

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 658) TO AMEND TITLE 49, UNITED STATES CODE, TO AUTHORIZE APPROPRIATIONS FOR THE FEDERAL AVIATION ADMINISTRATION FOR FISCAL YEARS 2011 THROUGH 2014, TO STREAMLINE PROGRAMS, CREATE EFFICIENCIES, REDUCE WASTE, AND IMPROVE AVIATION SAFETY AND CAPACITY, TO PROVIDE STABLE FUNDING FOR THE NATIONAL AVIATION SYSTEM, AND FOR OTHER PURPOSES

MARCH 30, 2011.—Referred to the House Calendar and ordered to be printed

Mr. WEBSTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 189]

The Committee on Rules, having had under consideration House Resolution 189, by a record vote of 5 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 658, the FAA Reauthorization and Reform Act of 2011 under a structured rule. The resolution provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. The amendment in the nature of a substitute shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only

in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in this report are waived. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic.

The waiver of all points of order against the Rules Committee Print of H.R. 658 dated March 22, 2011 includes a waiver of clause 5(a) of rule XXI, prohibiting the consideration of a tax or tariff measure in an amendment to a bill not reported by a committee having jurisdiction over tax or tariff measures. The waiver of all points of order against the Rules Committee Print also includes a waiver of clause 7 of rule XVI, prohibiting the consideration of non-germane measures. Both waivers are necessary, because the Rules Committee Print incorporates the text of H.R. 970 as ordered reported by the Committee on Science, Space, and Technology and the text of H.R. 1034 as ordered reported by the Committee on Ways and Means.

Although the resolution waives all points of order against the amendment printed in this report, the Committee is not aware of any points of order against the amendments. The waiver of all points or order against the amendments is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 58

Motion by Mr. McGovern to report an open rule. Defeated: 4–5

| Majority Members | Vote | Minority Members | Vote |
|-----------------------------------|------|-------------------------------|------|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Woodall | Nay | Mr. McGovern | Yea |
| Mr. Scott of South Carolina | Nay | Mr. Hastings of Florida | Yea |
| Mr. Webster | Nay | Mr. Polis | Yea |
| Mr. Dreier, Chairman | Nay | | |

Rules Committee record vote No. 59

Motion by Mr. Woodall to report the rule. Adopted: 5–4

| Majority Members | Vote | Minority Members | Vote |
|-----------------------------------|------|-------------------------------|------|
| Ms. Foxx | Yea | Ms. Slaughter | Nay |
| Mr. Woodall | Yea | Mr. McGovern | Nay |
| Mr. Scott of South Carolina | Yea | Mr. Hastings of Florida | Nay |
| Mr. Webster | Yea | Mr. Polis | Nay |
| Mr. Dreier, Chairman | Yea | | |

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Mica (FL): Would make technical corrections to provisions in the underlying bill, including those related to Residential Through-the-Fence Agreements, ADS-B Readiness Verification, Stage II aircraft noise requirements, Unmanned Aircraft Systems, musical instruments aboard aircraft, and FAA access to criminal records databases. The Amendment also contains provisions regarding public-private partnerships to advance NextGen, protections for voluntary safety data submissions, the European Union Emissions Trading Scheme, the regulation of lithium batteries, agreements at airports for new revenue, liability protections for volunteer pilot organizations, privacy protections for airspace users, FAA contract evaluation considerations, a review of airports' ability to respond to catastrophic flooding, and an extension of the FAA's commercial space regulation authority. (10 minutes)

2. Waters (CA): Would require airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult with representatives of the community surrounding the airport regarding airport operations and their impact on the community. (10 minutes)

3. Pierluisi (PR): Would ensure that airports in Puerto Rico are apportioned amounts under the Airport Improvement Program (AIP), while also remaining eligible for discretionary grants under the Program. (10 minutes)

4. Hirono (HI): Would exempt Hawaii's large and medium hub airports from collecting PFCs from interisland travelers due to the unique everyday travel circumstances the island state presents. Would also change the formula under which Hawaii's annual federal apportionments are reduced when the State's large and medium hub airports collect passenger facility charges from overseas travelers. (10 minutes)

5. Neugebauer (TX): Would direct the Administrator of the Federal Aviation Administration to conduct a feasibility study on the development of an online public resource that would list the location and height of potential low-altitude aviation obstructions, such as guy-wire and free-standing towers. Would also give the Administrator one year to conduct the study and report to Congress. (10 minutes)

6. LoBiondo (NJ): Would allow the FAA to assist in establishing a NextGen Research and Development Center of Excellence. The Center would leverage the FAA's existing centers of excellence program, a program that relies on several university consortia to address ongoing FAA research and development challenges. The Center would provide educational, technical, and analytical assistance to the FAA and other agencies involved in the development of NextGen. (10 minutes)

7. Garrett (NJ), Himes (CT), Andrews (NJ), Engel (NY): Would require the FAA to study alternatives to the New York/New Jersey/Philadelphia airspace redesign to reduce delays at the 4 airports included in the redesign. Would also prohibit the FAA from continuing with the implementation of the airspace redesign until the study is submitted to Congress. (10 minutes)

8. Filner (CA): Would restrict the carriage of primary, non-rechargeable Lithium-metal batteries and cells on cargo aircraft until

safe packaging materials are available—and proven to contain a fire—and the cargo aircraft is equipped with an effective fire suppression system. The amendment will also require cargo aircraft be equipped with smoke suppression systems that maintain cockpit visibility sufficient to allow the pilots to see basic flight instruments and the outside environment at all times during emergencies when dense, continuous smoke is in the cockpit. (10 minutes)

9. DeFazio (OR): Would require mechanics at contract repair stations certificated by the Federal Aviation Administration in the U.S. and in foreign countries to undergo the same criminal background checks required for mechanics and other aviation employees at U.S. airports. (10 minutes)

10. Hirono (HI): Would establish an Aviation Rulemaking Committee (ARC) to study and provide regulatory recommendations to the Federal Aviation Administrator to ensure that all certified aircraft is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit. The ARC would be directed to complete its work in one year and provide its recommendations to the Administrator who must inform Congress of the recommendations and outline what actions the agency will take on the basis of those recommendations. (10 minutes)

11. Jackson Lee (TX): Would require a minimum of three on duty air traffic controllers. (10 minutes)

12. Miller, Candice (MI): Would direct the FAA to work with various federal agencies to integrate Unmanned Aerial Systems into the National Airspace System more expeditiously. (10 minutes)

13. Woodall (GA): Would prohibit implementation by the FAA of a new rule interpretation relating to 14 CFR 135, sections 263 and 267(d) so far as it relates to air ambulances and air cargo charter pilot rest requirements. Sets the interpretation of those sections at the state they were on January 1, 2011. (10 minutes)

14. Pierluisi (PR): Would authorize the Secretary of Transportation to continue the essential air service program in Puerto Rico following the sunset date of October 1, 2013. The bill authorizes continuation for Alaska and Hawaii. (10 minutes)

15. Schweikert (AZ): Would allow airlines currently operating out of DCA to convert flights to and from large hub airports located within the DCA perimeter to any airport outside of the DCA perimeter. (10 minutes)

16. Richardson (CA): Would require air carriers to provide an option for passengers to receive a notification via electronic service if there are any changes to the status of their flight. (10 minutes)

17. Capuano (MA): Would require greater disclosure of a passenger's baggage fees when a fare is quoted to an airline passenger and require refunds for baggage that is lost, damaged, or delayed. The Secretary of Transportation would prescribe any requirements necessary to implement the baggage fee disclosures by ensuring that necessary information is shared between carriers and ticket agents that have an already existing agency appointment or contract. (10 minutes)

18. Gingrey (GA), Rokita (IN): Would prohibit FAA employees from using official—taxpayer sponsored—time for union activities during the official work day. It would not repeal the right of any FAA employee to collectively bargain or arbitrate. (10 minutes)

19. Graves (MO): Would clarify Congressional intent of 49 U.S.C. 40116(d)(2)(A)(iv) to prohibit taxes on businesses located at an airport when such revenue is not used for airport purposes. (10 minutes)

20. Sessions (TX): Would prevent any funds from this act to be used to administer or enforce Davis Bacon. (10 minutes)

21. LaTourette (OH), Costello (IL): Would strike section 903. Section 903 repeals a National Mediation Board (NMB) rule, finalized last year, which provides for union representation elections among airline and railroad workers covered by the Railway Labor Act. (10 minutes)

22. Graves (MO): Provides relief for an air show in Cleveland, Ohio from complying with certain airspace restrictions. (10 minutes)

23. Waxman (CA): Would encourage the FAA to work with the City of Santa Monica to achieve safety improvements at Santa Monica Airport, a general aviation facility that has no runway safety areas. (10 minutes)

24. Shuster (PA): Would improve Federal Aviation Administration (FAA) rulemaking activities by requiring the Agency to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics and requiring the FAA to tailor regulations to address the unique characteristics of each industry segment. The amendment also requires the FAA to conduct appropriate cost/benefit studies on all proposed regulations and only enact regulations upon a finding that the costs are justified by the benefits. (10 minutes)

25. Moore, Gwen (WI): Would require the Inspector General of the Department of Transportation to report to Congress on the number of new small business concerns, including those owned by veterans and other disadvantaged groups, that participate in the projects carried out throughout the duration of this reauthorization. The report would list the top 25 and bottom 25 large and medium hub airports using such small businesses, assess the reasons why airports have been successful in using such small businesses, and make recommendations to the FAA and Congress on how those successes can be replicated. (10 minutes)

26. Graves (MO): Would prohibit the Federal Aviation Administration from destroying vintage aircraft type certificate data and would require such data to be made available to the public, for non-commercial purposes, upon a Freedom of Information Act Request. (10 minutes)

27. Pearce (NM): Would authorize an equitable transfer of land and property (a road) between Dona Ana County in New Mexico and Verde Corporate Realty Services. Dona Ana County would continue to use the land for airport purposes. (10 minutes)

28. Rothman (NJ): Would ensure local control of weight restrictions that have been in place since 1967 at Teterboro Airport, located in Teterboro, New Jersey. (10 minutes)

29. Schiff (CA), Sherman (CA), Berman (CA): Would allow airports that meet specific requirements—already had at least a partial curfew in effect before the 1990 Airport Noise and Control Act (ANCA)—to implement mandatory nighttime curfews. Would define a nighttime curfew (10 PM to 7 AM), establishes the process for im-

plementing and administering the curfew and is not intended to open the door to any further exemptions from ANCA. (10 minutes)

30. Matheson (UT), Pearce (NM): Would allow the Secretary of Transportation to release any terms, conditions, reservations, or restrictions on deeds which the United States conveyed to an airport, city, county property for airport purposes as long as the release results in furthering other airport purposes. (10 minutes)

31. Waters (CA): Would include Sense of Congress language that the operator of Los Angeles International Airport (LAX) should consult with representatives of the community surrounding LAX regarding LAX operations and expansion plans. (10 minutes)

32. Moore, Gwen (WI): Would give the FAA administrator the authority to conduct demonstration projects in support of “aerotropolis” zones that assist in better coordinating transportation around airports and funding of projects to reduce congestion, improve, and increase the flow of freight and passengers to and through the airport through multiple transportation modes. (10 minutes)

33. Crowley (NY): Would encourage the Port Authority of New York and New Jersey and the Philadelphia International Airport to undertake a part 150 noise compatibility study of the airport and airport-related noise emanating from the airports under their jurisdiction on the surrounding communities. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA, JOHN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 30, line 25, insert “or near” after “adjacent to”.

Page 31, line 8, after “property owner” insert “(or an association representing such property owner)”.

Page 31, line 16, after “property owner” insert “(or an association representing such property owner)”.

Page 32, line 2, insert “or near” after “adjacent to”.

Page 32, line 12, after “property owner” insert “(or an association representing such property owner)”.

Page 87, strike lines 16 through 20 and insert the following:

(2) READINESS VERIFICATION.—Before the Administrator completes an ADS-B In equipage rulemaking proceeding or issues and interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.

(a) DEVELOPMENT OF PLAN.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

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

(1) be based on public-private partnership principles; and

(2) leverage the use of private sector capital.

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

Page 118, strike line 11 and all that follows through line 5 on page 119 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 130, line 24, strike “44733” and insert “44732”.

Page 139, line 21, strike “**COMMERCIAL**” and insert “**CIVIL**” (and conform the table of contents accordingly).

Page 140, line 4, strike “commercial” and insert “civil”.

Page 140, line 12, strike “commercial” and insert “civil”.

Page 140, lines 18 and 19, strike “commercial” and insert “civil”.

Page 140, line 20, strike “commercial” and insert “civil”.

Page 141, line 10, strike “commercial” and insert “civil”.

Page 141, line 16, strike “commercial” and insert “civil”.

Page 142, line 10, strike “Secretary” and insert “Secretary of Transportation”.

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures, as the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

(4) provide guidance on a public entity’s responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Federal Aviation Administration.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification requirements for operational procedures for public unmanned aircraft systems in the national airspace system.

(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application described in paragraph

(1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, within the line of sight of the operator, less than 400 feet above the ground during daylight conditions, within Class G airspace, outside of 5 statute miles from any airport, heliport, seaplane base or spaceport, or any location with aviation activities.

Page 144, line 16, insert “not fewer than” before “4 test ranges”.

Page 145, line 4, strike “commercial” and insert “civil”.

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 336. DISCLOSURE AND USE OF INFORMATION.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§ 44734. Disclosure and use of information

“(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in this section, the following reports and data shall not be subject to discovery or subpoena or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any such proceeding:

“(1) A report developed under the Aviation Safety Action Program.

“(2) Data produced or collected under the Flight Operational Quality Assurance Program.

“(3) A report developed under the Line Operations Safety Audit Program.

“(4) Hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

“(A) assessing and improving aviation safety; or

“(B) developing and implementing a safety management system acceptable to the Administrator.

“(5) Reports, analyses, and directed studies based in whole or in part on reports or data described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program.

“(b) PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.—Any report or data described in subsection (a) that is voluntarily provided to the Federal Aviation Administration shall be considered to be voluntarily submitted information within the meaning of section 40123, and shall not be disclosed to the public pursuant to section 552(b)(3)(B) of title 5.

“(c) FAA REPORTS.—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may release documents to the public that include summaries, aggregations, or statistical analyses based on reports or data described in subsection (a).

“(d) SAFETY RECOMMENDATIONS.—Nothing in this section shall be construed to prevent the National Transportation Safety Board, in connection with an ongoing accident investigation, from referring to

relevant information contained in reports or data described in subsection (a) in making safety recommendations.

“(e) **WAIVER.**—Subsection (a) shall not apply with respect to a report developed, or data produced or collected, by or on behalf of a person if that person waives the privileges provided under subsection (a). A waiver under this subsection shall be made in writing or occasioned by the person’s own use of the information in presenting a claim or defense.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

“44734. Disclosure and use of information.”.

SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.

(a) **IN GENERAL.**—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§ 44735. Liability protection for persons implementing safety management systems

“(a) **PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, a person that is required by the Administrator of the Federal Aviation Administration to implement a safety management system may not be held liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s preparation or implementation of, or an event or occurrence contemplated by, the safety management system.

“(2) **LIMITATION.**—Nothing in this section shall relieve a person from liability for damages resulting from the person’s own willful or reckless acts or omissions as demonstrated by clear and convincing evidence.

“(b) **ACCOUNTABLE EXECUTIVES.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, a person who is employed by a person described in subsection (a) and who is responsible for performing the functions of an accountable executive pursuant to a safety management system required by the Administrator—

“(A) shall be deemed to be acting in the person’s official capacity as an officer or employee of the person described in subsection (a) when performing such functions; and

“(B) except as provided in paragraph (2), may not be held personally liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s responsibilities pursuant to the safety management system.

“(2) **LIMITATION.**—Nothing in this subsection shall relieve a person performing the functions of an accountable executive pursuant to a safety management system from personal liability for damages resulting from the person’s willful or reckless acts or omissions as demonstrated by clear and convincing evidence.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

“44735. Liability protection for persons implementing safety management systems.”.

Page 170, strike line 13 and all that follows before line 22 on page 172 and insert the following:

SEC. 424. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

“§ 41724. Musical instruments

“(a) IN GENERAL.—

“(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

“(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

“(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

“(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

“(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

“(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

“(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).”.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“41724. Musical instruments.”.

Page 205, line 12, strike “2014” and insert “2016”.

Page 210, line 6, strike “and”.

Page 210, line 11, strike the period at the end and insert “; and”.

Page 210, after line 11, insert the following:

(3) officials the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union’s emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

Page 211, line 9, strike “(a) DISPUTE RESOLUTION.—”.

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):

SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

“§ 40130. FAA authority to conduct criminal history record checks

“(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

“(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

“(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

“(B) to receive relevant criminal history record information regarding the airman checked.

“(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Depart-

ment of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

“(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

“(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Federal Aviation Administration to carry out the authority described in subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA authority to conduct criminal history record checks.”.

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2009–2010 edition, as amended (including amendments adopted after the date of enactment of this Act).

(b) EXCEPTION.—Notwithstanding subsection (a), the Administrator may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 of the table contained in section 172.102(c)(2) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction at a general aviation airport to be revenue greater than the long-term project, operation, maintenance, planning, and capacity needs of the airport.

(b) USE OF REVENUE.—Subject to subsection (c), if the Administrator issues a declaration with respect to an airport under subsection (a), the airport sponsor may allocate to itself (or to a governing body within the geographical limits of the airport’s locality) the revenues identified in the declaration for use in carrying out a Federal, State, or local transportation infrastructure project.

(c) CONDITIONS.—Any declaration made under subsection (a) with respect to an airport shall be subject to the following conditions:

(1) In generating revenue from mineral rights extraction, production, lease, or other means, the airport sponsor shall not charge less than fair market value.

(2) The airport sponsor and the Administrator shall agree on a 20-year capital improvement program that includes, at a

minimum, 20-year projected charges, costs, and fees for the development, improvement, operation, and maintenance of the airport, with consideration for costs and charges adjusted for inflation.

(3) The airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, for a period of 20 years.

(4) The airport sponsor shall comply, during the 20-year period beginning on the date of enactment of this Act, with all grant assurance obligations in effect as of such date of enactment for the airport under section 47107 of such title.

(5) The airport sponsor shall agree in writing to comply with sections 47107(b) and 47133 of such title, except for any exemptions specifically granted by the Administrator in accordance with this section, in perpetuity.

(6) The airport sponsor shall agree in writing to operate the airport as a public-use airport unless the Administrator specifically grants a request to allow the airport to close.

(7) The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments, and any mitigation plans agreed upon with the Administrator.

(d) **COMPLETION OF DETERMINATION.**—The Administrator shall conduct a review and issue a determination under subsection (a) on or before the 90th day following the date of receipt of an airport sponsor's application and requisite documentation.

(e) **GENERAL AVIATION AIRPORT DEFINED.**—In this section, the term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4) by inserting “(unless the volunteer was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit and was properly licensed and insured for the operation of such aircraft)” after “aircraft”; and

(2) by striking subsection (c) and inserting the following:

“(c) **NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

“(2) **EXCEPTION.**—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

“(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

“(B) is properly licensed for the operation of such aircraft; and

“(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer’s operation of such aircraft.”.

SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government’s dissemination to the public of information relating to a noncommercial flight carried out by a private owner or operator of an aircraft, whether during or following the flight, does not serve a public policy objective.

(2) Upon the request of a private owner or operator of an aircraft, the Federal Government should not disseminate to the public information relating to noncommercial flights carried out by that owner or operator, as the information should be private and confidential.

(b) AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.—Upon the request of a private owner or operator of an aircraft, the Administrator of the Federal Aviation Administration shall block, with respect to the noncommercial flights of that owner or operator, the display of that owner or operator’s aircraft registration number in aircraft situational display data provided by the Administrator to any entity, except a government agency.

SEC. 818. CONTRACTING.

The Administrator of the Federal Aviation Administration shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the Federal Aviation Administration weighs the economic vitality of a region when considering contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration.

SEC. 819. FLOOD PLANNING.

The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.

Page 280, after line 2, insert the following (and conform the table of contents accordingly):

TITLE XIII—COMMERCIAL SPACE

SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.

Section 50905(c)(3) of title 51, United States Code, is amended by striking “the date of enactment of the Commercial Space Launch Amendments Act of 2004” and inserting “the first licensed launch of a space flight participant”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS, MAXINE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, after line 2, insert the following (and conform subsequent subsections accordingly):

(b) CONSULTATION WITH COMMUNITIES.—Section 47107(a) is amended—

- (1) in paragraph (20) by striking “and” at the end;
- (2) in paragraph (21) by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
“(22) the airport owner or operator will consult on a regular basis regarding airport operations and the impact of such operations on the community with representatives of the community surrounding the airport, including—
“(A) residents who are impacted by airport noise and other airport operations; and
“(B) any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies the owner or operator of its desire to be consulted pursuant to this paragraph.”.

3. AN AMENDMENT TO BE OFFERED BY RESIDENT COMMISSIONER PIERLUISI, PEDRO OF PUERTO RICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 40, after line 21, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 143. PUERTO RICO MINIMUM GUARANTEE.

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

“(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO.—The Secretary shall apportion amounts for airports in Puerto Rico in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico from the discretionary fund under section 47115.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIRONO, MAZIE OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 41, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 144. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the following:

- “(A) in the case of a charge of \$3.00 or less—
“(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or
“(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal

year but not by more than 50 percent of the excess of—

“(I) the amount that otherwise would be apportioned under this section; over

“(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

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

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

“(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

“(I) the amount that otherwise would be apportioned under this section; over

“(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEUGEBAUER, RANDY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 101, strike line 3 and all that follows through page 104, line 19 (and redesignate any subsequent sections accordingly).

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 2 ____ . STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

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

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

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO, FRANK OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

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

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

(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT, SCOTT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 106, after line 5, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on additional alternatives to reduce delays at the 4 airports considered under the New York/New Jersey/Philadelphia Metropolitan Redesign Record of Decision, published September 5, 2007, by the Administration.

(2) CONTENTS.—In conducting the study, the Administrator shall determine—

(A) the effect on flight delays of the overscheduling of flights by air carriers; and

(B) whether or not altering the size of aircraft used by air carriers would reduce flight delays.

(3) REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under paragraph (1).

(d) PROHIBITION.—The Administrator may not continue with the implementation of the preferred alternative for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign until after the last day of the 60-day period beginning on the date the Administrator submits the report required under subsection (c)(3).

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FILNER, BOB OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 120, strike lines 10 through 18 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. REGULATIONS RELATING TO CERTAIN FIRE DANGERS.

(a) PRIMARY LITHIUM BATTERIES OR CELLS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Administrator of the Pipeline and Hazardous Materials Safety Administration shall jointly issue regulations that prohibit the transportation of primary lithium batteries or cells by means of a covered aircraft until such time as the Administrators—

(1) determine that there is available for use—

(A) packaging that has been proven to safely contain a fire relating to such batteries or cells; and

(B) an aircraft fire detection and suppression system that has been proven to safely detect and suppress a fire relating to such batteries or cells; or

(2) jointly issue regulations that allow the transportation of such batteries or cells by means of a covered aircraft only if—

(A) the crew of the aircraft is notified of such transportation;

(B) the aircraft is appropriately protected from the dangers of a fire by—

(i) packaging described in paragraph (1)(A); and

(ii) an aircraft fire detection and suppression system described in paragraph (1)(B); or

(C) other actions the Administrators determine appropriate for materials treated as hazardous are taken.

(b) COCKPIT VISIBILITY.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require all covered aircraft to have equipment that maintains visibility in the cockpit, notwithstanding the presence of dense, continuous smoke, sufficient to allow a pilot to see basic flight instruments and the outside environment.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED AIRCRAFT.—The term “covered aircraft” means any aircraft involved in air transportation (as that term is defined in section 40102(a) of title 49, United States Code).

(2) PRIMARY LITHIUM BATTERY OR CELL.—The term “primary lithium battery or cell” means a lithium metal battery or cell that is not designed to be electrically charged or recharged.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFazio, PETER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. CRIMINAL HISTORY RECORD CHECKS IN DOMESTIC AND FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§ 44734. Employee criminal history record checks in domestic and foreign repair stations

“(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to require each repair station that—

“(1) is certificated by the Administrator under part 145 of such title 14; and

“(2) performs work on air carrier aircraft or components, to complete a criminal history record check with respect to any individual who performs a safety-sensitive function at such repair station.

“(b) DEFINITIONS.—In subsection (a), the following definitions apply:

“(1) INDIVIDUAL.—The term ‘individual’ includes an individual working at a repair station of a third party with which an air carrier contracts to perform work on air carrier aircraft or components.

“(2) CRIMINAL HISTORY RECORD CHECK.—The term ‘criminal history record check’ means an investigation to ascertain an individual’s history of criminal convictions, conducted—

“(A) in a manner consistent with criminal history record checks carried out under section 44936; and

“(B) in accordance with the applicable laws of the country in which a repair station is located.

“(c) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement titled ‘Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety’, dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine, through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

“44734. Employee criminal history record checks in domestic and foreign repair stations.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIRONO, MAZIE OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. COCKPIT SMOKE PREVENTION.

(a) AVIATION RULEMAKING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to make recommendations to the Administrator to ensure that any aircraft certified by the Administrator is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit of the aircraft.

(b) COMPOSITION.—The aviation rulemaking committee shall be composed of subject matter experts, aviation labor representatives, and industry stakeholders.

(c) DEADLINE FOR RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the aviation rulemaking committee shall submit to the Administrator a report containing the committee’s findings and recommendations for regulatory action.

(d) REPORT TO CONGRESS.—Not later than 60 days following the date of receipt of the committee’s report under subsection (c), the Administrator shall submit to Congress a report on—

- (1) the recommendations of the aviation rulemaking committee; and
- (2) the actions that will be undertaken by the Administrator as a result of those recommendations.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE, SHEILA OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. MINIMUM STAFFING OF AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—The Secretary of Transportation shall take such actions as may be necessary to ensure that, at a covered airport, not fewer than 3 air traffic controllers are on duty at all times during periods of airfield operations.

(b) COVERED AIRPORT.—In this section, the term “covered airport” means the 20 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER, CANDICE OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 140, line 2, insert after “industry” the following: “, Federal agencies that employ unmanned aircraft systems technology in the national airspace system,”.

Page 140, line 23, strike “and”.

Page 140, after line 23, insert the following:

- (iii) to develop standards and requirements for unmanned aircraft systems sense and avoid performance;
- and

Page 140, line 24, strike “(iii)” and insert “(iv)”.

Page 144, after line 10, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 325. SAFETY STUDIES.

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOODALL, ROB OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 3 — CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any interpretation issued by the Administrator of the Federal Aviation Administration, the requirements regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft regarding certain flight times and rest periods shall remain in effect as such requirements were in effect on January 1, 2011 .

(b) RESTRICTION ON REGULATIONS.—The Administrator may not issue, finalize, or implement a rule regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, as proposed in docket No. FAA–2010–1259, Interpretations of Rest Requirements, published in the Federal Register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft.

14. AN AMENDMENT TO BE OFFERED BY RESIDENT COMMISSIONER PIERLUISI, PEDRO OF PUERTO RICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 161, line 18, strike “Alaska and Hawaii” and insert “Alaska, Hawaii, and Puerto Rico”.

Page 164, line 19, strike “ALASKA AND HAWAII” and insert “ALASKA, HAWAII, AND PUERTO RICO”.

Page 164, line 21, strike “Alaska and Hawaii” and insert “Alaska, Hawaii, and Puerto Rico”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT, DAVID OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 170, after line 12, insert the following:

(e) EXTENDING LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 (as amended by subsection (d)(1) of this section) is further amended by adding at the end the following:

“(h) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any

air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2011, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109, except that an air carrier may not use multi-aisle or widebody aircraft to provide the service authorized by this subsection.”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHARDSON, LAURA OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 173, at the end of the matter following line 2, insert the following:

“42304. Notification of flight status by text message or email.

Page 179, line 23, strike the closing quotation marks and the final period and insert the following:

“§ 42304. Notification of flight status by text message or email

“Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least one percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

“(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier as a means of notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

“(2) the notification if the passenger requests the notification.”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPUANO, MICHAEL OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 189, after line 13, insert the following (and conform the table of contents accordingly):

SEC. 434. BAGGAGE FEE REFUNDS.

An air carrier that collects a fee from a passenger for checked baggage on a flight operated by the carrier in scheduled passenger air transportation or intrastate air transportation shall refund the fee, not later than 60 days after the date of the flight, if the baggage is lost, delayed, or damaged. A refund required under this section shall be in addition to compensation required under any other provision of law.

SEC. 435. NOTIFICATION REQUIREMENTS REGARDING THE SALE OF AIRLINE TICKETS.

(a) NOTICE OF FEES.—Section 41712 is amended by adding at the end the following:

“(d) NOTICE OF FEES.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier or foreign air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket, the cost of checking one or more pieces of baggage on the flight.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided by—

“(A) requesting the individual purchasing the ticket to indicate the number of bags the individual intends to check on the flight, when the individual is providing other flight and airport information; and

“(B) informing the individual of the cost associated with checking such baggage when a fare quote is first provided.”.

(b) SHARING OF INFORMATION.—To carry out the amendment made by subsection (a), the Secretary of Transportation shall prescribe any requirements necessary to ensure that consumers are provided with information about baggage fees prior to the sale of a ticket, including requiring that pertinent information is adequately shared between carriers and ticket agents with which carriers have an agency appointment or other contract.

(c) CONTRACTUAL RELATIONSHIPS.—Nothing in this section, including the amendments by this section, shall be construed to require—

(1) an air carrier or foreign air carrier to enter into an agency appointment or other contract with a ticket agent; or

(2) an air carrier or foreign air carrier to provide information to a ticket agent with which the carrier does not have an agency appointment or other contract.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GINGREY, PHIL OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 216, after line 2, insert the following:

(b) LABOR MANAGEMENT RELATIONS.—

(1) EXCLUSION FROM THE EXCEPTION.—Section 40122(g)(2)(C) is amended by inserting after “chapter 71” the following: “(other than subsections (a), (c) and (d) of section 7131)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that such amendment shall not have the effect of causing official time to be denied or otherwise made unavailable for purposes of—

(A) the negotiation of a collective bargaining agreement, if commenced before such date of enactment;

(B) any proceeding before the Federal Labor Relations Authority, if commenced before such date of enactment; or
 (C) any other matter pending on such date of enactment, in connection with which any official time has been used or granted before such date.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES, SAM OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 234, after line 1, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 801. STATE TAXATION.

Section 40116(d)(2)(A)(iv) is amended to read as follows:

“(iv) levy or collect a tax, fee, or charge, first taking effect after the date of enactment of the FAA Reauthorization and Reform Act of 2011, upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge that is—

“(I) generally imposed on sales or services by that jurisdiction; or

“(II) utilized for purposes specified under section 47107(b).”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS, PETE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”), with respect to any project or program funded under this Act (or amendment).

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LATOURETTE, STEVEN OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 259, strike line 21 and all that follows through line 2 on page 260 (and conform the table of contents accordingly).

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES, SAM OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. TERMINATION OF CERTAIN RESTRICTIONS FOR BURKE LAKEFRONT AIRPORT.

Notwithstanding section 521 of title V of division F of Public Law 108–199 (118 Stat. 343) and any restriction in Federal Aviation Administration Flight Data Center Notice to Airmen 9/5151, the Ad-

ministrator of the Federal Aviation Administration may not prohibit or impose airspace restrictions with respect to an air show or other aerial event located at the Burke Lakefront Airport in Cleveland, Ohio, due to an event at a stadium or other venue occurring at the same time, except that the Administrator may prohibit any aircraft from flying directly over the applicable stadium or other venue.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAXMAN, HENRY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER, BILL OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII of the bill, insert the following:

SEC. 8 ISSUING REGULATIONS.

Section 106(f)(3)(A) is amended—

- (1) by inserting “(i)” before the first sentence; and
- (2) by adding at the end the following:

“(ii) Before proposing or issuing a regulation, the Administrator shall:

“(I) Analyze the different industry segments and tailor any regulations to the characteristics of each separate segment (as determined by the Administrator), taking into account that the United States aviation industry is composed of different segments, with differing operational characteristics.

“(II) Perform the following analyses for each industry segment:

“(aa) Identify and assess the alternative forms of regulation and, to the extent feasible, specify performance objectives, rather than a specific means of compliance.

“(bb) Assess the costs and benefits and propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

“(cc) Ensure that the proposed regulation is based on the best reasonably obtainable scientific, technical, and other information relating to the need for, and consequences of, the regulation.

“(dd) Assess any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness) together with a quantification of such costs.”.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE, GWEN OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.

(a) **IN GENERAL.**—For each of fiscal years 2011 through 2014, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(b) **NEW SMALL BUSINESS CONCERNS.**—For purposes of subsection (a), a new small business concern is a small business concern that did not participate in the programs and activities described in subsection (a) in a previous fiscal year.

(c) **CONTENTS.**—The report shall include—

(1) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(2) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(3) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES, SAM OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. HISTORICAL AIRCRAFT DOCUMENTS.

(a) **PRESERVATION OF DOCUMENTS.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

- (B) Group-2 approved aircraft type certificate numbers 2-1 through 2-554.
- (2) REVISION OF ORDER.—Not later than one year after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).
- (3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.
- (b) AVAILABILITY OF DOCUMENTS.—
- (1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—
- (A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and
- (B) subject to a prohibition on use of the documents for commercial purposes.
- (2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).
- (c) HOLDER OF TYPE CERTIFICATE.—
- (1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to the Federal Aviation Administration, a person, or the public.
- (2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).
- (3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall not be responsible for any continued airworthiness or Federal Aviation Administration regulatory requirements to the type certificate data and documents identified in subsection (a)(1).

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE, STEVAN OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DOÑA ANA COUNTY, NEW MEXICO.

(a) RELEASE FROM RESTRICTIONS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 4, 1982) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restric-

tions contained in the deed of conveyance numbered 30–82–0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(b) CONDITIONS.—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROTHMAN, STEVEN OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF, ADAM OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. MANDATORY NIGHTTIME CURFEWS.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any written assurances under section 47107 of title 49, United States Code, an airport sponsor may not be prohibited from, or interfered with, implementing any of the following:

(1) A total mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (1) of subsection (b).

(2) A partial mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (2) of subsection (b).

(b) COVERED AIRPORTS.—

(1) PARAGRAPH (1) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a voluntary curfew in effect for certain aircraft on November 5, 1990; and

(B) was created by an intergovernmental agreement established pursuant to a State statute enacted before November 5, 1990, that, along with the statute, imposes obligations with respect to noise mitigation.

(2) PARAGRAPH (2) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a partial curfew in effect prior to November 5, 1990;

(B) operates under the supervision of a board of airport commissioners that, on January 1, 2010, oversaw operation of 3 or more airports, at least 2 of which have airport operating certificates pursuant to part 139 of title 14, Code of Federal Regulations; and

(C) on January 1, 2010, failed to comply with a cumulative noise standard established by a State law for airports in that State.

(c) NOTICE REQUIREMENTS.—

(1) IN GENERAL.—At least 90 days before implementing a curfew under subsection (a), an airport sponsor shall provide to airport users and other interested parties reasonable notice of—

(A) the terms of the curfew; and

(B) the penalties for violating the curfew.

(2) REASONABLE NOTICE.—An airport sponsor shall be treated as satisfying the requirement of providing reasonable notice under paragraph (1) if the sponsor—

(A) includes the terms of the curfew and penalties for violating the curfew on the Internet Web site of the sponsor for the applicable airport; and

(B) provides the terms of the curfew and penalties for violating the curfew to tenants of the sponsor who operate aircraft at the airport, either at their leasehold or the address provided to the airport sponsor for the receipt of notices under their lease.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL MANDATORY NIGHTTIME CURFEW.—The term “total mandatory nighttime curfew” means a prohibition on all aircraft operations at an airport each night during the 9-hour period beginning at 10 p.m.

(2) PARTIAL MANDATORY NIGHTTIME CURFEW.—The term “partial mandatory nighttime curfew” means a prohibition on certain aircraft operations at an airport each night for not longer than the 9-hour period beginning at 10 p.m.

30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATHE-
SON, JIM OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MIN-
UTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to any airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county property for airport purposes pursuant to section 16 of the Federal Airport Act (as in effect on August 28, 1973) or section 23 of the Airport and Airway Development Act.

(b) **CONDITION.**—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The applicable airport, city, or county shall agree that in conveying any interest in the property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive an amount for such interest that is equal to its fair market value.

(2) Any amount received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

(3) Any other conditions required by the Secretary and in accordance with title 49, United States Code.

31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS, MAXINE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that Los Angeles World Airports, the operator of Los Angeles International Airport (LAX)—

(1) should consult on a regular basis with representatives of the community surrounding the airport regarding—

(A) the ongoing operations of LAX; and

(B) plans to expand, modify, or realign LAX facilities; and

(2) should include in such consultations any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies Los Angeles World Airports of its desire to be included in such consultations.

32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE, GWEN OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DEVELOPMENT OF AEROTROPOLIS ZONES AROUND AIRPORTS.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration may establish a program in support of the development of aerotropolis zones around medium and large hub airports.

(b) **DEMONSTRATION PROJECTS.**—Under the program, the Administrator may carry out demonstration projects in not more than 5 locations. In selecting such locations, the Administrator shall seek a mix of medium and large hub airports.

(c) **ACTIVITIES.**—In carrying out a project with respect to an airport under the program, the Administrator shall undertake activities designed to—

(1) encourage freight and passenger rail companies to support the development of those facilities at or near the airport to reduce congestion and improve the flow of freight and passengers to and through the airport;

(2) reduce traffic congestion on roadways serving the airport to improve the flow of passengers and freight to and through the airport; and

(3) integrate airport planning and development efforts with businesses and municipalities located near the airport to maximize economic development opportunities that rely on the airport as a transportation hub.

(d) **REPORTS.**—If the Administrator decides not to carry out demonstration projects under the program in a fiscal year, the Administrator, on or before the last day of that fiscal year, shall submit to Congress a report containing an explanation for the Administrator's decision.

(e) **FUNDING.**—For each of fiscal years 2011 through 2014, the Administrator may use amounts made available under section 106(k) of title 49, United States Code, for operations of the Federal Aviation Administration to carry out this section.

33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CROWLEY, JOSEPH OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

SEC. 8. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that—

(1) the Port Authority of New York and New Jersey, and the Philadelphia International Airport should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations;

(2) the Port Authority and the Philadelphia International Airport should pay particular attention to the compatibility of land use and impact of noise on affected neighborhoods, including homes, schools, and places of worship in communities surrounding LaGuardia Airport, Newark Liberty Airport, JFK Airport, and Philadelphia International Airport; and

(3) until such time as the Port Authority of New York and New Jersey and the Philadelphia International Airport completes a noise compatibility study under part 150 of title 14, Code of Federal Regulations, and has such study approved, the Secretary of Transportation may incur obligations to make grants from amounts made available under section 48104 of title 49, United States Code.