shall be—

13 (i) secured within a frame;

14 (ii) fully covered with a fire or flame  
15 resistant blanket that is secured in place;  
16 and

17 (iii) fitted with a securely attached  
18 metal cap of sufficient strength to protect  
19 the valve from damage during transpor-  
20 tation.

21 (2) OPERATIONAL CONTROLS.—

22 (A) STORAGE; ACCESS TO FIRE EXTIN-  
23 GUISHERS.—Unless the cylinders are stored in  
24 a Class C cargo compartment or its equivalent  
25 on the aircraft, crew members shall have access

1 to the cylinders and at least 2 fire extinguishers  
2 shall be readily available for use by the crew  
3 members.

4 (B) SHIPMENT WITH OTHER HAZARDOUS  
5 MATERIALS.—The cylinders may not be trans-  
6 ported in the same aircraft with other haz-  
7 ardous materials other than Division 2.2 mate-  
8 rials with no subsidiary risk, Class 9 materials,  
9 and ORM-D materials.

10 (3) AIRCRAFT REQUIREMENTS.—

11 (A) AIRCRAFT TYPE.—The transportation  
12 shall be provided only aboard a passenger-car-  
13 rying aircraft or a cargo aircraft.

14 (B) PASSENGER-CARRYING AIRCRAFT.—

15 (i) SMALLER CYLINDERS ONLY.—A  
16 cylinder with a capacity of more than 116  
17 cubic feet may not be transported aboard  
18 a passenger-carrying aircraft.

19 (ii) MAXIMUM NUMBER.—Unless  
20 transported in a Class C cargo compart-  
21 ment or its equivalent, no more than 6 cyl-  
22 inders in each cargo compartment may be  
23 transported aboard a passenger-carrying  
24 aircraft.

1           (C) CARGO AIRCRAFT.—A cylinder may  
2           not be transported aboard a cargo aircraft un-  
3           less it is transported in a Class B cargo com-  
4           partment or a Class C cargo compartment or  
5           its equivalent.

6           (c) DEFINITIONS.—Terms used in this section shall  
7           have the meaning given those terms in parts 106, 107,  
8           and 171 through 180 of the Pipeline and Hazardous Ma-  
9           terial Safety Administration’s regulations (49 C.F.R.  
10          parts 106, 107, and 171–180).

11       **SEC. 731. TECHNICAL CORRECTION.**

12          Section 159(b)(2)(C) of title I of division A of the  
13       Consolidated Appropriations Act, 2010, is amended by  
14       striking clauses (i) and (ii) and inserting the following:

15                       “(i) requiring inspections of any con-  
16                       tainer containing a firearm or ammunition;  
17                       and

18                       “(ii) the temporary suspension of fire-  
19                       arm carriage service if credible intelligence  
20                       information indicates a threat related to  
21                       the national rail system or specific routes  
22                       or trains.”.

1 **SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON**  
2 **COMMERCIAL FLIGHTS.**

3 (a) **PLAN DEVELOPMENT.**—Not later than 270 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Transportation and the Secretary of Commerce, in con-  
6 sultation with interested representatives of the aviation in-  
7 dustry and other relevant agencies, shall develop a plan  
8 and process to allow Federal agencies to fly scientific in-  
9 struments on commercial flights with airlines who volun-  
10 teer, for the purpose of taking measurements to improve  
11 weather forecasting.

12 **TITLE VIII—AIRPORT AND AIR-**  
13 **WAY TRUST FUND PROVI-**  
14 **SIONS AND RELATED TAXES**

15 **SEC. 800. AMENDMENT OF 1986 CODE.**

16 Except as otherwise expressly provided, whenever in  
17 this title an amendment or repeal is expressed in terms  
18 of an amendment to, or repeal of, a section or other provi-  
19 sion, the reference shall be considered to be made to a  
20 section or other provision of the Internal Revenue Code  
21 of 1986.

22 **SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND**  
23 **AIRWAY TRUST FUND.**

24 (a) **FUEL TAXES.**—Subparagraph (B) of section  
25 4081(d)(2) is amended by striking “March 31, 2010” and  
26 inserting “September 30, 2013”.

1 (b) TICKET TAXES.—

2 (1) PERSONS.—Clause (ii) of section  
3 4261(j)(1)(A) is amended by striking “March 31,  
4 2010” and inserting “September 30, 2013”.

5 (2) PROPERTY.—Clause (ii) of section  
6 4271(d)(1)(A) is amended by striking “March 31,  
7 2010” and inserting “September 30, 2013”.

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on April 1, 2010.

10 **SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST**  
11 **FUND EXPENDITURE AUTHORITY.**

12 (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
13 is amended—

14 (1) by striking “April 1, 2010” in the matter  
15 preceding subparagraph (A) and inserting “October  
16 1, 2013”, and

17 (2) by striking the semicolon at the end of sub-  
18 paragraph (A) and inserting “or the FAA Air  
19 Transportation Modernization and Safety Improve-  
20 ment Act;”.

21 (b) CONFORMING AMENDMENT.—Paragraph (2) of  
22 section 9502(e) is amended by striking “April 1, 2010”  
23 and inserting “October 1, 2013”.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on April 1, 2010.



1 **SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE**  
2 **USED IN AVIATION.**

3 (a) RATE OF TAX ON AVIATION-GRADE KER-  
4 OSENE.—

5 (1) IN GENERAL.—Subparagraph (A) of section  
6 4081(a)(2) (relating to rates of tax) is amended by  
7 striking “and” at the end of clause (ii), by striking  
8 the period at the end of clause (iii) and inserting “,  
9 and”, and by adding at the end the following new  
10 clause:

11 “(iv) in the case of aviation-grade ker-  
12 osene, 35.9 cents per gallon.”.

13 (2) FUEL REMOVED DIRECTLY INTO FUEL  
14 TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIA-  
15 TION.—Subparagraph (C) of section 4081(a)(2) is  
16 amended to read as follows:

17 “(C) TAXES IMPOSED ON FUEL USED IN  
18 COMMERCIAL AVIATION.—In the case of avia-  
19 tion-grade kerosene which is removed from any  
20 refinery or terminal directly into the fuel tank  
21 of an aircraft for use in commercial aviation by  
22 a person registered for such use under section  
23 4101, the rate of tax under subparagraph  
24 (A)(iv) shall be 4.3 cents per gallon.”.

1           (3) EXEMPTION FOR AVIATION-GRADE KER-  
2           OSENE REMOVED INTO AN AIRCRAFT.—Subsection  
3           (e) of section 4082 is amended—

4                   (A) by striking “kerosene” and inserting  
5                   “aviation-grade kerosene”,

6                   (B)       by       striking       “section  
7                   4081(a)(2)(A)(iii)” and inserting “section  
8                   4081(a)(2)(A)(iv)”, and

9                   (C) by striking “KEROSENE” in the head-  
10                  ing and inserting “AVIATION-GRADE KER-  
11                  OSENE”.

12          (4) CONFORMING AMENDMENTS.—

13                  (A) Clause (iii) of section 4081(a)(2)(A) is  
14                  amended by inserting “other than aviation-  
15                  grade kerosene” after “kerosene”.

16                  (B) The following provisions are each  
17                  amended by striking “kerosene” and inserting  
18                  “aviation-grade kerosene”:

19                          (i) Section 4081(a)(3)(A)(ii).

20                          (ii) Section 4081(a)(3)(A)(iv).

21                          (iii) Section 4081(a)(3)(D).

22                  (C) Section 4081(a)(3)(D) is amended—

23                          (i) by striking “paragraph (2)(C)(i)”  
24                          in clause (i) and inserting “paragraph  
25                          (2)(C)”, and

1 (ii) by striking “paragraph (2)(C)(ii)”  
2 in clause (ii) and inserting “paragraph  
3 (2)(A)(iv)”.

4 (D) Section 4081(a)(4) is amended—

5 (i) in the heading by striking “KER-  
6 OSENE” and inserting “AVIATION-GRADE  
7 KEROSENE”, and

8 (ii) by striking “paragraph (2)(C)(i)”  
9 and inserting “paragraph (2)(C)”.

10 (E) Section 4081(d)(2) is amended by  
11 striking “(a)(2)(C)(ii)” and inserting  
12 “(a)(2)(A)(iv)”.

13 (b) RETAIL TAX ON AVIATION FUEL.—

14 (1) EXEMPTION FOR PREVIOUSLY TAXED  
15 FUEL.—Paragraph (2) of section 4041(c) is amend-  
16 ed by inserting “at the rate specified in subsection  
17 (a)(2)(A)(iv) thereof” after “section 4081”.

18 (2) RATE OF TAX.—Paragraph (3) of section  
19 4041(c) is amended to read as follows:

20 “(3) RATE OF TAX.—The rate of tax imposed  
21 by this subsection shall be the rate of tax in effect  
22 under section 4081(a)(2)(A)(iv) (4.3 cents per gallon  
23 with respect to any sale or use for commercial avia-  
24 tion).”.

1 (c) REFUNDS RELATING TO AVIATION-GRADE KER-  
2 OSENE.—

3 (1) KEROSENE USED IN COMMERCIAL AVIA-  
4 TION.—Clause (ii) of section 6427(l)(4)(A) is  
5 amended by striking “specified in section 4041(e) or  
6 4081(a)(2)(A)(iii), as the case may be,” and insert-  
7 ing “so imposed”.

8 (2) KEROSENE USED IN AVIATION.—Paragraph  
9 (4) of section 6427(l) is amended—

10 (A) by striking subparagraph (B) and re-  
11 designating subparagraph (C) as subparagraph  
12 (B), and

13 (B) by amending subparagraph (B), as re-  
14 designated by subparagraph (A), to read as fol-  
15 lows:

16 “(B) PAYMENTS TO ULTIMATE, REG-  
17 ISTERED VENDOR.—With respect to any ker-  
18 osene used in aviation (other than kerosene to  
19 which paragraph (6) applies), if the ultimate  
20 purchaser of such kerosene waives (at such time  
21 and in such form and manner as the Secretary  
22 shall prescribe) the right to payment under  
23 paragraph (1) and assigns such right to the ul-  
24 timate vendor, then the Secretary shall pay  
25 (without interest) the amount which would be

1           paid under paragraph (1) to such ultimate ven-  
2           dor, but only if such ultimate vendor—

3                   “(i) is registered under section 4101,

4                   and

5                   “(ii) meets the requirements of sub-  
6                   paragraph (A), (B), or (D) of section  
7                   6416(a)(1).”.

8           (3) AVIATION-GRADE KEROSENE NOT USED IN  
9           AVIATION.—Subsection (1) of section 6427 is amend-  
10          ed by redesignating paragraph (5) as paragraph (6)  
11          and by inserting after paragraph (4) the following  
12          new paragraph:

13                   “(5) REFUNDS FOR AVIATION-GRADE KER-  
14                   ROSENE NOT USED IN AVIATION.—If tax has been im-  
15                   posed under section 4081 at the rate specified in  
16                   section 4081(a)(2)(A)(iv) and the fuel is used other  
17                   than in an aircraft, the Secretary shall pay (without  
18                   interest) to the ultimate purchaser of such fuel an  
19                   amount equal to the amount of tax imposed on such  
20                   fuel reduced by the amount of tax that would be im-  
21                   posed under section 4041 if no tax under section  
22                   4081 had been imposed.”.

23           (4) CONFORMING AMENDMENTS.—

1 (A) Section 4082(d)(2)(B) is amended by  
2 striking “6427(l)(5)(B)” and inserting  
3 “6427(l)(6)(B)”.

4 (B) Section 6427(i)(4) is amended—

5 (i) by striking “(4)(C)” the first two  
6 places it occurs and inserting “(4)(B)”,  
7 and

8 (ii) by striking “, (l)(4)(C)(ii), and”  
9 and inserting “and”.

10 (C) The heading of section 6427(l) is  
11 amended by striking “DIESEL FUEL AND KER-  
12 OSENE” and inserting “DIESEL FUEL, KER-  
13 OSENE, AND AVIATION FUEL”.

14 (D) Section 6427(l)(1) is amended by  
15 striking “paragraph (4)(C)(i)” and inserting  
16 “paragraph (4)(B)”.

17 (E) Section 6427(l)(4) is amended—

18 (i) by striking “KEROSENE USED IN  
19 AVIATION” in the heading and inserting  
20 “AVIATION-GRADE KEROSENE USED IN  
21 COMMERCIAL AVIATION”, and

22 (ii) in subparagraph (A)—

23 (I) by striking “kerosene” and  
24 inserting “aviation-grade kerosene”,

1 (II) by striking “KEROSENE  
2 USED IN COMMERCIAL AVIATION” in  
3 the heading and inserting “IN GEN-  
4 ERAL”.

5 (d) TRANSFERS TO THE AIRPORT AND AIRWAY  
6 TRUST FUND.—

7 (1) IN GENERAL.—Subparagraph (C) of section  
8 9502(b)(1) is amended to read as follows:

9 “(C) section 4081 with respect to aviation  
10 gasoline and aviation-grade kerosene, and”.

11 (2) TRANSFERS ON ACCOUNT OF CERTAIN RE-  
12 FUNDS.—

13 (A) IN GENERAL.—Subsection (d) of sec-  
14 tion 9502 is amended—

15 (i) in paragraph (2) by striking  
16 “(other than subsection (1)(4) thereof”,  
17 and

18 (ii) in paragraph (3) by striking  
19 “(other than payments made by reason of  
20 paragraph (4) of section 6427(1))”.

21 (B) CONFORMING AMENDMENTS.—

22 (i) Section 9503(b)(4) is amended by  
23 striking “or” at the end of subparagraph  
24 (C), by striking the period at the end of  
25 subparagraph (D) and inserting a comma,

1 and by inserting after subparagraph (D)  
2 the following:

3 “(E) section 4081 to the extent attrib-  
4 utable to the rate specified in clause (ii) or (iv)  
5 of section 4081(a)(2)(A), or

6 “(F) section 4041(c).”.

7 (ii) Section 9503(e) is amended by  
8 striking paragraph (6).

9 (iii) Section 9502(a) is amended—

10 (I) by striking “appropriated,  
11 credited, or paid into” and inserting  
12 “appropriated or credited to”, and

13 (II) by striking “, section  
14 9503(e)(7),”.

15 (e) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to fuels removed, entered, or sold  
17 after June 30, 2010.

18 (f) FLOOR STOCKS TAX.—

19 (1) IMPOSITION OF TAX.—In the case of avia-  
20 tion fuel which is held on July 1, 2010, by any per-  
21 son, there is hereby imposed a floor stocks tax on  
22 aviation fuel equal to—

23 (A) the tax which would have been imposed  
24 before such date on such fuel had the amend-



1           ments made by this section been in effect at all  
2           times before such date, reduced by

3                   (B) the sum of—

4                           (i) the tax imposed before such date  
5                           on such fuel under section 4081 of the In-  
6                           ternal Revenue Code of 1986, as in effect  
7                           on such date, and

8                           (ii) in the case of kerosene held exclu-  
9                           sively for such person's own use, the  
10                          amount which such person would (but for  
11                          this clause) reasonably expect (as of such  
12                          date) to be paid as a refund under section  
13                          6427(l) of such Code with respect to such  
14                          kerosene.

15           (2) LIABILITY FOR TAX AND METHOD OF PAY-  
16           MENT.—

17                   (A) LIABILITY FOR TAX.—A person hold-  
18                   ing aviation fuel on July 1, 2010, shall be liable  
19                   for such tax.

20                   (B) TIME AND METHOD OF PAYMENT.—  
21                   The tax imposed by paragraph (1) shall be paid  
22                   at such time and in such manner as the Sec-  
23                   retary of the Treasury shall prescribe.

24           (3) TRANSFER OF FLOOR STOCK TAX REVE-  
25           NUES TO TRUST FUNDS.—For purposes of deter-

1 mining the amount transferred to the Airport and  
2 Airway Trust Fund, the tax imposed by this sub-  
3 section shall be treated as imposed by section  
4 4081(a)(2)(A)(iv) of the Internal Revenue Code of  
5 1986.

6 (4) DEFINITIONS.—For purposes of this sub-  
7 section—

8 (A) AVIATION FUEL.—The term “aviation  
9 fuel” means aviation-grade kerosene and avia-  
10 tion gasoline, as such terms are used within the  
11 meaning of section 4081 of the Internal Rev-  
12 enue Code of 1986.

13 (B) HELD BY A PERSON.—Aviation fuel  
14 shall be considered as held by a person if title  
15 thereto has passed to such person (whether or  
16 not delivery to the person has been made).

17 (C) SECRETARY.—The term “Secretary”  
18 means the Secretary of the Treasury or the  
19 Secretary’s delegate.

20 (5) EXCEPTION FOR EXEMPT USES.—The tax  
21 imposed by paragraph (1) shall not apply to any  
22 aviation fuel held by any person exclusively for any  
23 use to the extent a credit or refund of the tax is al-  
24 lowable under the Internal Revenue Code of 1986  
25 for such use.

1           (6) EXCEPTION FOR CERTAIN AMOUNTS OF  
2 FUEL.—

3           (A) IN GENERAL.—No tax shall be im-  
4 posed by paragraph (1) on any aviation fuel  
5 held on July 1, 2010, by any person if the ag-  
6 gregate amount of such aviation fuel held by  
7 such person on such date does not exceed 2,000  
8 gallons. The preceding sentence shall apply only  
9 if such person submits to the Secretary (at the  
10 time and in the manner required by the Sec-  
11 retary) such information as the Secretary shall  
12 require for purposes of this subparagraph.

13           (B) EXEMPT FUEL.—For purposes of sub-  
14 paragraph (A), there shall not be taken into ac-  
15 count any aviation fuel held by any person  
16 which is exempt from the tax imposed by para-  
17 graph (1) by reason of paragraph (5).

18           (C) CONTROLLED GROUPS.—For purposes  
19 of this subsection—

20           (i) CORPORATIONS.—

21           (I) IN GENERAL.—All persons  
22 treated as a controlled group shall be  
23 treated as 1 person.

24           (II) CONTROLLED GROUP.—The  
25 term “controlled group” has the

1 meaning given to such term by sub-  
2 section (a) of section 1563 of the In-  
3 ternal Revenue Code of 1986; except  
4 that for such purposes the phrase  
5 “more than 50 percent” shall be sub-  
6 stituted for the phrase “at least 80  
7 percent” each place it appears in such  
8 subsection.

9 (ii) NONINCORPORATED PERSONS  
10 UNDER COMMON CONTROL.—Under regula-  
11 tions prescribed by the Secretary, prin-  
12 ciples similar to the principles of subpara-  
13 graph (A) shall apply to a group of per-  
14 sons under common control if 1 or more of  
15 such persons is not a corporation.

16 (7) OTHER LAWS APPLICABLE.—All provisions  
17 of law, including penalties, applicable with respect to  
18 the taxes imposed by section 4081 of the Internal  
19 Revenue Code of 1986 on the aviation fuel involved  
20 shall, insofar as applicable and not inconsistent with  
21 the provisions of this subsection, apply with respect  
22 to the floor stock taxes imposed by paragraph (1) to  
23 the same extent as if such taxes were imposed by  
24 such section.

1 **SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION**  
2 **ACCOUNT.**

3 (a) IN GENERAL.—Section 9502 (relating to the Air-  
4 port and Airway Trust Fund) is amended by adding at  
5 the end the following new subsection:

6 “(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL  
7 SYSTEM MODERNIZATION ACCOUNT.—

8 “(1) CREATION OF ACCOUNT.—There is estab-  
9 lished in the Airport and Airway Trust Fund a sepa-  
10 rate account to be known as the ‘Air Traffic Control  
11 System Modernization Account’ consisting of such  
12 amounts as may be transferred or credited to the  
13 Air Traffic Control System Modernization Account  
14 as provided in this subsection or section 9602(b).

15 “(2) TRANSFERS TO AIR TRAFFIC CONTROL  
16 SYSTEM MODERNIZATION ACCOUNT.—On October 1,  
17 2010, and annually thereafter the Secretary shall  
18 transfer \$400,000,000 to the Air Traffic Control  
19 System Modernization Account from amounts appro-  
20 priated to the Airport and Airway Trust Fund under  
21 subsection (b) which are attributable to taxes on  
22 aviation-grade kerosene.

23 “(3) EXPENDITURES FROM ACCOUNT.—  
24 Amounts in the Air Traffic Control System Mod-  
25 ernization Account shall be available subject to ap-  
26 propriation for expenditures relating to the mod-

1       ernization of the air traffic control system (including  
2       facility and equipment account expenditures).”.

3       (b) CONFORMING AMENDMENT.—Section 9502(d)(1)  
4 is amended by striking “Amounts” and inserting “Except  
5 as provided in subsection (f), amounts”.

6       (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on the date of the enactment  
8 of this Act.

9       **SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**  
10                                   **SHIP PROGRAMS.**

11       (a) FUEL SURTAX.—

12               (1) IN GENERAL.—Subchapter B of chapter 31  
13 is amended by adding at the end the following new  
14 section:

15       **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**  
16                                   **A FRACTIONAL OWNERSHIP PROGRAM.**

17       “(a) IN GENERAL.—There is hereby imposed a tax  
18 on any liquid used during any calendar quarter by any  
19 person as a fuel in an aircraft which is—

20               “(1) registered in the United States, and

21               “(2) part of a fractional ownership aircraft pro-  
22 gram.

23       “(b) AMOUNT OF TAX.—The rate of tax imposed by  
24 subsection (a) is 14.1 cents per gallon.

1       “(c) FRACTIONAL OWNERSHIP AIRCRAFT PRO-  
2 GRAM.—For purposes of this section—

3               “(1) IN GENERAL.—The term ‘fractional owner-  
4 ship aircraft program’ means a program under  
5 which—

6                       “(A) a single fractional ownership program  
7 manager provides fractional ownership program  
8 management services on behalf of the fractional  
9 owners,

10                      “(B) 2 or more airworthy aircraft are part  
11 of the program,

12                      “(C) there are 1 or more fractional owners  
13 per program aircraft, with at least 1 program  
14 aircraft having more than 1 owner,

15                      “(D) each fractional owner possesses at  
16 least a minimum fractional ownership interest  
17 in 1 or more program aircraft,

18                      “(E) there exists a dry-lease exchange ar-  
19 rangement among all of the fractional owners,  
20 and

21                      “(F) there are multi-year program agree-  
22 ments covering the fractional ownership, frac-  
23 tional ownership program management services,  
24 and dry-lease aircraft exchange aspects of the  
25 program.

1           “(2) MINIMUM FRACTIONAL OWNERSHIP INTER-  
2 EST.—

3           “(A) IN GENERAL.—The term ‘minimum  
4 fractional ownership interest’ means, with re-  
5 spect to each type of aircraft—

6           “(i) a fractional ownership interest  
7 equal to or greater than  $\frac{1}{16}$  of at least 1  
8 subsonic, fixed wing or powered lift pro-  
9 gram aircraft, or

10           “(ii) a fractional ownership interest  
11 equal to or greater than  $\frac{1}{32}$  of a least 1  
12 rotorcraft program aircraft.

13           “(B) FRACTIONAL OWNERSHIP INTER-  
14 EST.—The term ‘fractional ownership interest’  
15 means—

16           “(i) the ownership of an interest in a  
17 program aircraft,

18           “(ii) the holding of a multi-year lease-  
19 hold interest in a program aircraft, or

20           “(iii) the holding of a multi-year  
21 leasehold interest which is convertible into  
22 an ownership interest in a program air-  
23 craft.

24           “(3) DRY-LEASE EXCHANGE ARRANGEMENT.—  
25 A ‘dry-lease aircraft exchange’ means an agreement,



1 documented by the written program agreements,  
2 under which the program aircraft are available, on  
3 an as needed basis without crew, to each fractional  
4 owner.

5 “(d) TERMINATION.—This section shall not apply to  
6 liquids used as a fuel in an aircraft after September 30,  
7 2013.”.

8 (2) CONFORMING AMENDMENT.—Section  
9 4082(e) is amended by inserting “(other than an  
10 aircraft described in section 4043(a))” after “an air-  
11 craft”.

12 (3) TRANSFER OF REVENUES TO AIRPORT AND  
13 AIRWAY TRUST FUND.—Section 9502(b)(1) is  
14 amended by redesignating subparagraphs (B) and  
15 (C) as subparagraphs (C) and (D), respectively, and  
16 by inserting after subparagraph (A) the following  
17 new subparagraph:

18 “(B) section 4043 (relating to surtax on  
19 fuel used in aircraft part of a fractional owner-  
20 ship program),”.

21 (4) CLERICAL AMENDMENT.—The table of sec-  
22 tions for subchapter B of chapter 31 is amended by  
23 adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-  
gram.”.

1 (b) FRACTIONAL OWNERSHIP PROGRAMS TREATED  
2 AS NON-COMMERCIAL AVIATION.—Subsection (b) of sec-  
3 tion 4083 is amended by adding at the end the following  
4 new sentence: “For uses of aircraft before October 1,  
5 2013, such term shall not include the use of any aircraft  
6 which is part of a fractional ownership aircraft program  
7 (as defined by section 4043(c)).”.

8 (c) EXEMPTION FROM TAX ON TRANSPORTATION OF  
9 PERSONS.—Section 4261, as amended by this Act, is  
10 amended by redesignating subsection (j) as subsection (k)  
11 and by inserting after subsection (i) the following new sub-  
12 section:

13 “(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL  
14 OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be im-  
15 posed by this section or section 4271 on any air transpor-  
16 tation provided before October 1, 2013, by an aircraft  
17 which is part of a fractional ownership aircraft program  
18 (as defined by section 4043(c)).”.

19 (d) EFFECTIVE DATES.—

20 (1) SUBSECTION (a).—The amendments made  
21 by subsection (a) shall apply to fuel used after June  
22 30, 2010.

23 (2) SUBSECTION (b).—The amendment made  
24 by subsection (b) shall apply to uses of aircraft after  
25 June 30, 2010.

1           (3) SUBSECTION (c).—The amendments made  
2           by subsection (c) shall apply to taxable transpor-  
3           tation provided after June 30, 2010.

4 **SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIR-**  
5 **CRAFT ON NONESTABLISHED LINES.**

6           (a) IN GENERAL.—Section 4281 is amended to read  
7 as follows:

8 **“SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR**  
9 **SIGHTSEEING.**

10          “The taxes imposed by sections 4261 and 4271 shall  
11 not apply to transportation by an aircraft having a max-  
12 imum certificated takeoff weight of 6,000 pounds or less  
13 at any time during which such aircraft is being operated  
14 on a flight the sole purpose of which is sightseeing. For  
15 purposes of the preceding sentence, the term ‘maximum  
16 certificated takeoff weight’ means the maximum such  
17 weight contained in the type certificate or airworthiness  
18 certificate.”.

19          (b) CONFORMING AMENDMENT.—The item relating  
20 to section 4281 in the table of sections for part III of  
21 subchapter C of chapter 33 is amended by striking “on  
22 nonestablished lines” and inserting “operated solely for  
23 sightseeing”.

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable transportation provided  
3 after June 30, 2010.

4 **SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLO-**  
5 **SURES.**

6       (a) IN GENERAL.—Section 7275 (relating to penalty  
7 for offenses relating to certain airline tickets and adver-  
8 tising) is amended—

9           (1) by redesignating subsection (c) as sub-  
10 section (d),

11           (2) by striking “subsection (a) or (b)” in sub-  
12 section (d), as so redesignated, and inserting “sub-  
13 section (a), (b), or (c)”, and

14           (3) by inserting after subsection (b) the fol-  
15 lowing new subsection:

16       “(c) NON-TAX CHARGES.—

17           “(1) IN GENERAL.—In the case of transpor-  
18 tation by air for which disclosure on the ticket or  
19 advertising for such transportation of the amounts  
20 paid for passenger taxes is required by subsection  
21 (a)(2) or (b)(1)(B), it shall be unlawful for the dis-  
22 closure of the amount of such taxes on such ticket  
23 or advertising to include any amounts not attrib-  
24 utable to the taxes imposed by subsection (a), (b),  
25 or (c) of section 4261.

1           “(2) INCLUSION IN TRANSPORTATION COST.—  
2           Nothing in this subsection shall prohibit the inclu-  
3           sion of amounts not attributable to the taxes im-  
4           posed by subsection (a), (b), or (c) of section 4261  
5           in the disclosure of the amount paid for transpor-  
6           tation as required by subsection (a)(1) or (b)(1)(A),  
7           or in a separate disclosure of amounts not attrib-  
8           utable to such taxes.”.

9           (b) EFFECTIVE DATE.—The amendments made by  
10          this section shall apply to taxable transportation provided  
11          after June 30, 2010.

## 12   **TITLE IX—BUDGETARY EFFECTS**

### 13   **SEC. 901. BUDGETARY EFFECTS.**

14          The budgetary effects of this Act, for the purpose of  
15          complying with the Statutory Pay-As-You-Go-Act of 2010,  
16          shall be determined by reference to the latest statement  
17          titled “Budgetary Effects of PAYGO Legislation” for this  
18          Act, submitted for printing in the Congressional Record  
19          by the Chairman of the Senate Budget Committee, pro-  
20          vided that such statement has been submitted prior to the  
21          vote on passage.

1 **TITLE X—RESCISSION OF UN-**  
2 **USED TRANSPORTATION EAR-**  
3 **MARKS AND GENERAL RE-**  
4 **PORTING REQUIREMENT**

5 **SEC. 1001. DEFINITION.**

6 In this title, the term “earmark” means the following:

7 (1) A congressionally directed spending item, as  
8 defined in Rule XLIV of the Standing Rules of the  
9 Senate.

10 (2) A congressional earmark, as defined for  
11 purposes of Rule XXI of the Rules of the House of  
12 Representatives.

13 **SEC. 1002. RESCISSION.**

14 Any earmark of funds provided for the Department  
15 of Transportation with more than 90 percent of the appro-  
16 priated amount remaining available for obligation at the  
17 end of the 9th fiscal year following the fiscal year in which  
18 the earmark was made available is rescinded effective at  
19 the end of that 9th fiscal year, except that the Secretary  
20 of Transportation may delay any such rescission if the  
21 Secretary determines that an additional obligation of the  
22 earmark is likely to occur during the following 12-month  
23 period.

1 **SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.**

2 (a) AGENCY IDENTIFICATION.—Each Federal agency  
3 shall identify and report every project that is an earmark  
4 with an unobligated balance at the end of each fiscal year  
5 to the Director of OMB.

6 (b) ANNUAL REPORT.—The Director of OMB shall  
7 submit to Congress and publically post on the website of  
8 OMB an annual report that includes—

9 (1) a listing and accounting for earmarks with  
10 unobligated balances summarized by agency includ-  
11 ing the amount of the original earmark, amount of  
12 the unobligated balance, and the year when the  
13 funding expires, if applicable;

14 (2) the number of rescissions resulting from  
15 this title and the annual savings resulting from this  
16 title for the previous fiscal year; and

17 (3) a listing and accounting for earmarks pro-  
18 vided for the Department of Transportation sched-  
19 uled to be rescinded at the end of the current fiscal  
20 year.

**Calendar No. 5**

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 223**

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**A BILL**

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

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JANUARY 28, 2011

Read the second time and placed on the calendar  
pursuant to the order of January 27, 2011