

# Calendar No. 168

111TH CONGRESS  
1ST SESSION

# S. 1451

[Report No. 111–82]

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

JULY 14, 2009

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. DEMINT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 29, 2009

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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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 Representa-*  
2       *tives of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “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. 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.

**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. Unmanned aerial systems.  
 Sec. 320. Surface Systems Program Office.  
 Sec. 321. Stakeholder coordination.  
 Sec. 322. FAA task force on air traffic control facility conditions.  
 Sec. 323. State ADS-B equipage bank pilot program.  
 Sec. 324. Definitions.

#### 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.

##### 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.

##### 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.

#### 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. Flight crew 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. Pilot applicant employment records.
- Sec. 552. Air carrier safety management systems.
- Sec. 553. Implementation of NTSB 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. Safety inspections of regional air carriers.
- Sec. 557. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 558. Oversight of pilot training schools.
- Sec. 559. Definitions.

#### TITLE VI—AVIATION RESEARCH

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

#### 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.

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

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

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

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

**12 TITLE I—AUTHORIZATIONS**

**13 SEC. 101. OPERATIONS.**

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

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

1                   “(B) \$9,620,000,000 for fiscal year  
2                   2011.”.

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

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

6                   “(1) \$3,500,000,000 for fiscal year 2010, of  
7                   which \$500,000,000 is derived from the Air Traffic  
8                   Control System Modernization Account of the Air-  
9                   port and Airways Trust Fund; and

10                   “(2) \$3,600,000,000 for fiscal year 2011, of  
11                   which \$500,000,000 is derived from the Air Traffic  
12                   Control System Modernization Account of the Air-  
13                   port and Airways Trust Fund.”.

14 **SEC. 103. RESEARCH AND DEVELOPMENT.**

15           Section 48102 is amended—

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

18                   “(a) IN GENERAL.—Not more than the following  
19 amounts may be appropriated to the Secretary of Trans-  
20 portation out of the Airport and Airway Trust Fund es-  
21 tablished under section 9502 of the Internal Revenue Code  
22 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-  
23 search and development under sections 44504, 44505,  
24 44507, 44509, and 44511 through 44513 of this title:

25                   “(1) \$200,000,000 for fiscal year 2010.

1           ~~“(2) \$206,000,000 for fiscal year 2011.”;~~

2           ~~(2) by striking subsections (e) through (h); and~~

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

4           ~~“(c) RESEARCH GRANTS PROGRAM INVOLVING UN-~~  
5 ~~DERGRADUATE STUDENTS.—The Administrator of the~~  
6 ~~Federal Aviation Administration shall establish a program~~  
7 ~~to utilize undergraduate and technical colleges, including~~  
8 ~~Historically Black Colleges and Universities, Hispanic~~  
9 ~~Serving Institutions, tribally controlled colleges and uni-~~  
10 ~~versities, and Alaska Native and Native Hawaiian serving~~  
11 ~~institutions in research on subjects of relevance to the~~  
12 ~~Federal Aviation Administration. Grants may be awarded~~  
13 ~~under this subsection for—~~

14           ~~“(1) research projects to be carried out at pri-~~  
15 ~~marily undergraduate institutions and technical col-~~  
16 ~~leges;~~

17           ~~“(2) research projects that combine research at~~  
18 ~~primarily undergraduate institutions and technical~~  
19 ~~colleges with other research supported by the Fed-~~  
20 ~~eral Aviation Administration;~~

21           ~~“(3) research on future training requirements~~  
22 ~~on projected changes in regulatory requirements for~~  
23 ~~aircraft maintenance and power plant licensees; or~~

24           ~~“(4) research on the impact of new technologies~~  
25 ~~and procedures, particularly those related to aircraft~~

1 flight deck and air traffic management functions;  
 2 and on training requirements for pilots and air traf-  
 3 fic controllers.”.

4 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
 5 **NOISE COMPATIBILITY PLANNING AND PRO-**  
 6 **GRAMS.**

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

9 “(1) \$4,000,000,000 for fiscal year 2010; and

10 “(2) \$4,100,000,000 for fiscal year 2011.”.

11 **SEC. 105. OTHER AVIATION PROGRAMS.**

12 Section 48114 is amended—

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

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

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

19 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**  
 20 **PORTATION SYSTEM PROJECTS.**

21 Section 44501(b) is amended—

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

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



1           ~~(3)~~ by adding at the end thereof the following:  
 2           ~~“(5)~~ a list of projects that are part of the Next  
 3           Generation Air Transportation System and do not  
 4           have as a primary purpose to operate or maintain  
 5           the current air traffic control system.”.

6   **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**  
 7           **AIRPORT PROGRAMS.**

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

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

11           “Of the amount made available under section 48103  
 12           of this title, the following may be available for administra-  
 13           tive expenses relating to the Airport Improvement Pro-  
 14           gram, passenger facility charge approval and oversight,  
 15           national airport system planning, airport standards devel-  
 16           opment and enforcement, airport certification, airport-re-  
 17           lated environmental activities (including legal services),  
 18           and other airport-related activities (including airport tech-  
 19           nology research), to remain available until expended—

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

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

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

          “48105. Airport programs administrative expenses.”.

## TITLE II—AIRPORT IMPROVEMENTS

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

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

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

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

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

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

“(C) the amount of expenditures with pro-  
gram revenue made by the agency on each eligi-

1       ble airport-related project during the period  
2       covered by the report;

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

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

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

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

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

1           ~~“(3) CONSULTATION WITH CARRIERS FOR NEW~~  
 2           ~~PROJECTS.—~~

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

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

22           ~~“(ii) that the notice include a full de-~~  
 23           ~~scription and justification for a proposed~~  
 24           ~~project;~~

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

3                   “(iv) that the notice include the pro-  
4                   posed level for the passenger facility  
5                   charge.

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

15                   “(i) had not less than 1.0 percent of  
16                   passenger boardings at the airport in the  
17                   prior calendar year;

18                   “(ii) had at least 25,000 passenger  
19                   boardings at the airport in the prior cal-  
20                   endar year; or

21                   “(iii) provides scheduled service at the  
22                   airport.

23                   “(C) Not later than 45 days after written  
24                   notice is provided under subparagraph (A);  
25                   each air carrier and foreign air carrier may pro-

1       vide written comments to the eligible agency in-  
2       dicating its agreement or disagreement with the  
3       project or, if applicable, the proposed level for  
4       a passenger facility charge.

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

13      “(4) PUBLIC NOTICE AND COMMENT.—

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

23      “(B) The Secretary shall prescribe by reg-  
24      ulation what constitutes reasonable notice under

1 this paragraph, which shall at a minimum re-  
2 quire—

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

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

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

16 “(5) OBJECTIONS.—

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

23 “(B) The Secretary shall provide not less  
24 than 30 days for the eligible agency to respond  
25 to any filed objection.

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

9                   “(i) the project is not an eligible air-  
10                  port related project;

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

15                  “(iii) the eligible agency has been  
16                  found to be in violation of section  
17                  47107(b) of this title and has failed to  
18                  take corrective action, prior to the filing of  
19                  the objection; or

20                  “(iv) in the case of a proposed in-  
21                  crease in the passenger facility charge  
22                  level, the level is not authorized by this  
23                  section.

24           “(D) Upon issuance of a decision termi-  
25           nating authority, the public agency shall pre-



1       pare an accounting of passenger facility revenue  
2       collected under the terminated authority and re-  
3       store the funds for use on other authorized  
4       projects.

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

11       “(6) APPROVAL REQUIREMENT FOR INCREASED  
12      PASSENGER FACILITY CHARGE OR INTERMODAL  
13      GROUND ACCESS PROJECT.—

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

20           “(B) The eligible agency may submit to  
21       the Secretary an application for authority to  
22       impose a passenger facility charge for an inter-  
23       modal ground access project or to increase a  
24       passenger facility charge. The application shall  
25       contain information and be in the form that the

Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

“(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

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

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

1 (i) by striking “FEE” in the heading  
 2 for paragraph (5) and inserting  
 3 “CHARGE”; and

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

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

9 (i) by striking “fee” or “fees” each  
 10 place either appears and inserting  
 11 “charge” or “charges”, respectively; and

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

17 (C) The caption for section 40117 is  
 18 amended to read as follows:

19 **“§ 40117. Passenger facility charges”.**

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

“40117. Passenger facility charges.”.

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

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

5           (B) by striking “specific” in paragraph  
 6           (1);

7           (C) by striking paragraph (2) and insert-  
 8           ing the following:

9           “(2) the project is an eligible airport-related  
 10          project; and”;

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

14          (E) by striking paragraph (4).

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

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

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

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

3           (B) by inserting after paragraph (2) the  
4           following:

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

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

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

23               (B) by striking “date that is 3 years after  
24               the date of issuance of regulations to carry out  
25               this subsection.” in paragraph (7) and inserting

“date of issuance of regulations to carry out subsection (e) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.”.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking “sponsor” the second place it appears in the first sentence and all that follows and inserting “sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(e) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.”.

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

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

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

“(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set

1       forth in paragraph (1) or (4) of subsection (b) if the  
 2       participating eligible agency meets the requirements  
 3       of paragraph (2).

4               “(2) COLLECTION REQUIREMENTS.—

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

7               “(i) may collect the charge from the  
 8       passenger at the facility, via the Internet,  
 9       or in any other reasonable manner; but

10              “(ii) may not require or permit the  
 11       charge to be collected by an air carrier or  
 12       foreign air carrier for the flight segment.

13              “(B) PFC COLLECTION REQUIREMENT  
 14       NOT TO APPLY.—Subpart C of part 158 of title  
 15       14, Code of Federal Regulations, does not apply  
 16       to the collection of the passenger facility charge  
 17       imposed by an eligible agency participating in  
 18       the pilot program.”.

19       (b) GAO STUDY OF ALTERNATIVE MEANS OF COL-  
 20       LECTING PFCs.—

21              “(1) IN GENERAL.—The Comptroller General  
 22       shall conduct a study of alternative means of collec-  
 23       tion passenger facility charges imposed under section  
 24       40117 of title 49, United States Code, that would  
 25       permit such charges to be collected without being in-

cluded in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

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

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

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General’s findings, conclusions, and recommendations.

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

Section 47107 is amended—

(1) by striking “made,” in subsection (a)(16)(D)(ii) and inserting “made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator’s control that requires the relocation or re-



1 placement of an existing airport facility, the Sec-  
 2 retary, upon the request of the owner or operator,  
 3 may grant funds available under section 47114 to  
 4 pay the cost of relocating or replacing such facil-  
 5 ity;”;

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

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

15 (4) by redesignating paragraph (3) of sub-  
 16 section (c) as paragraph (4) and inserting after  
 17 paragraph (2) the following:

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

21 “(i) reinvestment in an approved noise compat-  
 22 ibility project;

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

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

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

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

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

13          (a) **FEDERAL SHARE.**—Section 47109 is amended—

14               (1) by striking “subsection (b) or subsection  
15               (c)” in subsection (a) and inserting “subsection (b);  
16               (c); or (e)”; and

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

18               “(e) **SPECIAL RULE FOR TRANSITION FROM SMALL**  
19 **HUB TO MEDIUM HUB STATUS.**—If the status of a small  
20 hub primary airport changes to a medium hub primary  
21 airport, the United States Government’s share of allow-  
22 able project costs for the airport may not exceed 95 per-  
23 cent for 2 fiscal years following such change in hub sta-  
24 tus.”.

1       (b)       TRANSITIONING       AIRPORTS.—Section  
 2 47114(f)(3)(B) is amended by striking “year 2004.” and  
 3 inserting “years 2010 and 2011.”.

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

5       Section 47110 is amended—

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

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

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

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

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

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

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

25       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. 208. MISCELLANEOUS AMENDMENTS.**

2       (a) ~~TECHNICAL CHANGES TO NATIONAL PLAN OF~~  
3 ~~INTEGRATED AIRPORT SYSTEMS.—~~Section 4710~~3~~ is  
4 amended—

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

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

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

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

14          (5) by striking paragraph (2) of subsection (b)  
15 and redesignating paragraph (3) as paragraph (2);

16          (6) by striking “operations, Short Takeoff and  
17 Landing/Very Short Takeoff and Landing aircraft  
18 operations,” in subsection (b)(2), as redesignated;  
19 and inserting “operations”; and

20          (7) by striking “status of the” in subsection  
21 (d).

22       (b) ~~UPDATE VETERANS PREFERENCE DEFINI-~~  
23 ~~TION.—~~Section 4711~~2~~(c) is amended—

24           (1) by striking “separated from” in paragraph  
25 (1)(B) and inserting “discharged or released from  
26 active duty in”;

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

3           “(C) ‘Afghanistan-Iraq war veteran’ means an  
4 individual who served on active duty, as defined by  
5 section 101(21) of title 38, at any time in the armed  
6 forces for a period of more than 180 consecutive  
7 days, any part of which occurred during the period  
8 beginning on September 11, 2001, and ending on  
9 the date prescribed by Presidential proclamation or  
10 by law as the last date of Operation Iraqi Free-  
11 dom.”; and

12           (3) by striking “veterans and” in paragraph (2)  
13 and inserting “veterans, Afghanistan-Iraq war vet-  
14 erans, and”.

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

17           (1) by striking “April 1” and inserting “June  
18 1”; and

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

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

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

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

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

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

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

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

8           (2) by striking “47102(3)(F),” in subsection  
9   (b);

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

12          (4) by striking “47103(3)(F), in subsection (b);  
13   and

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

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

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

1           (1) by striking “Airport Capacity Benchmark  
2       Report 2001.” in paragraph (2) and inserting “2001  
3       and 2004 Airport Capacity Benchmark Reports or  
4       of the most recent Benchmark report, Future Air-  
5       port Capacity Task Report, or other comparable  
6       FAA report”; and

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

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

13       (h) USE OF APPORTIONED AMOUNTS.—Section  
14   47117(e)(1)(A) is amended—

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

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

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



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

4           (i) ~~USE OF PREVIOUS FISCAL YEAR’S APPORTION-~~  
5 ~~MENT.~~—Section 47114(c)(1) is amended—

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

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

10          (3) by adding at the end of subparagraph (E)  
11          the following:

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

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

1           “(H) SPECIAL RULE FOR FISCAL YEARS 2010  
 2           AND 2011.—Notwithstanding subparagraph (A), for  
 3           an airport that had more than 10,000 passenger  
 4           boardings and scheduled passenger aircraft service  
 5           in calendar year 2007, but in either calendar years  
 6           2008 or 2009, or both years, the number of pas-  
 7           senger boardings decreased to a level below 10,000  
 8           boardings per year at such airport, the Secretary  
 9           may apportion in fiscal years 2010 or 2011 to the  
 10          sponsor of such an airport an amount equal to the  
 11          amount apportioned to that sponsor in fiscal year  
 12          2009.”.

13          (j) Section 47102(3) is amended by adding at the end  
 14          the following:

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

19          (k) Section 47115(g)(1) is amended by striking  
 20          “of—” and all that follows and inserting “of  
 21          \$520,000,000. The amount credited is exclusive of  
 22          amounts that have been apportioned in a prior fiscal year  
 23          under section 47114 of this title and that remain available  
 24          for obligation.”.

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

2 Section 47128 is amended—

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

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

8 (3) by redesignating subsection (e) as sub-  
 9 section (d) and inserting after subsection (b) the fol-  
 10 lowing:

11 “(e) PROJECT ANALYSIS AND COORDINATION RE-  
 12 QUIREMENTS.—Any Federal agency that must approve, li-  
 13 cense, or permit a proposed action by a participating State  
 14 shall coordinate and consult with the State. The agency  
 15 shall utilize the environmental analysis prepared by the  
 16 State, provided it is adequate, or supplement that analysis  
 17 as necessary to meet applicable Federal requirements.”;  
 18 and

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

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

1 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
 2 **VIEWS.**

3 Section 47173(a) is amended by striking “project.”  
 4 and inserting “project, or to conduct special environmental  
 5 studies related to a federally funded airport project or for  
 6 special studies or reviews to support approved noise com-  
 7 patibility measures in a Part 150 program or environ-  
 8 mental mitigation in a Federal Aviation Administration  
 9 Record of Decision or Finding of No Significant Impact.”.

10 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
 11 **PROCEDURES.**

12 Section 47504 is amended by adding at the end the  
 13 following:

14 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
 15 DURES.—

16 “(1) The Secretary is authorized in accordance  
 17 with subsection (e)(1) to make a grant to an airport  
 18 operator to assist in completing environmental re-  
 19 view and assessment activities for proposals to im-  
 20 plement flight procedures that have been approved  
 21 for airport noise compatibility planning purposes  
 22 under subsection (b).

23 “(2) The Administrator of the Federal Aviation  
 24 Administration may accept funds from an airport  
 25 sponsor, including funds provided to the sponsor  
 26 under paragraph (1), to hire additional staff or ob-

1       tain the services of consultants in order to facilitate  
 2       the timely processing, review and completion of envi-  
 3       ronmental activities associated with proposals to im-  
 4       plement flight procedures submitted and approved  
 5       for airport noise compatibility planning purposes in  
 6       accordance with this section. Funds received under  
 7       this authority shall not be subject to the procedures  
 8       applicable to the receipt of gifts by the Adminis-  
 9       trator.”.

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

11       Section 47118(e) is amended—

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

14           (2) by striking “delays.” in paragraph (2) and  
 15       inserting “delays; or”; and

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

17           “(3) be critical to the safety of commercial,  
 18       military, or general aviation in trans-oceanic  
 19       flights.”.

20   **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**  
 21       **PILOT PROGRAM.**

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

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

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

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

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

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

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

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

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

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

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

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

18                       “(A) ~~Businesses operating in the United~~  
 19                       ~~States.~~

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

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

25                       “(D) ~~Federal laboratories.~~

1           “(2) ENVIRONMENTAL MITIGATION DEM-  
 2           ONSTRATION PROJECT.—The term ‘environmental  
 3           mitigation demonstration project’ means a project  
 4           that—

5                   “(A) introduces new conceptual environ-  
 6                   mental mitigation techniques or technology with  
 7                   associated benefits, which have already been  
 8                   proven in laboratory demonstrations;

9                   “(B) proposes methods for efficient adap-  
 10                  tation or integration of new concepts to airport  
 11                  operations; and

12                  “(C) will demonstrate whether new tech-  
 13                  niques or technology for environmental mitiga-  
 14                  tion identified in research are—

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

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

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

“47143. Environmental mitigation demonstration pilot program.”.

23           **SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DE-**  
 24           **VELOPMENT PROGRAM.**

25           Section 47110(c) is amended—



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

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

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

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

8       **SEC. 215. GLYCOL RECOVERY VEHICLES.**

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

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

13       Section 44504(b) is amended—

14           (1) by striking “and” after the semicolon in  
15       paragraph (6);

16           (2) by striking “aircraft.” in paragraph (7) and  
17       inserting “aircraft; and”; and

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

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

21   **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**  
22       **ANTEE.**

23       Section 47114(e) is amended—

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

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

5           “(5) UNITED STATES TERRITORY MINIMUM  
6       GUARANTEE.—In any fiscal year in which the total  
7       amount apportioned to airports in a United States  
8       Territory under subsections (c) and (d) is less than  
9       1.5 percent of the total amount apportioned to all  
10      airports under those subsections, the Secretary may  
11      apportion to the local authority in any United States  
12      Territory responsible for airport development  
13      projects in that fiscal year an amount equal to the  
14      difference between 1.5 percent of the total amounts  
15      apportioned under subsections (c) and (d) in that  
16      fiscal year and the amount otherwise apportioned  
17      under those subsections to airports in a United  
18      States Territory in that fiscal year.”.

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

20       (a) IN GENERAL.—Notwithstanding any other provi-  
21      sion of law, including the Federal Airport Act (as in effect  
22      on August 8, 1958), the United States releases, without  
23      monetary consideration, all restrictions, conditions, and  
24      limitations on the use, encumbrance, or conveyance of cer-  
25      tain land located in the municipality of Anchorage, Alaska,

1 more particularly described as Tracts 22 and 24 of the  
 2 Fourth Addition to the Town Site of Anchorage, Alaska,  
 3 as shown on the plat of U.S. Survey No. 1456, accepted  
 4 June 13, 1923, on file in the Bureau of Land Manage-  
 5 ment, Department of Interior.

6 (b) GRANTS.—Notwithstanding any other provision  
 7 of law, the municipality of Anchorage shall be released  
 8 from the repayment of any outstanding grant obligations  
 9 owed by the municipality to the Federal Aviation Adminis-  
 10 tration with respect to any land described in subsection  
 11 (a) that is subsequently conveyed to or used by the De-  
 12 partment of Transportation and Public Facilities of the  
 13 State of Alaska for the construction or reconstruction of  
 14 a federally subsidized highway project.

## 15 **TITLE III—AIR TRAFFIC CON-** 16 **TROL MODERNIZATION AND** 17 **FAA REFORM**

### 18 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-** 19 **SIGHT BOARD.**

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

21 “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-  
 22 SIGHT BOARD.—

23 “(1) ESTABLISHMENT.—Within 90 days after  
 24 the date of enactment of the FAA Air Transpor-  
 25 tation Modernization and Safety Improvement Act,

1 the Secretary shall establish and appoint the mem-  
 2 bers of an advisory Board which shall be known as  
 3 the Air Traffic Control Modernization Oversight  
 4 Board.

5 “(2) MEMBERSHIP.—The Board shall be com-  
 6 prised of the individual appointed or designated  
 7 under section 302 of the FAA Air Transportation  
 8 Modernization and Safety Improvement Act (who  
 9 shall serve ex officio without the right to vote) and  
 10 7 other members, who shall consist of—

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

13 “(B) 1 member who shall have a fiduciary  
 14 responsibility to represent the public interest;  
 15 and

16 “(C) 4 members representing aviation in-  
 17 terests, as follows:

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

20 “(ii) 1 representative that is the chief  
 21 executive officer of a passenger or cargo  
 22 air carrier.

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

involved with the operation, maintenance  
or procurement of the air traffic control  
system.

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

“(3) APPOINTMENT AND QUALIFICATIONS.—

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

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

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

“(ii) customer service;

“(iii) management of large procure-  
ments;

1                   “(iv) information and communications  
2                   technology;

3                   “(v) organizational development; and

4                   “(vi) labor relations.

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

7                   “(i) 2 shall be appointed for terms of  
8                   1 year;

9                   “(ii) 1 shall be appointed for a term  
10                  of 2 years;

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

13                  “(iv) 1 shall be appointed for a term  
14                  of 4 years.

15                  “(4) FUNCTIONS.—

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

17                   “(i) review and provide advice on the  
18                   Administration’s modernization programs;  
19                   budget; and cost accounting system;

20                   “(ii) review the Administration’s stra-  
21                   tegic plan and make recommendations on  
22                   the non-safety program portions of the  
23                   plan; and provide advice on the safety pro-  
24                   grams of the plan;

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

5           “(iv) approve procurements of air  
6 traffic control equipment in excess of  
7 \$100,000,000;

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

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

19           “(vii) annually review and make rec-  
20 ommendations on the NextGen Implemen-  
21 tation Plan;

22           “(viii) approve the Administrator’s se-  
23 lection of the Chief NextGen Officer ap-  
24 pointed or designated under section 302(a)

1 of the FAA Air Transportation Moderniza-  
 2 tion and Safety Improvement Act; and

3 “(ix) approve the selection of the head  
 4 of the Joint Planning and Development  
 5 Office.

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

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

23 “(5) FEDERAL ADVISORY COMMITTEE ACT NOT  
 24 TO APPLY.—The Federal Advisory Committee Act (5  
 25 U.S.C. App.) shall not apply to the Board or such



1       rulemaking committees as the Administrator shall  
2       designate.

3       ~~“(6) ADMINISTRATIVE MATTERS.—~~

4               ~~“(A) TERMS OF MEMBERS.—~~Except as  
5       provided in paragraph ~~(3)(C)~~, members of the  
6       Board appointed under paragraph ~~(2)(B)~~ and  
7       ~~(2)(C)~~ shall be appointed for a term of 4 years.

8               ~~“(B) REAPPOINTMENT.—~~No individual  
9       may be appointed to the Board for more than  
10       8 years total.

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

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

22              ~~“(E) REMOVAL.—~~Any member of the  
23       Board appointed under paragraph ~~(2)(B)~~ or  
24       ~~(2)(C)~~ may be removed by the President for  
25       cause.

1           ~~“(F) CLAIMS AGAINST MEMBERS OF THE~~  
2           ~~BOARD.—~~

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

10          ~~“(ii) EFFECT ON OTHER LAW.—This~~  
11          ~~subparagraph shall not be construed—~~

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

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

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

1           “(G) ~~ETHICAL CONSIDERATIONS.~~—Each  
 2           member of the Board appointed under para-  
 3           graph (2)(B) must certify that the member—

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

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

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

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

22           “(I) ~~COMPENSATION.~~—No member shall re-  
 23           ceive any compensation or other benefits from  
 24           the Federal Government for serving on the  
 25           Board, except for compensation benefits for in-

juries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

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

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

“(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

“(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term ‘air traffic con-

1       trol system' has the meaning given that term in sec-  
2       tion 40102(a).”.

3   **SEC. 302. NEXTGEN MANAGEMENT.**

4       (a) **IN GENERAL.**—The Administrator shall appoint  
5       or designate an individual, as the Chief NextGen Officer,  
6       to be responsible for implementation of all Administration  
7       programs associated with the Next Generation Air Trans-  
8       portation System.

9       (b) **SPECIFIC DUTIES.**—The individual appointed or  
10      designated under subsection (a) shall—

11           (1) oversee the implementation of all Adminis-  
12      tration NextGen programs;

13           (2) coordinate implementation of those  
14      NextGen programs with the Office of Management  
15      and Budget;

16           (3) develop an annual NextGen implementation  
17      plan; and

18           (4) oversee the Joint Planning and Develop-  
19      ment Office's facilitation of cooperation among all  
20      Federal agencies whose operations and interests are  
21      affected by implementation of the NextGen pro-  
22      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(e) 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                   “(H) 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 consolidate any  
 24 additional approach control facilities into the South-

ern California TRACON, or the Memphis TRACON  
until the Board's recommendations are completed.

(c) **REALIGNMENT DEFINED.**—In this section, the  
term “realignment”—

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

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

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

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

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

(2) by adding at the end of subsection (a)(1)  
“The office shall be headed by a Director, who shall  
report to the Chief NextGen Officer appointed or  
designated under section 302(a) of the FAA Air

1       Transportation Modernization and Safety Improve-  
2       ment Act.”;

3           ~~(3)~~ by inserting “(A)” after “~~(3)~~” in subsection  
4       ~~(a)(3)~~;

5           (4) by inserting after subsection (a)(3) the fol-  
6       lowing:

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

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

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

24           “(iii) managing all Next Generation  
25      Air Transportation System programs for

1 the Department or agency, including nec-  
 2 essary budgetary and staff resources, in-  
 3 cluding, for the Federal Aviation Adminis-  
 4 tration, those projects described in section  
 5 44501(b)(5) of title 49, United States  
 6 Code).

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

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

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

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

1 agencies participating in the Next Generation  
 2 Air Transportation System project that—

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

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

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

13 (5) by striking “beyond those currently included  
 14 in the Federal Aviation Administration’s Operational  
 15 Evolution Plan” in subsection (b);

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

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

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

23 “(D) a schedule of rulemakings required to  
 24 issue regulations and guidelines for implementa-  
 25 tion of the Next Generation Air Transportation

1           System within a timeframe consistent with the  
2           integrated plan; and”;

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

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

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

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

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

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

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

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

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

24                  “(B) runway lighting and airport surface  
25                  visual and other navigation aids.”;



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

9           (3) by striking “another structure” in subpara-  
 10          graph (D) and inserting “any structure or equip-  
 11          ment”;

12          (4) by striking “aircraft.” in subparagraph (D)  
 13          and inserting “aircraft; and”; and

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

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

17 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
 18 **TORY.**

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

23 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

24          The Administrator shall make payments to the De-  
 25          partment of Defense for the education of dependent chil-

1 dren of those Administration employees in Puerto Rico  
 2 and Guam as they are subject to transfer by policy and  
 3 practice and meet the eligibility requirements of section  
 4 2164(e) of title 10, United States Code.

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

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

7 “(2) DISPUTE RESOLUTION.—

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

21 “(B) BINDING ARBITRATION.—If the serv-  
 22 ices of the Federal Mediation and Conciliation  
 23 Service under subparagraph (A) do not lead to  
 24 an agreement, the Administrator and the bar-  
 25 gaining representatives shall submit their issues

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

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

16                “(C) EFFECT.—Upon reaching a voluntary  
17          agreement or at the conclusion of the binding  
18          arbitration under subparagraph (B) above, the  
19          final agreement, except for those matters de-  
20          cided by the arbitration board, shall be subject  
21          to ratification by the exclusive representative, if  
22          so requested by the exclusive representative,  
23          and approval by the head of the agency in ac-  
24          cordance with subsection (g)(2)(C).

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

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

6       (a) OEP AIRPORT PROCEDURES.—

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

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

22           (B) COORDINATION AND IMPLEMENTATION  
 23           ACTIVITIES.—A description of the activities and  
 24           operational changes and approvals required to

1 coordinate and utilize those procedures at those  
2 airports.

3 (C) IMPLEMENTATION PLAN.—A plan for  
4 implementing those procedures that estab-  
5 lishes—

6 (i) clearly defined budget, schedule,  
7 project organization, and leadership re-  
8 quirements;

9 (ii) specific implementation and tran-  
10 sition steps; and

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

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

21 (E) ADDITIONAL PROCEDURES.—A process  
22 for the identification, certification, and publica-  
23 tion of additional required navigation perform-  
24 ance and area navigation procedures that may  
25 be required at such airports in the future.

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

3                     ~~(A) 30 percent of the required procedures~~  
 4                     ~~within 18 months after the date of enactment~~  
 5                     ~~of this Act;~~

6                     ~~(B) 60 percent of the procedures within 36~~  
 7                     ~~months after the date of enactment of this Act;~~  
 8                     ~~and~~

9                     ~~(C) 100 percent of the procedures before~~  
 10                    ~~January 1, 2014.~~

11           ~~(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—~~

12                    ~~(1) IN GENERAL.—No later than January 1,~~  
 13                    ~~2014, the Administrator shall publish a report, after~~  
 14                    ~~consultation with representatives of appropriate Ad-~~  
 15                    ~~ministration employee groups, airport operators, and~~  
 16                    ~~air carriers, that includes a plan for applying the~~  
 17                    ~~procedures, requirements, criteria, and metrics de-~~  
 18                    ~~scribed in subsection (a)(1) to other airports across~~  
 19                    ~~the Nation.~~

20           ~~(2) IMPLEMENTATION SCHEDULE.—The Ad-~~  
 21           ~~ministrator shall certify, publish, and implement—~~

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

24                    ~~(B) 50 percent of the procedures at such~~  
 25                    ~~other airports before January 1, 2016;~~

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

3                   (D) 100 percent of the procedures before  
 4                   January 1, 2018.

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

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

22           (e) DEPLOYMENT PLAN FOR NATIONWIDE DATA  
 23   COMMUNICATIONS SYSTEM.—Within 1 year after the date  
 24   of enactment of this Act, the Administrator shall submit  
 25   a plan for implementation of a nationwide communications



1 system to the Senate Committee on Commerce, Science,  
 2 and Transportation and the House of Representatives  
 3 Committee on Transportation and Infrastructure. The  
 4 plan shall include—

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

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

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

12       (f) IMPROVED PERFORMANCE STANDARDS.—Within  
 13 90 days after the date of enactment of this Act, the Ad-  
 14 ministrator shall submit a report to the Senate committee  
 15 on commerce, Science, and Transportation and the House  
 16 of Representatives Committee on Transportation and In-  
 17 frastructure that—

18           (1) evaluates whether utilization of ADS-B,  
 19 RNP, and other technologies as part of the NextGen  
 20 Air Transportation System implementation plan will  
 21 display the position of aircraft more accurately and  
 22 frequently so as to enable a more efficient use of ex-  
 23 isting airspace and result in reduced consumption of  
 24 aviation fuel and aircraft engine emissions;

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

4           (3) if the Administrator determines that such  
 5           standards can be reduced safely, includes a timetable  
 6           for implementation of such reduced standards.

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

8           (a) IN GENERAL.—

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

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

23                 (B) a transition plan for ADS-B that in-  
 24                 cludes date-specific milestones for the imple-

1           mentation of new capabilities into the National  
2           Airspace System;

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

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

9           ~~(E)~~ baseline and performance metrics in  
10          order to measure the agency's progress.

11          ~~(2)~~ IDENTIFICATION AND MEASUREMENT OF  
12          BENEFITS.—In the report required by paragraph  
13          ~~(1)~~, the Administrator shall identify actual benefits  
14          that will accrue to National Airspace System users  
15          from deployment of ADS-B and provide an expla-  
16          nation of the metrics used to quantify those benefits.

17          ~~(b)~~ RULEMAKINGS.—

18          ~~(1)~~ ADS-B OUT.—Not later than 45 days after  
19          the date of enactment of this Act the Administrator  
20          shall—

21               ~~(A)~~ complete the initial rulemaking pro-  
22               ceeding ~~(Docket No. FAA-2007-29305; Notice~~  
23               ~~No. 07-15; 72 FR 56947)~~ to issue guidelines  
24               and regulations for ADS-B Out technology  
25               that—

1 (i) identify the ~~ADS-B Out~~ tech-  
 2 nology that will be required under  
 3 ~~NextGen~~;

4 (ii) subject to paragraph (3), require  
 5 all aircraft to be equipped with such tech-  
 6 nology by 2015; and

7 (iii) identify—

8 (I) the type of such avionics re-  
 9 quired of aircraft for all classes of air-  
 10 space;

11 (II) the expected costs associated  
 12 with the avionics; and

13 (III) the expected uses and bene-  
 14 fits of the avionics; and

15 (B) initiate a rulemaking proceeding to  
 16 issue any additional guidelines and regulations  
 17 for ~~ADS-B Out~~ technology not addressed in the  
 18 initial rulemaking.

19 (2) ~~ADS-B IN~~.—Not later than 45 days after  
 20 the date of enactment of this Act the Administrator  
 21 shall initiate a rulemaking proceeding to issue guide-  
 22 lines and regulations for ~~ADS-B In~~ technology  
 23 that—

24 (A) identify the ~~ADS-B In~~ technology that  
 25 will be required under NextGen;

1           ~~(B)~~ subject to paragraph ~~(3)~~, require all  
 2           aircraft to be equipped with such technology by  
 3           ~~2018~~; and

4           ~~(C)~~ identify—

5                   (i) the type of such avionics required  
 6                   of aircraft for all classes of airspace;

7                   (ii) the expected costs associated with  
 8                   the avionics; and

9                   (iii) the expected uses and benefits of  
 10                  the avionics.

11           ~~(3)~~ READINESS VERIFICATION.—Before the  
 12           date on which all aircraft are required to be  
 13           equipped with ADS-B technology pursuant to  
 14           rulemakings under paragraphs ~~(1)~~ and ~~(2)~~, the Air  
 15           Traffic Control Modernization Oversight Board shall  
 16           verify that—

17                   ~~(A)~~ the necessary ground infrastructure is  
 18                   installed and functioning properly;

19                   ~~(B)~~ certification standards have been ap-  
 20                   proved; and

21                   ~~(C)~~ appropriate operational platforms  
 22                   interface safely and efficiently.

23           ~~(e)~~ USES.—Within 18 months after the date of enact-  
 24           ment of this Act, the Administrator shall develop, in con-  
 25           sultation with appropriate employee groups, a plan for the

1 use of ADS-B technology for surveillance and active air  
 2 traffic control by 2015. The plans shall—

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

7           (2) identify the equipment required at air traf-  
 8           fic control facilities and the training required for air  
 9           traffic controllers;

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

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

19 **SEC. 316. EQUIPAGE INCENTIVES.**

20           (a) IN GENERAL.—The Administrator shall issue a  
 21           report that—

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

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

3           ~~(3) includes input from industry stakeholders,~~  
4           including passenger and cargo air carriers; aerospace  
5           manufacturers; and general aviation aircraft opera-  
6           tors.

7           (b) DEADLINE.—The Administrator shall issue the  
8           report before the earlier of—

9           ~~(1) the date that is 6 months after the date of~~  
10          enactment of this Act; or

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

14   **SEC. 317. PERFORMANCE METRICS.**

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

18          ~~(1) the allowable operations per hour on run-~~  
19          ways;

20          ~~(2) average gate-to-gate times;~~

21          ~~(3) fuel burned between key city pairs;~~

22          ~~(4) operations using the advanced procedures~~  
23          implemented under section 314 of this Act;

24          ~~(5) average distance flown between key city~~  
25          pairs;

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

3           (7) uninterrupted climb or descent;

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

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

7           (10) metrics to demonstrate reduced fuel burn  
8           and reduced emissions.

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

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

18          (d) REPORTS.—

19                (1) INITIAL REPORT.—Not later than 90 days  
20          after the date of enactment of this Act, the Adminis-  
21          trator shall submit to the Senate Committee on  
22          Commerce, Science, and Transportation and the  
23          House of Representatives Committee on Transpor-  
24          tation and Infrastructure that contains—



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

6           (B) information about how any additional  
 7           metrics were developed.

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

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

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

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

20               (2) identification of the specific activities need-  
 21               ed to certify core NextGen technologies, including  
 22               the establishment of NextGen technical requirements  
 23               for the manufacture of equipage, installation of equi-  
 24               page, airline operational procedures, pilot training

1 standards, air traffic control procedures, and air  
2 traffic controller training;

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

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

13 ~~(5)~~ performance metrics to measure the Admin-  
14 istration's progress.

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

20 **SEC. 319. UNMANNED AERIAL SYSTEMS.**

21 ~~(a) IN GENERAL.—Within 1 year after the date of~~  
22 ~~enactment of this Act, the Administrator shall develop a~~  
23 ~~plan to accelerate the integration of unmanned aerial sys-~~  
24 ~~tems into the National Airspace System that—~~

1           (1) creates a pilot project to integrate such ve-  
2           hicles into the National Airspace System at 2 test  
3           sites in the National Airspace System by 2012;

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

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

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

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

17          (6) addresses both military and civilian un-  
18          manned aerial system operations;

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

23          (8) provides for verification of the safety of the  
24          vehicles and navigation procedures before their inte-  
25          gration into the National Airspace System.

1 **SEC. 320. SURFACE SYSTEMS PROGRAM OFFICE.**

2 (a) IN GENERAL.—The Air Traffic Organization  
3 shall—

4 (1) evaluate the Airport Surface Detection  
5 Equipment-Model X program for its potential con-  
6 tribution to implementation of the NextGen initia-  
7 tive;

8 (2) evaluate airport surveillance technologies  
9 and associated collaborative surface management  
10 software for potential contributions to implementa-  
11 tion of NextGen surface management;

12 (3) accelerate implementation of the program;  
13 and

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

16 (b) EXPEDITED CERTIFICATION AND UTILIZA-  
17 TION.—The Administrator shall—

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

21 (2) develop a plan to utilize such a system at  
22 the 35 Operational Evolution Partnership airports  
23 by September 30, 2012.

24 **SEC. 321. STAKEHOLDER COORDINATION.**

25 (a) IN GENERAL.—The Administrator shall establish  
26 a process for including qualified employees selected by

1 each exclusive collective bargaining representative of em-  
 2 ployees of the Administration who are likely to be affected  
 3 by the planning, development, and deployment of air traf-  
 4 fic control modernization projects (including the Next  
 5 Generation Air Transportation System) in, and collabo-  
 6 rating with, such employees in the planning, development,  
 7 and deployment of those projects.

8 ~~(b) PARTICIPATION.—~~

9 ~~(1) BARGAINING OBLIGATIONS AND RIGHTS.—~~

10 Participation in the process described in subsection  
 11 (a) shall not be construed as a waiver of any bar-  
 12 gaining obligations or rights under section  
 13 40122(a)(1) or 40122(g)(2)(C) of title 49, United  
 14 States Code.

15 ~~(2) CAPACITY AND COMPENSATION.—~~Exclusive  
 16 collective bargaining representatives and selected  
 17 employees participating in the process described in  
 18 subsection (a) shall—

19 ~~(A)~~ serve in a collaborative and advisory  
 20 capacity; and

21 ~~(B)~~ receive appropriate travel and per  
 22 diem expenses in accordance with the travel  
 23 policies of the Administration in addition to any  
 24 regular compensation and benefits.

1       (c) **REPORT.**—No later than 180 days after the date  
 2 of enactment of this Act, the Administrator shall submit  
 3 a report on the implementation of this section to the Sen-  
 4 ate Committee on Commerce, Science, and Transportation  
 5 and the House of Representatives Committee on Trans-  
 6 portation and Infrastructure.

7       **SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
 8                                   **CILITY CONDITIONS.**

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

12       (b) **MEMBERSHIP.**—

13               (1) **COMPOSITION.**—The Task Force shall be  
 14 composed of 11 members of whom—

15                       (A) 7 members shall be appointed by the  
 16 Administrator; and

17                       (B) 4 members shall be appointed by labor  
 18 unions representing employees who work at  
 19 field facilities of the Administration.

20       (2) **QUALIFICATIONS.**—Of the members ap-  
 21 pointed by the Administrator under paragraph

22       (1)(A)—

23                       (A) 4 members shall be specialists on toxic  
 24 mold abatement, “sick building syndrome,” and  
 25 other hazardous building conditions that can

1           lead to employee health concerns and shall be  
 2           appointed by the Administrator in consultation  
 3           with the Director of the National Institute for  
 4           Occupational Safety and Health; and

5           (B) 2 members shall be specialists on the  
 6           rehabilitation of aging buildings.

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

9           (4) VACANCIES.—A vacancy in the Task Force  
 10          shall be filled in the manner in which the original  
 11          appointment was made.

12          (5) TRAVEL EXPENSES.—Members shall serve  
 13          without pay but shall receive travel expenses, includ-  
 14          ing per diem in lieu of subsistence, in accordance  
 15          with subchapter I of chapter 57 of title 5, United  
 16          States Code.

17          (e) CHAIRPERSON.—The Administrator shall des-  
 18          ignate, from among the individuals appointed under sub-  
 19          section (b)(1), an individual to serve as chairperson of the  
 20          Task Force.

21          (d) TASK FORCE PERSONNEL MATTERS.—

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

1           (2) STAFF OF FEDERAL AGENCIES.—Upon re-  
 2           quest of the Chairperson of the Task Force, the  
 3           head of any department or agency of the United  
 4           States may detail, on a reimbursable basis, any of  
 5           the personnel of that department or agency to the  
 6           Task Force to assist it in carrying out its duties  
 7           under this section.

8           (3) OTHER STAFF AND SUPPORT.—Upon re-  
 9           quest of the Task Force or a panel of the Task  
 10          Force, the Administrator shall provide the Task  
 11          Force or panel with professional and administrative  
 12          staff and other support, on a reimbursable basis, to  
 13          the Task Force to assist it in carrying out its duties  
 14          under this section.

15          (c) OBTAINING OFFICIAL DATA.—The Task Force  
 16          may secure directly from any department or agency of the  
 17          United States information (other than information re-  
 18          quired by any statute of the United States to be kept con-  
 19          fidential by such department or agency) necessary for the  
 20          Task Force to carry out its duties under this section.  
 21          Upon request of the chairperson of the Task Force, the  
 22          head of that department or agency shall furnish such in-  
 23          formation to the Task Force.

24          (f) DUTIES.—



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

3           (A) the conditions of all air traffic control  
4 facilities across the Nation, including towers,  
5 centers, and terminal radar air control;

6           (B) reports from employees of the Admin-  
7 istration relating to respiratory ailments and  
8 other health conditions resulting from exposure  
9 to mold, asbestos, poor air quality, radiation  
10 and facility-related hazards in facilities of the  
11 Administration;

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

15           (D) the ability of managers and super-  
16 visors of such employees to promptly document  
17 and seek remediation for unsafe facility condi-  
18 tions;

19           (E) whether employees of the Administra-  
20 tion who report facility-related illnesses are  
21 treated fairly;

22           (F) utilization of scientifically approved re-  
23 mediation techniques in a timely fashion once  
24 hazardous conditions are identified in a facility  
25 of the Administration; and

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

3                   (2) FACILITY CONDITION INDICES.—The Task  
 4                   Force shall review the facility condition indices of  
 5                   the Administration for inclusion in the recommenda-  
 6                   tions under subsection (g).

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

11                  (1) prioritize those facilities needing the most  
 12                  immediate attention in order of the greatest risk to  
 13                  employee health and safety;

14                  (2) ensure that the Administration is using sci-  
 15                  entifically approved remediation techniques in all fa-  
 16                  cilities; and

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

20                  (h) REPORT.—Not later than 6 months after the date  
 21                  on which initial appointments of members to the Task  
 22                  Force are completed, the Task Force shall submit a report  
 23                  to the Administrator, the Senate Committee on Com-  
 24                  merce, Science, and Transportation, and the House of  
 25                  Representatives Committee on Transportation and Infra-

1 structure on the activities of the Task Force, including  
 2 the recommendations of the Task Force under subsection  
 3 ~~(g)~~.

4 (i) IMPLEMENTATION.—Within 30 days after receipt  
 5 of the Task Force report under subsection (h), the Admin-  
 6 istrator shall submit to the House of Representatives  
 7 Committee on Transportation and Infrastructure and the  
 8 Senate Committee on Commerce, Science, and Transpor-  
 9 tation a report that includes a plan and timeline to imple-  
 10 ment the recommendations of the Task Force and to align  
 11 future budgets and priorities of the Administration ac-  
 12 cordingly.

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

16 (k) APPLICABILITY OF THE FEDERAL ADVISORY  
 17 COMMITTEE ACT.—The Federal Advisory Committee Act  
 18 (5 U.S.C. App.) shall not apply to the Task Force.

19 **SEC. 323. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.**

20 (a) IN GENERAL.—

21 (1) COOPERATIVE AGREEMENTS.—Subject to  
 22 the provisions of this section, the Secretary of  
 23 Transportation may enter into cooperative agree-  
 24 ments with not to exceed 5 States for the establish-  
 25 ment of State ADS-B equipage banks for making

1 loans and providing other assistance to public enti-  
 2 ties for projects eligible for assistance under this  
 3 section.

4 (b) FUNDING.—

5 (1) SEPARATE ACCOUNT.—An ADS-B equipage  
 6 bank established under this section shall maintain a  
 7 separate aviation trust fund account for Federal  
 8 funds contributed to the bank under paragraph (2).  
 9 No Federal funds contributed or credited to an ac-  
 10 count of an ADS-B equipage bank established under  
 11 this section may be commingled with Federal funds  
 12 contributed or credited to any other account of such  
 13 bank.

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

17 (c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE  
 18 BANKS.—An ADS-B equipage bank established under  
 19 this section may make loans or provide other assistance  
 20 to a public entity in an amount equal to all or part of  
 21 the cost of carrying out a project eligible for assistance  
 22 under this section. The amount of any loan or other assist-  
 23 ance provided for such project may be subordinated to any  
 24 other debt financing for the project.

1       (d) ~~QUALIFYING PROJECTS.~~—Federal funds in the  
 2 ~~ADS-B~~ equipage account of an ~~ADS-B~~ equipage bank es-  
 3 tablished under this section may be used only to provide  
 4 assistance with respect to aircraft ~~ADS-B~~ and related avi-  
 5 onics equipage.

6       (e) ~~REQUIREMENTS.~~—In order to establish an ~~ADS-~~  
 7 ~~B~~ equipage bank under this section, each State estab-  
 8 lishing such a bank shall—

9           (1) contribute, at a minimum, in each account  
 10 of the bank from non-Federal sources an amount  
 11 equal to 50 percent of the amount of each capitaliza-  
 12 tion grant made to the State and contributed to the  
 13 bank;

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

19           (3) ensure that investment income generated by  
 20 funds contributed to an account of the bank will  
 21 be—

22                   (A) credited to the account;

23                   (B) available for use in providing loans  
 24 and other assistance to projects eligible for as-  
 25 sistance from the account; and

1           (C) invested in United States Treasury se-  
 2           curities, bank deposits, or such other financing  
 3           instruments as the Secretary may approve to  
 4           earn interest to enhance the leveraging of  
 5           projects assisted by the bank;

6           (4) ensure that any loan from the bank will  
 7           bear interest at or below market interest rates, as  
 8           determined by the State, to make the project that is  
 9           the subject of the loan feasible;

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

13          (6) require the bank to make an annual report  
 14          to the Secretary on its status no later than Sep-  
 15          tember 30 of each year for which funds are made  
 16          available under this section; and to make such other  
 17          reports as the Secretary may require by guidelines.

18 **SEC. 324. DEFINITIONS.**

19          In this title:

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

22           (2) ADMINISTRATOR.—The term “Adminis-  
 23           trator” means the Administrator of the Federal  
 24           Aviation Administration.

3                   (4) ~~SECRETARY.~~—The term “Secretary” means  
4                   the Secretary of Transportation.

5 **TITLE IV—AIRLINE SERVICE**  
6 **AND SMALL COMMUNITY AIR**  
7 **SERVICE IMPROVEMENTS**

8 ~~SUBTITLE A—CONSUMER PROTECTION~~

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

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

~~SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE~~

14 **“§ 41781. Air carrier and airport contingency plans**  
15 **for long on-board tarmac delays**

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

“(b) SUBMISSION OF AIR CARRIER AND AIRPORT  
PLANS.—Not later than 60 days after the date of the en-  
actment of the FAA Air Transportation Modernization  
and Safety Improvement Act, each air carrier and airport  
operator shall submit, in accordance with the requirements

1 under this section, a proposed contingency plan to the Sec-  
 2 retary of Transportation for review and approval.

3 “(c) MINIMUM STANDARDS.—The Secretary of  
 4 Transportation shall establish minimum standards for ele-  
 5 ments in contingency plans required to be submitted under  
 6 this section to ensure that such plans effectively address  
 7 long on-board tarmac delays and provide for the health  
 8 and safety of passengers and crew.

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

11 “(1) PROVISION OF ESSENTIAL SERVICES.—

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

18 “(A) adequate food and potable water;

19 “(B) adequate restroom facilities;

20 “(C) cabin ventilation and comfortable  
 21 cabin temperatures; and

22 “(D) access to necessary medical treat-  
 23 ment.

24 “(2) RIGHT TO DEPLANE.—



1           “(A) IN GENERAL.—Each air carrier shall  
2       submit a proposed contingency plan to the Sec-  
3       retary of Transportation that identifies a clear  
4       time frame under which passengers would be  
5       permitted to deplane a delayed aircraft. After  
6       the Secretary has reviewed and approved the  
7       proposed plan, the air carrier shall make the  
8       plan available to the public.

9           “(B) DELAYS.—

10           “(i) IN GENERAL.—As part of the  
11       plan, except as provided under clause (iii),  
12       an air carrier shall provide passengers with  
13       the option of deplaning and returning to  
14       the terminal at which such deplaning could  
15       be safely completed, or deplaning at the  
16       terminal if—

17           “(I) 3 hours have elapsed after  
18       passengers have boarded the aircraft,  
19       the aircraft doors are closed, and the  
20       aircraft has not departed; or

21           “(II) 3 hours have elapsed after  
22       the aircraft has landed and the pas-  
23       sengers on the aircraft have been un-  
24       able to deplane.

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

6                   “(iii) EXCEPTIONS.—This subpara-  
 7                   graph shall not apply if—

8                   “(I) the pilot of such aircraft  
 9                   reasonably determines that the air-  
 10                  craft will depart or be unloaded at the  
 11                  terminal not later than 30 minutes  
 12                  after the 3 hour delay; or

13                  “(II) the pilot of such aircraft  
 14                  reasonably determines that permitting  
 15                  a passenger to deplane would jeop-  
 16                  ardize passenger safety or security.

17                  “(C) APPLICATION TO DIVERTED  
 18                  FLIGHTS.—This section applies to aircraft with-  
 19                  out regard to whether they have been diverted  
 20                  to an airport other than the original destina-  
 21                  tion.

22                  “(D) REPORTS.—Not later than 30 days  
 23                  after any flight experiences a tarmac delay last-  
 24                  ing at least 3 hours, the air carrier responsible  
 25                  for such flight shall submit a written descrip-

1           tion of the incident and its resolution to the  
2           Aviation Consumer Protection Office of the De-  
3           partment of Transportation.

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

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

10          “(2) how, to the maximum extent practicable,  
11 the airport operator will provide for the sharing of  
12 facilities and make gates available at the airport for  
13 use by aircraft experiencing such delays.

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

16          “(g) APPROVAL.—

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

20           “(A) review the initial contingency plans  
21 submitted under subsection (b); and

22           “(B) approve plans that closely adhere to  
23 the standards described in subsections (d) or  
24 (e), whichever is applicable.

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

5                   “(A) review the plan; and

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

9           “(h) CIVIL PENALTIES.—The Secretary may assess  
 10   a civil penalty under section 46301 against any air carrier  
 11   or airport operator that does not submit, obtain approval  
 12   of, or adhere to a contingency plan submitted under this  
 13   section.

14          “(i) PUBLIC ACCESS.—Each air carrier and airport  
 15   operator required to submit a contingency plan under this  
 16   section shall ensure public access to an approved plan  
 17   under this section by—

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

20                   “(2) disseminating the plan by other means, as  
 21           determined by the Secretary.

22   **“§ 41782. Air passenger complaints hotline and infor-**  
 23                   **mation**

24          “(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-  
 25   PHONE NUMBER.—The Secretary of Transportation shall

1 establish a consumer complaints hotline telephone number  
2 for the use of air passengers:

3       ~~“(b) PUBLIC NOTICE.—The Secretary shall notify~~  
4 ~~the public of the telephone number established under sub-~~  
5 ~~section (a).~~

6       ~~“(c) AUTHORIZATION OF APPROPRIATIONS.—There~~  
7 ~~are authorized to be appropriated such sums as may be~~  
8 ~~necessary to carry out this section, which sums shall re-~~  
9 ~~main available until expended.”.~~

10       ~~(b) CONFORMING AMENDMENT.—The table of con-~~  
11 ~~tents for chapter 417 is amended by adding at the end~~  
12 ~~the following:~~

~~“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE~~

~~“41781. Air carrier and airport contingency plans for long on-board tarmac  
delays.~~

~~“41782. Air passenger complaints hotline and information.”.~~

13       **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**  
14                               **FLIGHT DELAY HISTORY.**

15       ~~(a) IN GENERAL.—Section 41722 is amended by~~  
16 ~~adding at the end the following:~~

17       ~~“(f) CHRONICALLY DELAYED FLIGHTS.—~~

18               ~~“(1) PUBLICATION OF LIST OF FLIGHTS.—~~

19       ~~Each air carrier holding a certificate issued under~~  
20 ~~section 41102 that conducts scheduled passenger air~~  
21 ~~transportation shall, on a monthly basis—~~

1           “(A) publish and update on the Internet  
2           website of the air carrier a list of chronically  
3           delayed flights operated by such air carrier; and

4           “(B) share such list with each entity that  
5           is authorized to book passenger air transpor-  
6           tation for such air carrier for inclusion on the  
7           Internet website of such entity.

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

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

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

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

1                   “(A) CHRONICALLY DELAYED FLIGHT.—

2                   The term ‘chronically delayed flight’ means a  
3                   regularly scheduled flight that has failed to ar-  
4                   rive on time (as such term is defined in section  
5                   234.2 of title 14, Code of Federal Regulations)  
6                   at least 40 percent of the time during the most  
7                   recent 3-month period for which data is avail-  
8                   able.

9                   “(B) CHRONICALLY CANCELED FLIGHT.—

10                  The term ‘chronically canceled flight’ means a  
11                  regularly scheduled flight at least 30 percent of  
12                  the departures of which have been canceled dur-  
13                  ing the most recent 3-month period for which  
14                  data is available.”.

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

18                  **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
19                  **PLAINT INVESTIGATIONS.**

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

23                         (1) flight cancellations;

24                         (2) compliance with Federal regulations con-  
25                  cerning overbooking seats flights;

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those re-



1 quired by subchapter IV of chapter 417 of title 49, United  
2 States Code.

3 (b) ~~MEMBERSHIP.~~—The Secretary shall appoint  
4 members of the advisory committee comprised of one rep-  
5 resentative each of—

6 (1) ~~air carriers;~~

7 (2) ~~airport operators;~~

8 (3) ~~State or local governments who has exper-~~  
9 ~~tise in consumer protection matters; and~~

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

12 (c) ~~VACANCIES.~~—A vacancy in the advisory com-  
13 mittee shall be filled in the manner in which the original  
14 appointment was made.

15 (d) ~~TRAVEL EXPENSES.~~—Members of the advisory  
16 committee shall serve without pay but shall receive travel  
17 expenses, including per diem in lieu of subsistence, in ac-  
18 cordance with subchapter I of chapter 57 of title 5, United  
19 States Code.

20 (e) ~~CHAIRPERSON.~~—The Secretary shall designate,  
21 from among the individuals appointed under subsection  
22 (b), an individual to serve as chairperson of the advisory  
23 committee.

24 (f) ~~DUTIES.~~—The duties of the advisory committee  
25 shall include—

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

4           (2) providing recommendations to establish ad-  
 5           ditional aviation consumer protection programs, if  
 6           needed.

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

11           (1) the recommendations made by the advisory  
 12           committee during the preceding calendar year; and

13           (2) an explanation of how the Secretary has im-  
 14           plemented each recommendation and, for each rec-  
 15           ommendation not implemented, the Secretary's rea-  
 16           son for not implementing the recommendation.

17   **SEC. 405. DISCLOSURE OF PASSENGER FEES.**

18           (a) **IN GENERAL.**—Within 180 days after the date  
 19           of enactment of this Act, the Secretary of Transportation  
 20           shall complete a rulemaking that requires each air carrier  
 21           operating in the United States under part 121 of title 49,  
 22           Code of Federal Regulations, to make available to the pub-  
 23           lic and to the Secretary a list of all passenger fees and  
 24           charges (other than airfare) that may be imposed by the  
 25           air carrier, including fees for—

1           ~~(1) checked baggage or oversized or heavy bag-~~  
2           ~~gage;~~

3           ~~(2) meals, beverages, or other refreshments;~~

4           ~~(3) seats in exit rows, seats with additional~~  
5           ~~space, or other preferred seats in any given class of~~  
6           ~~travel;~~

7           ~~(4) purchasing tickets from an airline ticket~~  
8           ~~agent or a travel agency; or~~

9           ~~(5) any other good, service, or amenity provided~~  
10          ~~by the air carrier, as required by the Secretary.~~

11          ~~(b) PUBLICATION; UPDATES.—In order to ensure~~  
12          ~~that the fee information required by subsection (a) is both~~  
13          ~~current and widely available to the travelling public, the~~  
14          ~~Secretary—~~

15                 ~~(1) may require an air carrier to make such in-~~  
16                 ~~formation on any public website maintained by an~~  
17                 ~~air carrier, to make such information available to~~  
18                 ~~travel agencies, and to notify passengers of the~~  
19                 ~~availability of such information when advertising air-~~  
20                 ~~fares; and~~

21                 ~~(2) shall require air carriers to update the in-~~  
22                 ~~formation as necessary, but no less frequently than~~  
23                 ~~every 90 days unless there has been no increase in~~  
24                 ~~the amount or type of fees shown in the most recent~~  
25                 ~~publication.~~

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

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

14      ~~Section 41737(a)(1) is amended—~~

17 (2) by striking “provided.” in subparagraph (C)  
18 and inserting “provided;” and

“(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

1           “(E) include provisions under which the Sec-  
 2       retary may execute long-term essential air service  
 3       contracts to encourage carriers to provide air service  
 4       to small and rural communities where it would be in  
 5       the public interest to do so.”.

6   **SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.**

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

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

10          (2) by inserting after subsection (b) the fol-  
 11       lowing:

12       “(e) CONVERSION OF LOST ELIGIBILITY AIR-  
 13       PORTS.—

14           “(1) IN GENERAL.—The Secretary shall estab-  
 15       lish a program to provide general aviation conversion  
 16       funding for airports serving eligible places that the  
 17       Secretary has determined no longer qualify for a  
 18       subsidy.

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

21           “(A) may not exceed twice the compensa-  
 22       tion paid to provide essential air service to the  
 23       airport in the fiscal year preceding the fiscal  
 24       year in which the Secretary determines that the

1 place served by the airport is no longer an eligi-  
 2 ble place; and

3 “(B) may be used—

4 “(i) for airport development (as de-  
 5 fined in section 47102(3)) that will en-  
 6 hance general aviation capacity at the air-  
 7 port;

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

10 “(iii) to develop innovative air service  
 11 options, such as on-demand or air taxi op-  
 12 erations, if such use is approved by the  
 13 Secretary.

14 “(3) AIP REQUIREMENTS.—An airport sponsor  
 15 that uses funds provided under this subsection for  
 16 an airport development project shall comply with the  
 17 requirements of subchapter I of chapter 471 applica-  
 18 ble to airport development projects funded under  
 19 that subchapter with respect to the project funded  
 20 under this subsection.

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

24 (b) CONFORMING AMENDMENT.—Section 41745(f),  
 25 as redesignated, is amended—

1           (1) by striking “An eligible place” and inserting  
 2           “Neither an eligible place, nor a place to which sub-  
 3           section (e) applies,”; and  
 4           (2) by striking “not”.

5 **SEC. 415. EAS REFORM.**

6           Section 41742(a) is amended—

7           (1) by adding at the end of paragraph (1) “Any  
 8           amount in excess of \$50,000,000 credited for any  
 9           fiscal year to the account established under section  
 10          45303(e) shall be obligated for programs under sec-  
 11          tion 406 of the Vision 100—Century of Aviation Re-  
 12          authorization Act (49 U.S.C. 40101 note) and sec-  
 13          tion 41745 of this title. Amounts appropriated pur-  
 14          suant to this section shall remain available until ex-  
 15          pended.”; and

16          (2) by striking “\$77,000,000” in paragraph (2)  
 17          and inserting “\$125,000,000”.

18 **SEC. 416. SMALL COMMUNITY AIR SERVICE.**

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

20           (1) by striking “and” after the semicolon in  
 21           subparagraph (D);

22           (2) by striking “fashion.” in subparagraph (E)  
 23           and inserting “fashion; and”; and

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

1           “(F) multiple communities cooperate to  
 2           submit a region or multistate application to im-  
 3           prove air service.”.

4           (b) EXTENSION OF AUTHORIZATION.—Section  
 5 41743(e)(2) is amended by striking “2008” and inserting  
 6 “2011”.

7 **SEC. 417. EAS MARKETING.**

8           The Secretary of Transportation shall require all ap-  
 9 plications to provide service under subchapter H of chap-  
 10 ter 417 of title 49, United States Code, include a mar-  
 11 keting plan.

12 **SEC. 418. RURAL AVIATION IMPROVEMENT.**

13           (a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY  
 14 CAP.—

15           (1) IN GENERAL.—Subchapter H of chapter  
 16 417 is amended by adding at the end the following:  
 17 “§ 41749. **Essential air service for eligible places**  
 18 **above per passenger subsidy cap**

19           “(a) PROPOSALS.—A State or local government may  
 20 submit a proposal to the Secretary of Transportation for  
 21 compensation for an air carrier to provide air transpor-  
 22 tation to a place described in subsection (b).

23           “(b) PLACE DESCRIBED.—A place described in this  
 24 subsection is a place—

25           “(1) that is otherwise an eligible place; and



1           “(2) for which the per passenger subsidy ex-  
 2           ceeds the dollar amount allowable under this sub-  
 3           chapter.

4           “(c) DECISIONS.—Not later than 90 days after re-  
 5           ceiving a proposal under subsection (a) for compensation  
 6           for an air carrier to provide air transportation to a place  
 7           described in subsection (b), the Secretary shall—

8           “(1) decide whether to provide compensation  
 9           for the air carrier to provide air transportation to  
 10          the place; and

11          “(2) approve the proposal if the State or local  
 12          government or a person is willing and able to pay  
 13          the difference between—

14                 “(A) the per passenger subsidy; and

15                 “(B) the dollar amount allowable for such  
 16          subsidy under this subchapter.

17          “(d) COMPENSATION PAYMENTS.—

18                 “(1) IN GENERAL.—The Secretary shall pay  
 19          compensation under this section at such time and in  
 20          such manner as the Secretary determines is appro-  
 21          priate.

22                 “(2) DURATION OF PAYMENTS.—The Secretary  
 23          shall continue to pay compensation under this sec-  
 24          tion only as long as—

1           “(A) the State or local government or per-  
 2           son agreeing to pay compensation under sub-  
 3           section (c)(2) continues to pay such compensa-  
 4           tion; and

5           “(B) the Secretary decides the compensa-  
 6           tion is necessary to maintain air transportation  
 7           to the place.

8           “(e) REVIEW.—

9           “(1) IN GENERAL.—The Secretary shall peri-  
 10          odically review the type and level of air service pro-  
 11          vided under this section.

12          “(2) CONSULTATION.—The Secretary may  
 13          make appropriate adjustments in the type and level  
 14          of air service to a place under this section based on  
 15          the review under paragraph (1) and consultation  
 16          with the affected community and the State or local  
 17          government or person agreeing to pay compensation  
 18          under subsection (c)(2).

19          “(f) ENDING, SUSPENDING, AND REDUCING AIR  
 20          TRANSPORTATION.—An air carrier providing air transpor-  
 21          tation to a place under this section may end, suspend, or  
 22          reduce such air transportation if, not later than 30 days  
 23          before ending, suspending, or reducing such air transpor-  
 24          tation, the air carrier provides notice of the intent of the

1 air carrier to end, suspend, or reduce such air transpor-  
 2 tation to—

3 “(1) the Secretary;

4 “(2) the affected community; and

5 “(3) the State or local government or person  
 6 agreeing to pay compensation under subsection  
 7 (c)(2).”.

8 (2) CLERICAL AMENDMENT.—The table of con-  
 9 tents for chapter 417 is amended by adding after  
 10 the item relating to section 41748 the following new  
 11 item:

“41749. Essential air service for eligible places above per passenger subsidy  
 cap.”.

12 (b) PREFERRED ESSENTIAL AIR SERVICE.—

13 (1) IN GENERAL.—Subchapter II of chapter  
 14 417, as amended by subsection (a), is further  
 15 amended by adding after section 41749 the fol-  
 16 lowing:

17 “§ 41750. Preferred essential air service

18 “(a) PROPOSALS.—A State or local government may  
 19 submit a proposal to the Secretary of Transportation for  
 20 compensation for a preferred air carrier described in sub-  
 21 section (b) to provide air transportation to an eligible  
 22 place.

1       “(b) ~~PREFERRED AIR CARRIER DESCRIBED.~~—A pre-  
 2       ferred air carrier described in this subsection is an air car-  
 3       rier that—

4               “(1) submits an application under section  
 5       41733(e) to provide air transportation to an eligible  
 6       place;

7               “(2) is not the air carrier that submits the low-  
 8       est cost bid to provide air transportation to the eligi-  
 9       ble place; and

10              “(3) is an air carrier that the affected commu-  
 11       nity prefers to provide air transportation to the eligi-  
 12       ble place instead of the air carrier that submits the  
 13       lowest cost bid.

14       “(e) ~~DECISIONS.~~—Not later than 90 days after re-  
 15       ceiving a proposal under subsection (a) for compensation  
 16       for a preferred air carrier described in subsection (b) to  
 17       provide air transportation to an eligible place, the Sec-  
 18       retary shall—

19              “(1) decide whether to provide compensation  
 20       for the preferred air carrier to provide air transpor-  
 21       tation to the eligible place; and

22              “(2) approve the proposal if the State or local  
 23       government or a person is willing and able to pay  
 24       the difference between—

1           “(A) the rate of compensation the Sec-  
 2           retary would provide to the air carrier that sub-  
 3           mits the lowest cost bid to provide air transpor-  
 4           tation to the eligible place; and

5           “(B) the rate of compensation the pre-  
 6           ferred air carrier estimates to be necessary to  
 7           provide air transportation to the eligible place.

8           “(d) COMPENSATION PAYMENTS.—

9           “(1) IN GENERAL.—The Secretary shall pay  
 10          compensation under this section at such time and in  
 11          such manner as the Secretary determines is appro-  
 12          priate.

13          “(2) DURATION OF PAYMENTS.—The Secretary  
 14          shall continue to pay compensation under this sec-  
 15          tion only as long as—

16               “(A) the State or local government or per-  
 17               son agreeing to pay compensation under sub-  
 18               section (c)(2) continues to pay such compensa-  
 19               tion; and

20               “(B) the Secretary decides the compensa-  
 21               tion is necessary to maintain air transportation  
 22               to the eligible place.

23          “(e) REVIEW.—

1           “(1) IN GENERAL.—The Secretary shall peri-  
2           odically review the type and level of air service pro-  
3           vided under this section.

4           “(2) CONSULTATION.—The Secretary may  
5           make appropriate adjustments in the type and level  
6           of air service to an eligible place under this section  
7           based on the review under paragraph (1) and con-  
8           sultation with the affected community and the State  
9           or local government or person agreeing to pay com-  
10          pensation under subsection (c)(2).

11          “(f) ENDING, SUSPENDING, AND REDUCING AIR  
12          TRANSPORTATION.—A preferred air carrier providing air  
13          transportation to an eligible place under this section may  
14          end, suspend, or reduce such air transportation if, not  
15          later than 30 days before ending, suspending, or reducing  
16          such air transportation, the preferred air carrier provides  
17          notice of the intent of the preferred air carrier to end,  
18          suspend, or reduce such air transportation to—

19                 “(1) the Secretary;

20                 “(2) the affected community; and

21                 “(3) the State or local government or person  
22          agreeing to pay compensation under subsection  
23          (c)(2).”.

24                 “(2) CLERICAL AMENDMENT.—The table of con-  
25          tents for chapter 417, as amended by subsection (a);

1 is further amended by adding after the item relating  
 2 to section 41749 the following new item:

“41750: Preferred essential air service.”.

3 (e) RESTORATION OF ELIGIBILITY TO A PLACE DE-  
 4 TERMINED BY THE SECRETARY TO BE INELIGIBLE FOR  
 5 SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is  
 6 amended by adding at the end the following new sub-  
 7 section:

8 “(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED  
 9 ESSENTIAL AIR SERVICE.—

10 “(1) IN GENERAL.—If the Secretary of Trans-  
 11 portation terminates the eligibility of an otherwise  
 12 eligible place to receive basic essential air service by  
 13 an air carrier for compensation under subsection (e),  
 14 a State or local government may submit to the Sec-  
 15 retary a proposal for restoring such eligibility.

16 “(2) DETERMINATION BY SECRETARY.—If the  
 17 per passenger subsidy required by the proposal sub-  
 18 mitted by a State or local government under para-  
 19 graph (1) does not exceed the per passenger subsidy  
 20 cap provided under this subchapter, the Secretary  
 21 shall issue an order restoring the eligibility of the  
 22 otherwise eligible place to receive basic essential air  
 23 service by an air carrier for compensation under  
 24 subsection (e).”.

25 (d) OFFICE OF RURAL AVIATION.—

1           ~~(1) ESTABLISHMENT.—~~There is established  
 2           within the Office of the Secretary of Transportation  
 3           the Office of Rural Aviation.

4           ~~(e) FUNCTIONS.—~~The functions of the Office are—

5                 ~~(1)~~ to develop a uniform 4-year contract for air  
 6           carriers providing essential air service to commu-  
 7           nities under subchapter II of chapter 417 of title 49,  
 8           United States Code;

9                 ~~(2)~~ to develop a mechanism for comparing ap-  
 10          plications submitted by air carriers under section  
 11          ~~41733(e)~~ to provide essential air service to commu-  
 12          nities, including comparing—

13                     ~~(A)~~ estimates from air carriers on—

14                             ~~(i)~~ the cost of providing essential air  
 15                             service; and

16                             ~~(ii)~~ the revenues air carriers expect to  
 17                             receive when providing essential air service;  
 18                             and

19                     ~~(B)~~ estimated schedules for air transpor-  
 20          tation; and

21                 ~~(3)~~ to select an air carrier from among air ear-  
 22          riers applying to provide essential air service, based  
 23          on the criteria described in paragraph ~~(2)~~.

24           ~~(f) EXTENSION OF AUTHORITY TO MAKE AGREE-~~  
 25          MENTS UNDER THE ESSENTIAL AIR SERVICE PRO-



1 GRAM.—Section 41743(c)(2) is amended by striking  
2 “2008” and inserting “2011”.

3 (g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-  
4 CANTLY INCREASED COSTS.—Section 41737 is amended  
5 by adding at the end thereof the following:

6 “(f) FUEL COST SUBSIDY DISREGARD.—Any amount  
7 provided as an adjustment in compensation pursuant to  
8 subsection (a)(1)(D) shall be disregarded for the purpose  
9 of determining whether the amount of compensation pro-  
10 vided under this subchapter with respect to an eligible  
11 place exceeds the per passenger subsidy exceeds the dollar  
12 amount allowable under this subchapter.”.

### 13 SUBTITLE C—MISCELLANEOUS

#### 14 SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

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

16 (1) by striking the section heading and insert-  
17 ing the following:

18 “§ 47129. Resolution of airport-air carrier and foreign  
19 air carrier disputes concerning airport  
20 fees” ;

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

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

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

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

7           (6) by striking “air carriers” and inserting “air  
 8           carriers or foreign air carriers”; and

9           (7) by striking “(as defined in section 40102 of  
 10          this title)” in subsection (a) and inserting “(as those  
 11          terms are defined in section 40102 of this title)”.

12          (b) **CONFORMING AMENDMENT.**—The table of con-  
 13          tents for chapter 471 is amended by striking the item re-  
 14          lating to section 47129 and inserting the following:

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

15   **SEC. 432. CONTRACT TOWER PROGRAM.**

16          (a)       **COST-BENEFIT       REQUIREMENT.**—Section  
 17   47124(b)(1) is amended—

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

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

20           “(B) If the Secretary determines that a tower already  
 21   operating under this program has a benefit to cost ratio  
 22   of less than 1.0, the airport sponsor or State or local gov-  
 23   ernment having jurisdiction over the airport shall not be  
 24   required to pay the portion of the costs that exceeds the

1 benefit for a period of 18 months after such determination  
2 is made.

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

9       (b) FUNDING.—Subparagraph (E) of section  
10 47124(b)(3) is amended—

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

12           (2) by inserting “\$9,500,000 for fiscal year  
13 2010, and \$10,000,000 for fiscal year 2011” after  
14 “2007,”; and

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

23       (c) FEDERAL SHARE.—Subparagraph (C) of section  
24 47124(b)(4) is amended by striking “\$1,500,000.” and in-  
25 serting “\$2,000,000.”.

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

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

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from pur-

1 chasing discounted advance airline tickets in order  
 2 to visit their loved ones at home; and

3 ~~(5) it is the patriotic duty of the people of the~~  
 4 ~~United States to support the members of the Armed~~  
 5 ~~Forces who are defending the Nation's interests~~  
 6 ~~around the world at great personal sacrifice.~~

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

9 ~~(1) establish for all members of the Armed~~  
 10 ~~Forces on active duty reduced air fares that are~~  
 11 ~~comparable to the lowest airfare for ticketed flights;~~  
 12 ~~and~~

13 ~~(2) offer flexible terms that allow members of~~  
 14 ~~the Armed Forces on active duty to purchase, mod-~~  
 15 ~~ify, or cancel tickets without time restrictions, fees~~  
 16 ~~(including baggage fees), ancillary costs, or pen-~~  
 17 ~~alties.~~

## 18 **TITLE V— SAFETY**

### 19 **SUBTITLE A—AVIATION SAFETY**

#### 20 **SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

21 Not later than December 31, 2009, the Administrator  
 22 of the Federal Aviation Administration shall issue a plan  
 23 to develop an installation and deployment schedule for sys-  
 24 tems the Administration is installing to alert controllers  
 25 and flight crews to potential runway incursions. The plan

1 shall be integrated into the annual Federal Aviation Ad-  
 2 ministration NextGen Implementation Plan.

3 **SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
 4 **TIFICATES.**

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

8 “(3) JUDICIAL REVIEW.—A person substantially af-  
 9 fected by an order of the Board under this subsection, or  
 10 the Administrator when the Administrator decides that an  
 11 order of the Board will have a significant adverse impact  
 12 on carrying out this part, may obtain judicial review of  
 13 the order under section 46110 of this title. The Adminis-  
 14 trator shall be made a party to the judicial review pro-  
 15 ceedings. The findings of fact of the Board in any such  
 16 case are conclusive if supported by substantial evidence.”.

17 (b) CONFORMING AMENDMENT.—Section 1153(e) is  
 18 amended by striking “section 44709 or” and inserting  
 19 “section 44703(d), 44709, or”.

20 **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**  
 21 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
 22 **TYPE CERTIFICATES.**

23 Section 44704(a) is amended by adding at the end  
 24 the following:

25 “(5) RELEASE OF DATA.—

1           “(A) Notwithstanding any other provision of  
 2           law, the Administrator may designate, without the  
 3           consent of the owner of record, engineering data in  
 4           the agency’s possession related to a type certificate  
 5           or a supplemental type certificate for an aircraft, en-  
 6           gine, propeller or appliance as public data, and  
 7           therefore releasable, upon request, to a person seek-  
 8           ing to maintain the airworthiness of such product, if  
 9           the Administrator determines that—

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

12                 “(ii) the owner of record, or the owner of  
 13                 record’s heir, of the type certificate or supple-  
 14                 mental certificate has not been located despite  
 15                 a search of due diligence by the agency; and

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

18           “(B) In this section, the term ‘engineering  
 19           data’ means type design drawings and specifications  
 20           for the entire product or change to the product, in-  
 21           cluding the original design data, and any associated  
 22           supplier data for individual parts or components ap-  
 23           proved as part of the particular aeronautical product  
 24           certificate.”.

1 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

2 Section 44704(e) is amended—

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

6 (2) by striking “testing” in paragraph (2) and  
7 inserting “production”; and

8 (3) by striking paragraph (3) and inserting the  
9 following:

10 “(3) **ISSUANCE OF CERTIFICATE BASED ON DESIGN**  
11 **ORGANIZATION CERTIFICATION.**—The Administrator may  
12 rely on the Design Organization for certification of compli-  
13 ance under this section.”.

14 **SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**  
15 **DATABASE SYSTEMS.**

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

18 “§ 40130. **FAA access to criminal history records or**  
19 **databases systems**

20 “(a) **ACCESS TO RECORDS OR DATABASES SYS-**  
21 **TEMS.**—

22 “(1) Notwithstanding section 534 of title 28  
23 and the implementing regulations for such section  
24 (28 C.F.R. part 20), the Administrator of the Fed-  
25 eral Aviation Administration is authorized to access  
26 a system of documented criminal justice information



1 maintained by the Department of Justice or by a  
2 State but may do so only for the purpose of carrying  
3 out its civil and administrative responsibilities to  
4 protect the safety and security of the National Air-  
5 space System or to support the missions of the De-  
6 partment of Justice, the Department of Homeland  
7 Security, and other law enforcement agencies. The  
8 Administrator shall be subject to the same condi-  
9 tions or procedures established by the Department  
10 of Justice or State for access to such an information  
11 system by other governmental agencies with access  
12 to the system.

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

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

20 “(1) have access to and receive criminal history,  
21 driver, vehicle, and other law enforcement informa-  
22 tion contained in the law enforcement databases of  
23 the Department of Justice, or of any jurisdiction in  
24 a State in the same manner as a police officer em-  
25 ployed by a State or local authority of that State

1 who is certified or commissioned under the laws of  
2 that State;

3 ~~“(2) use any radio, data link, or warning sys-~~  
4 ~~tem of the Federal Government and of any jurisdic-~~  
5 ~~tion in a State that provides information about~~  
6 ~~wanted persons, be-on-the-lookout notices, or war-~~  
7 ~~rant status or other officer safety information to~~  
8 ~~which a police officer employed by a State or local~~  
9 ~~authority in that State who is certified or commis-~~  
10 ~~sion under the laws of that State has access and in~~  
11 ~~the same manner as such police officer; or~~

12 ~~“(3) receive Federal, State, or local government~~  
13 ~~communications with a police officer employed by a~~  
14 ~~State or local authority in that State in the same~~  
15 ~~manner as a police officer employed by a State or~~  
16 ~~local authority in that State who is commissioned~~  
17 ~~under the laws of that State.~~

18 ~~“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE~~  
19 ~~INFORMATION DEFINED.—In this section the term ‘sys-~~  
20 ~~tem of documented criminal justice information’ means~~  
21 ~~any law enforcement databases, systems, or communica-~~  
22 ~~tions containing information concerning identification,~~  
23 ~~criminal history, arrests, convictions, arrest warrants, or~~  
24 ~~wanted or missing persons, including the National Crime~~  
25 ~~Information Center and its incorporated criminal history~~

1 databases and the National Law Enforcement Tele-  
2 communications System.”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents for chapter 401 is amended by inserting after the  
5 item relating to section 40129 the following:

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

6 **SEC. 506. FLIGHT CREW FATIGUE.**

7 (a) IN GENERAL.—Within 3 months after the date  
8 of enactment of this Act the Administrator of the Federal  
9 Aviation Administration shall conclude arrangements with  
10 the National Academy of Sciences for a study of pilot fa-  
11 tigue.

12 (b) STUDY.—The study shall include consideration  
13 of—

14 (1) research on fatigue, sleep, and circadian  
15 rhythms;

16 (2) sleep and rest requirements recommended  
17 by the National Transportation Safety Board; and

18 (3) international standards.

19 (c) REPORT.—Within 18 months after initiating the  
20 study, the National Academy shall submit a report to the  
21 Administrator containing its findings and recommenda-  
22 tions, including recommendations with respect to Federal  
23 Aviation Regulations governing flight limitation and rest  
24 requirements.

1       (d) RULEMAKING.—After the Administrator receives  
 2 the National Academy's report, the Federal Aviation Ad-  
 3 ministration shall consider the findings of the National  
 4 Academy in its rulemaking proceeding on flight time limi-  
 5 tations and rest requirements.

6       (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-  
 7 TIGUE STUDY RECOMMENDATIONS.—Within 60 days  
 8 after the date of enactment of this Act, the Administrator  
 9 of the Federal Aviation Administration shall initiate a  
 10 process to carry out the recommendations of the Civil  
 11 Aerospace Medical Institute study on flight attendant fa-  
 12 tigue.

13 **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**  
 14 **FIXED WING EMERGENCY MEDICAL SERVICE**  
 15 **OPERATORS AND PATIENTS.**

16       (a) COMPLIANCE REGULATIONS.—

17           (1) IN GENERAL.—Except as provided in para-  
 18 graph (2), not later than 18 months after the date  
 19 of enactment of this Act, helicopter and fixed wing  
 20 aircraft certificate holders providing emergency med-  
 21 ical services shall comply with part 135 of title 14,  
 22 Code of Federal Regulations, if there is a medical  
 23 crew on board, without regard to whether there are  
 24 patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to

1           use the checklist created under subparagraph  
 2           (A) to determine whether a mission should be  
 3           accepted.

4           (2) COMPLETION.—The rulemaking initiated  
 5           under paragraph (1) shall be completed not later  
 6           than 18 months after it is initiated.

7           (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-  
 8           PATCH PROCEDURES.—

9           (1) INITIATION.—Not later than 60 days after  
 10          the date of enactment of this Act, the Administrator  
 11          of the Federal Aviation Administration shall initiate  
 12          a rulemaking—

13                 (A) to require that helicopter and fixed  
 14                 wing emergency medical service operators for-  
 15                 malize and implement performance based flight  
 16                 dispatch and flight-following procedures; and

17                 (B) to develop a method to assess and en-  
 18                 sure that such operators comply with the re-  
 19                 quirements described in subparagraph (A).

20           (2) COMPLETION.—The rulemaking initiated  
 21           under paragraph (1) shall be completed not later  
 22           than 18 months after it is initiated.

23           (d) IMPROVING SITUATIONAL AWARENESS.—Within  
 24           1 year after the date of enactment of this Act, any heli-  
 25           copter or fixed-wing aircraft used for emergency medical

1 service shall have on board a device that performs the  
2 function of a terrain awareness and warning system and  
3 a means of displaying that information that meets the re-  
4 quirements of the applicable Federal Aviation Administra-  
5 tion Technical Standard Order or other guidance pre-  
6 scribed by the Administrator.

7       (e) IMPROVING THE DATA AVAILABLE ON AIR MED-  
8 ICAL OPERATIONS.—

9           (1) IN GENERAL.—The Administrator of the  
10 Federal Aviation Administration shall require each  
11 certificate holder for helicopters and fixed-wing air-  
12 craft used for emergency medical service operations  
13 to report not later than 1 year after the date of en-  
14 actment of this Act and annually thereafter on—

15           (A) the number of aircraft and helicopters  
16 used to provide air ambulance services; the reg-  
17 istration number of each of these aircraft or  
18 helicopters; and the base location of each of  
19 these aircraft or helicopters;

20           (B) the number of flights and hours flown  
21 by each such aircraft or helicopter used by the  
22 certificate holder to provide such services dur-  
23 ing the reporting period; and

24           (C) the number of flights and the purpose  
25 of each flight for each aircraft or helicopter

1           used by the certificate holder to provide such  
2           services during the reporting period.

3           ~~(2) REPORT TO CONGRESS.—~~The Adminis-  
4           trator of the Federal Aviation Administration shall  
5           report to Congress on the information received pur-  
6           suant to paragraph ~~(1)~~ of this subsection no later  
7           than 18 months after the date of enactment of this  
8           Act.

9           ~~(f) IMPROVING THE DATA AVAILABLE TO NTSB IN-~~  
10          ~~VESTIGATORS AT CRASH SITES.—~~

11          ~~(1) STUDY.—~~Not later than 120 days after the  
12          date of enactment of this Act, the Administrator of  
13          the Federal Aviation Administration shall issue a re-  
14          port that indicates the availability, survivability, size,  
15          weight, and cost of devices that perform the function  
16          of recording voice communications and flight data  
17          information on existing and new helicopters and ex-  
18          isting and new fixed wing aircraft used for emer-  
19          gency medical service operations.

20          ~~(2) RULEMAKING.—~~Not later than 1 year after  
21          the date of enactment of this Act, the Administrator  
22          of the Federal Aviation Administration shall issue  
23          regulations that require devices that perform the  
24          function of recording voice communications and



1 flight data information on board aircraft described  
 2 in paragraph (1).

3 **SEC. 508. CABIN CREW COMMUNICATION.**

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

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

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

9 “(f) MINIMUM LANGUAGE SKILLS.—

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

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

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

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

1           “(D) carry out written and oral instruc-  
 2           tions regarding the proper performance of their  
 3           duties.

4           “(2) FOREIGN FLIGHTS.—The requirements of  
 5           paragraph (1) do not apply to service as a flight at-  
 6           tendant serving solely between points outside the  
 7           United States.”.

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

13       **SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDER-**  
 14               **STANDING WITH OSHA.**

15          (a) IN GENERAL.—Within 6 months after the date  
 16          of enactment of this Act, the Administrator of the Federal  
 17          Aviation Administration shall—

18               (1) establish milestones, in consultation with  
 19               the Occupational Safety and Health Administration,  
 20               through a report to Congress for the completion of  
 21               work begun under the August 2000 memorandum of  
 22               understanding between the 2 Administrations and to  
 23               address issues needing further action in the Admin-  
 24               istrations’ joint report in December 2000; 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.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

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

(C) the compliance obligations of an employer under the standard.

**SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.**

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required 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, ran-  
6 dom reviews of the Administration’s oversight of air car-  
7 riers and report annually its findings and recommenda-  
8 tions to the Administrator, the Senate Commerce, Science,  
9 and Transportation Committee, and the House of Rep-  
10 resentatives Committee on Transportation and Infrastruc-  
11 ture.

12 (b) ~~INSPECTOR GENERAL REPORTS.~~—The Inspector  
13 General of the Department of Transportation shall provide  
14 progress reports to the Senate Committee on Commerce,  
15 Science, and Transportation and the House of Represent-  
16 atives Committee on Transportation and Infrastructure on  
17 the review teams and their effectiveness.

18 (c) ~~ADDITIONAL SAFETY INSPECTORS.~~—From  
19 amounts appropriated pursuant to section 106(k)(1) of  
20 title 49, United States Code, the Administrator of the  
21 Federal Aviation Administration may hire a net increase  
22 of 200 additional safety inspectors.

23 **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

24 (a) ~~REVIEW.~~—Within 1 year after the date of enact-  
25 ment of this Act, the Administrator of the Federal Avia-

tion Administration shall conduct a comprehensive review  
and evaluation of its Academy and facility training efforts.

(b) ~~FACILITY TRAINING PROGRAM.~~—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

**SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.**

(a) ~~PLAN.~~—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service 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           dividual 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 disclo-  
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       ministrator and consistent with the applicable laws  
2       of the country in which the repair station is located.

3       “(e) ~~BIANNUAL 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;

11 (3) a person that provides contract maintenance  
 12 workers or services to a part 145 repair station or  
 13 part 121 air carrier, and the individual—

14 (A) meets the requirements of the part  
 15 121 air carrier or the part 145 repair station;  
 16 or

17 (B)(i) performs the work under the direct  
 18 supervision and control of the part 121 air car-  
 19 rier or the part 145 repair station directly in  
 20 charge of the maintenance services; and

21 (ii) carries out the work in accordance with  
 22 the part 121 air carrier's maintenance manual;  
 23 or

24 (4) by the holder of a type certificate, produc-  
 25 tion certificate, or other production approval issued

under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term “covered maintenance work” means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term “part 121 air carrier” has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term “part 145 repair station” has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

## **SUBTITLE B—FLIGHT SAFETY**

### **SEC. 551. PILOT APPLICANT EMPLOYMENT RECORDS.**

(a) IN GENERAL.—Section 44703(h) is amended to read as follows:

1       “(h) RECORDS OF EMPLOYMENT, TRAINING, AND  
2 TESTING.—

3           “(1) IN GENERAL.—The Administrator of the  
4 Federal Aviation Administration shall establish and  
5 maintain a pilot employment, training, and testing  
6 database and shall publish notice in the Federal  
7 Register when the database is operational. The data-  
8 base shall include the following information:

9           “(A) FAA RECORDS.—From the Federal  
10 Aviation Administration, records pertaining to  
11 the individual that are maintained by the Ad-  
12 ministration concerning—

13           “(i) current airman certificates (in-  
14 cluding airman medical certificates) and  
15 associated type ratings, including any limi-  
16 tations to those certificates and ratings;

17           “(ii) any failed attempt of the indi-  
18 vidual to pass a practical test required to  
19 obtain a certificate or type rating under  
20 part 61 of title 14, Code of Federal Regu-  
21 lations; and

22           “(iii) summaries of legal enforcement  
23 actions resulting in a finding by the Ad-  
24 ministrator of a violation of this title or a  
25 regulation prescribed or order issued under

1           this title that was not subsequently over-  
2           turned.

3           “(B) AIR CARRIER AND OTHER  
4           RECORDS.—From any air carrier or other per-  
5           son (except a branch of the United States  
6           Armed Forces, the National Guard, or a reserve  
7           component of the United States Armed Forces)  
8           that has employed the individual as a pilot of  
9           a civil or public aircraft, or from the trustee in  
10          bankruptcy for such air carrier or person—

11           “(i) records pertaining to the indi-  
12          vidual that are maintained by an air ear-  
13          rier (other than records relating to flight  
14          time, duty time, or rest time) under regu-  
15          lations set forth in—

16           “(I) section 121.683 of title 14,  
17          Code of Federal Regulations;

18           “(II) paragraph (A) of section  
19          VI, appendix I, part 121 of such title;

20           “(III) paragraph (A) of section  
21          IV, appendix J, part 121 of such title;

22           “(IV) section 125.401 of such  
23          title; and

24           “(V) section 135.63(a)(4) of such  
25          title; and

1           “(ii) other records pertaining to the  
2           individual’s performance as a pilot that are  
3           maintained by the air carrier or person  
4           concerning—

5           “(I) the training, qualifications,  
6           proficiency, or professional com-  
7           petence of the individual, including  
8           comments and evaluations made by a  
9           check airman designated in accord-  
10          ance with section 121.411, 125.295,  
11          or 135.337 of such title;

12          “(II) any disciplinary action  
13          taken with respect to the individual  
14          that was not subsequently overturned;  
15          and

16          “(III) any release from employ-  
17          ment or resignation, termination, or  
18          disqualification with respect to em-  
19          ployment.

20          “(C) NATIONAL DRIVER REGISTER  
21          RECORDS.—In accordance with section  
22          30305(b)(8), from the chief driver licensing of-  
23          ficial of a State, information concerning the  
24          motor vehicle driving record of the individual.

1           ~~“(2) RECORDS OF CURRENT EMPLOYEES.—~~

2           Each air carrier shall submit to the Administrator,  
3           for inclusion in the database established under para-  
4           graph (1)—

5                     ~~“(A) not later than 180 days after the date~~  
6                     ~~on which notice of the establishment of the~~  
7                     ~~database is published; the records described in~~  
8                     ~~paragraph (1)(B) concerning any pilot em-~~  
9                     ~~ployed by the air carrier; and~~

10                    ~~“(B) after such date, not later than 30~~  
11                    ~~days after the generation of any new records~~  
12                    ~~described in paragraph (1)(B); such new~~  
13                    ~~records.~~

14           ~~“(3) RIGHT OF PILOT TO REVIEW.—Notwith-~~  
15           ~~standing any other provision of law or agreement,~~  
16           ~~the Administrator, upon written request from a~~  
17           ~~pilot, shall make available to the pilot for review and~~  
18           ~~correction, within a reasonable time, but not later~~  
19           ~~than 30 days after the date of the request, a copy~~  
20           ~~of all records referred to in paragraph (1) pertaining~~  
21           ~~to the pilot.~~

22           ~~“(4) RIGHT TO RECEIVE NOTICE AND COPY OF~~  
23           ~~ANY RECORD FURNISHED.—A person who receives a~~  
24           ~~request for records described in paragraph (1) shall~~

1 provide to the individual who is the subject of the  
2 records—

3 “(A) on or before the 20th day following  
4 the date of receipt of the request, written notice  
5 of the request and of the individual’s right to  
6 receive a copy of such records; and

7 “(B) in accordance with paragraph (3), a  
8 copy of such records, if requested by the indi-  
9 vidual.

10 “(5) RIGHT TO CORRECT INACCURACIES.—An  
11 air carrier that maintains or requests and receives  
12 the records of an individual under paragraph (1)  
13 shall provide the individual with a reasonable oppor-  
14 tunity to submit written comments to correct any in-  
15 accuracies contained in the records before making a  
16 final hiring decision with respect to the individual.  
17 After the database established under paragraph (1)  
18 is operational, the air carrier shall submit any cor-  
19 rections made or accepted by the air carrier to the  
20 Administration for inclusion in the database within  
21 30 days after the corrections are made or accepted  
22 by the air carrier.

23 “(6) PRIVACY PROTECTIONS.—An air carrier  
24 that maintains, or requests and receives, the records  
25 described in paragraph (1) of an individual may use



1 such records only to assess the qualifications of the  
 2 individual in deciding whether or not to hire the in-  
 3 dividual as a pilot. The air carrier shall take such  
 4 actions as may be necessary to protect the privacy  
 5 of the pilot and the confidentiality of the records, in-  
 6 cluding ensuring that information contained in the  
 7 records is not divulged to any individual that is not  
 8 directly involved in the hiring decision.

9 “(7) PERIODIC REVIEW.—Not later than 18  
 10 months after the date of the enactment of the FAA  
 11 Air Transportation Modernization and Safety Im-  
 12 provement Act, and at least once every 3 years  
 13 thereafter, the Administrator shall submit to Con-  
 14 gress a statement that contains, taking into account  
 15 recent developments in the aviation industry—

16 “(A) recommendations by the Adminis-  
 17 trator concerning proposed changes to Adminis-  
 18 tration records, air carrier records, and other  
 19 records required to be furnished under para-  
 20 graph (1); or

21 “(B) reasons why the Administrator does  
 22 not recommend any proposed changes to the  
 23 records referred to in paragraph (1).

24 “(8) RULEMAKING.—The Administrator shall  
 25 prescribe such regulations as may be necessary—

1           “(A) to protect—

2                   “(i) the personal privacy of any indi-  
3           vidual whose records are included in the  
4           database established under paragraph (1);  
5           and

6                   “(ii) the confidentiality of those  
7           records;

8           “(B) to preclude the further dissemination  
9           of records received under paragraph (1) by the  
10          person who requested those records; and

11           “(C) to ensure prompt compliance with  
12          any request made under this subsection.

13          “(9) SPECIAL RULES WITH RESPECT TO CER-  
14          TAIN PILOTS.—

15           “(A) PILOTS OF CERTAIN SMALL AIR-  
16          CRAFT.—Notwithstanding paragraph (1), an air  
17          carrier, before receiving information requested  
18          about an individual under this subsection, may  
19          allow the individual to begin service for a period  
20          not to exceed 90 days as a pilot of an aircraft  
21          with a maximum payload capacity (as defined  
22          in section 119.3 of title 14, Code of Federal  
23          Regulations) of 7,500 pounds or less, or a heli-  
24          copter, on a flight that is not a scheduled oper-  
25          ation (as defined in such section). Before the

1 end of the 90-day period, the air carrier shall  
2 obtain and evaluate such information. The con-  
3 tract between the carrier and the individual  
4 shall contain a term that provides that the con-  
5 tinuation of the individual's employment, after  
6 the last day of the 90-day period, depends on  
7 a satisfactory evaluation.

8 “(B) GOOD FAITH EXCEPTION.—Until the  
9 database required by paragraph (1) is estab-  
10 lished, an air carrier, without obtaining infor-  
11 mation about an individual under paragraph (1)  
12 from an air carrier or other person that no  
13 longer exists or from a foreign government or  
14 entity that employed the individual, may allow  
15 the individual to begin service as a pilot if the  
16 air carrier required to request the information  
17 has made a documented good faith attempt to  
18 obtain such information.

19 “(10) REVIEW OF PROSPECTIVE PILOTS’  
20 RECORDS.—Except as provided in paragraph (9), be-  
21 fore allowing an individual to begin service as a pilot  
22 an air carrier shall request a copy of the records de-  
23 scribed in paragraph (1) pertaining to the pilot for  
24 the preceding 10 years and review the records.

1           “(11) ELECTRONIC ACCESS TO FAA  
 2       RECORDS.—For the purpose of increasing timely and  
 3       efficient access to Federal Aviation Administration  
 4       records described in paragraph (1), the Adminis-  
 5       trator may allow, under terms established by the Ad-  
 6       ministrator, an individual designated by the air ear-  
 7       rier to have electronic access to a specified database  
 8       containing information about such records. The  
 9       terms shall limit such access to instances in which  
 10      information in the database is required by the des-  
 11      ignated individual in making a hiring decision con-  
 12      cerning a pilot applicant and shall require that the  
 13      designated individual provide assurances satisfactory  
 14      to the Administrator that information obtained  
 15      using such access will not be used for any purpose  
 16      other than making the hiring decision.”.

17      (b) LIMITATION ON LIABILITY.—Section 44703(i)(1)  
 18      is amended—

19           (1) in the matter preceding subparagraph (A),  
 20      by striking “and who has signed a release from li-  
 21      ability”; and

22           (2) in subparagraph (B), by striking “complied  
 23      with such request” and inserting “furnished records  
 24      to the Administrator in accordance with subsection  
 25      (h)(1)”.

1       ~~(c) TRANSITION RULE.—Until the date on which the~~  
 2 Administrator publishes notice in the Federal Register  
 3 that the database required by section 44703(h)(1) of title  
 4 49, United States Code (as amended by subsection (a))  
 5 is operational, the provisions of section 44703(h) of such  
 6 title, as that section was in effect on the day before the  
 7 date of enactment of this Act, shall remain in effect, ex-  
 8 cept that such provisions shall be applied—

9               ~~(1) by substituting “10-year period” for “5-~~  
 10       ~~year period” in paragraph (1)(B); and~~

11              ~~(2) without regard to paragraph (3).~~

12 **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

13       ~~(a) IN GENERAL.—Within 60 days after the date of~~  
 14 enactment of this Act, the Administrator shall initiate and  
 15 complete a rulemaking to require part 121 air carriers—

16              ~~(1) to implement, as part of their safety man-~~  
 17       ~~agement systems—~~

18                      ~~(A) an Aviation Safety Action Program;~~

19                      ~~(B) a Flight Operations Quality Assurance~~  
 20       ~~Program;~~

21                      ~~(C) a Line Operational Safety Audit Pro-~~  
 22       ~~gram; and~~

23                      ~~(D) a Flight Crew Fatigue Risk Manage-~~  
 24       ~~ment Program;~~

1           (2) to implement appropriate privacy protection  
2       safeguards with respect to data included in such  
3       programs; and

4           (3) to provide appropriate collaboration and  
5       operational oversight of regional/commuter air car-  
6       riers by affiliated major air carriers that include—

7           (A) periodic safety audits of flight oper-  
8       ations;

9           (B) training, maintenance, and inspection  
10      programs; and

11          (C) provisions for the exchange of safety  
12      information.

13      (b) ~~CVR DATA.~~—The Administrator, acting in col-  
14      laboration with aviation industry interested parties, shall  
15      consider the merits and feasibility of incorporating cockpit  
16      voice recorder data in safety oversight practices.

17      (c) ~~ENFORCEMENT CONSISTENCY.~~—Within 9 months  
18      after the date of enactment of this Act, the Administrator  
19      shall—

20          (1) develop and implement a plan that will en-  
21      sure that the FAA's safety enforcement plan is con-  
22      sistently enforced; and

23          (2) ensure that the FAA's safety oversight pro-  
24      gram is reviewed periodically and updated as nec-  
25      essary.

1 **SEC. 553. IMPLEMENTATION OF NTSB RECOMMENDATIONS.**

2 (a) IN GENERAL.—

3 (1) NOTIFICATION.—Within 30 days after the  
4 end of each calendar year, the Administrator shall  
5 submit a notification to the Senate Committee on  
6 Commerce, Science, and Transportation and the  
7 House of Representatives Committee on Transpor-  
8 tation and Infrastructure indicating whether the Ad-  
9 ministrator has determined to implement the safety  
10 recommendations made to the FAA by the National  
11 Transportation Safety Board during the preceding  
12 year.

13 (2) IMPLEMENTATION PLANS.—If the Adminis-  
14 trator has determined to implement such a rec-  
15 ommendation, the notification shall describe the ac-  
16 tion the Administrator plans to take to implement  
17 the recommendation.

18 (3) EXPLANATION OF NON-IMPLEMENTA-  
19 TION.—If the Administrator has determined not to  
20 implement such a recommendation, the notification  
21 shall describe the reason for the determination.

22 (b) PENDING RECOMMENDATIONS.—Within 180 days  
23 after the date of enactment of this Act, the Administrator  
24 shall submit a notification to those Committees with re-  
25 spect to each safety recommendation made to the FAA  
26 by the National Transportation Safety Board that was

1 made before the date of enactment of this Act that was  
 2 not implemented before that date containing the imple-  
 3 mentation plans; or an explanation of non-implementation;  
 4 for each such recommendation.

5 **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**  
 6 **SURANCE, AVIATION SAFETY ACTION, AND**  
 7 **LINE OPERATIONAL SAFETY AUDIT PRO-**  
 8 **GRAMS.**

9 (a) ~~LIMITATION ON DISCLOSURE AND USE OF IN-~~  
 10 ~~FORMATION.—~~

11 (1) ~~IN GENERAL.—~~Except as provided by this  
 12 section, a party in a judicial proceeding may not use  
 13 discovery to obtain—

14 (A) an Aviation Safety Action Program re-  
 15 port;

16 (B) Flight Operational Quality Assurance  
 17 Program data; or

18 (C) a Line Operations Safety Audit Pro-  
 19 gram report.

20 (2) ~~FOIA NOT APPLICABLE.—~~Section 522 of  
 21 title 5, United States Code, shall not apply to re-  
 22 ports or data described in paragraph (1).

23 (3) ~~EXCEPTIONS.—~~Nothing in paragraph (1) or  
 24 (2) prohibits the FAA from disclosing information  
 25 contained in reports or data described in paragraph



1       (1) if withholding the information would not be con-  
 2       sistent with the FAA's safety responsibilities, includ-  
 3       ing—

4               (A) a summary of information, with identi-  
 5       fying information redacted, to explain the need  
 6       for changes in policies or regulations;

7               (B) information provided to correct a con-  
 8       dition that compromises safety, if that condition  
 9       continues uncorrected; or

10              (C) information provided to carry out a  
 11       criminal investigation or prosecution.

12       (b) ~~PERMISSIBLE DISCOVERY FOR SUCH REPORTS~~  
 13 ~~AND DATA.~~—Except as provided in subsection (c), a court  
 14 may allow discovery by a party of an Aviation Safety Ac-  
 15 tion Program report, Flight Operational Quality Assur-  
 16 ance Program data, or a Line Operations Safety Audit  
 17 Program report if, after an in camera review of the infor-  
 18 mation, the court determines that a party to a claim or  
 19 defense in the proceeding shows a particularized need for  
 20 the report or data that outweighs the need for confiden-  
 21 tiality of the report or data, considering the confidential  
 22 nature of the report or data, and upon a showing that  
 23 the report or data is both relevant to the preparation of  
 24 a claim or defense and not otherwise known or available.

1       ~~(c) PROTECTIVE ORDER.~~—When a court allows dis-  
2       covery, in a judicial proceeding, of an Aviation Safety Ac-  
3       tion Program report, Flight Operational Quality Assur-  
4       ance Program data, or a Line Operations Safety Audit  
5       Program report, the court shall issue a protective order—

6               ~~(1)~~ to limit the use of the information contained  
7       in the report or data to the judicial proceeding;

8               ~~(2)~~ to prohibit dissemination of the report or  
9       data to any person that does not need access to the  
10      report for the proceeding; and

11              ~~(3)~~ to limit the use of the report or data in the  
12      proceeding to the uses permitted for privileged self-  
13      analysis information as defined under the Federal  
14      Rules of Evidence.

15      ~~(d) SEALED INFORMATION.~~—A court may allow an  
16      Aviation Safety Action Program report, Flight Oper-  
17      ational Quality Assurance Program data, or a Line Oper-  
18      ations Safety Audit Program report to be admitted into  
19      evidence in a judicial proceeding only if the court places  
20      the report or data under seal to prevent the use of the  
21      report or data for purposes other than for the proceeding.

22      ~~(e) SAFETY RECOMMENDATIONS.~~—This section does  
23      not prevent the National Transportation Safety Board  
24      from referring at any time to information contained in an  
25      Aviation Safety Action Program report, Flight Oper-

ational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) **WAIVER.**—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

**SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.**

(a) **TRAINING AND TESTING.**—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

- (1) classroom instruction requirements governing curriculum content and hours of instruction;
- (2) crew leadership training; and
- (3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) **BEST PRACTICES.**—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

1       ~~(e) CERTIFICATION.—The Administrator shall ini-~~  
 2       ~~tiate a rulemaking to re-evaluate FAA regulations gov-~~  
 3       ~~erning the minimum requirements—~~

4               ~~(1) to become a commercial pilot;~~

5               ~~(2) to receive an Air Transport Pilot Certificate~~  
 6       ~~to become a captain; and~~

7               ~~(3) to transition to a new type of aircraft.~~

8       ~~**SEC. 556. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**~~  
 9               ~~**RIERS.**~~

10       ~~The Administrator shall, not less frequently than~~  
 11       ~~once each year, perform random, unannounced, on-site in-~~  
 12       ~~spections of air carriers that provide air transportation~~  
 13       ~~pursuant to a contract with a part 121 air carrier to en-~~  
 14       ~~sure that such air carriers are complying with all applica-~~  
 15       ~~ble safety standards of the Administration.~~

16       ~~**SEC. 557. ESTABLISHMENT OF SAFETY STANDARDS WITH**~~  
 17               ~~**RESPECT TO THE TRAINING, HIRING, AND OP-**~~  
 18               ~~**ERATION OF AIRCRAFT BY PILOTS.**~~

19       ~~Not later than 180 days after the date of enactment~~  
 20       ~~of this Act, the Administrator shall issue a final rule with~~  
 21       ~~respect to the Notice of Proposed Rulemaking published~~  
 22       ~~in the Federal Register on January 12, 2009 (74 Fed.~~  
 23       ~~Reg. 1280), relating to training programs for flight crew~~  
 24       ~~members and aircraft dispatchers.~~

1 **SEC. 558. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

2 Not later than 1 year after the date of the enactment  
3 of this Act, the Administrator shall submit to Congress  
4 a plan for overseeing pilot schools certified under part 141  
5 of title 14, Code of Federal Regulations, that includes—

6 (1) ensuring that the curriculum and course  
7 outline requirements for such schools under subpart  
8 C of such part are being met; and

9 (2) conducting on-site inspections of each such  
10 school not less frequently than once every 2 years.

11 **SEC. 559. DEFINITIONS.**

12 In this subtitle:

13 (1) **AVIATION SAFETY ACTION PROGRAM.**—The  
14 term “Aviation Safety Action Program” means the  
15 program described under Federal Aviation Adminis-  
16 tration Advisory Circular No. 120–66B that permits  
17 employees of participating air carriers and repair  
18 station certificate holders to identify and report safe-  
19 ty issues to management and to the Administration  
20 for resolution.

21 (2) **ADMINISTRATOR.**—The term “Adminis-  
22 trator” means the Administrator.

23 (3) **AIR CARRIER.**—The term “air carrier” has  
24 the meaning given that term by section 40102(2) of  
25 title 49, United States Code.

1           (4) FAA.—The term “FAA” means the Fed-  
2       eral Aviation Administration.

3           (5) ~~FLIGHT OPERATIONAL QUALITY ASSURANCE~~  
4       PROGRAM.—The term “Flight Operational Quality  
5       Assurance Program” means the voluntary safety  
6       program authorized under section ~~13.401~~ of title 14,  
7       Code of Federal Regulations, that permits commer-  
8       cial air carriers and pilots to share confidential ag-  
9       gregate information with the Administration to per-  
10      mit the Administration to target resources to ad-  
11      dress operational risk issues.

12          (6) ~~LINE OPERATIONS SAFETY AUDIT PRO-~~  
13      GRAM.—The term “Line Operations Safety Audit  
14      Program” has the meaning given that term by Fed-  
15      eral Aviation Administration Advisory Circular  
16      Number ~~120–90~~.

17          (7) ~~PART 121 AIR CARRIER~~.—The term “part  
18      ~~121~~ air carrier” has the meaning given that term by  
19      section ~~41719(d)(1)~~ of title 49, United States Code.

## 20   **TITLE VI—AVIATION RESEARCH**

### 21   **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

22      (a) ~~IN GENERAL~~.—Section ~~44511(f)~~ is amended—

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

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

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

7           (b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

8           Not more than \$15,000,000 per year for fiscal years 2010  
9           and 2011 may be appropriated to the Secretary of Trans-  
10          portation from the amounts made available each year  
11          under subsection (a) for the Airport Cooperative Research  
12          Program under section 44511 of this title, of which not  
13          less than \$5,000,000 per year shall be for research activi-  
14          ties related to the airport environment, including reduction  
15          of community exposure to civil aircraft noise, reduction of  
16          civil aviation emissions, or addressing water quality issues.

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

19          (a) ESTABLISHMENT OF RESEARCH PROGRAM.—

20          From amounts made available under section 48102(a) of  
21          title 49, United States Code, the Administrator of the  
22          Federal Aviation Administration shall establish a research  
23          program related to reducing civilian aircraft source noise  
24          and emissions through grants or other measures author-  
25          ized under section 106(l)(6) of such title, including reim-

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

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

17 (c) PERFORMANCE OBJECTIVES.—By September 30,  
 18 2016, the research program shall accomplish the following  
 19 objectives:

20 (1) Certifiable aircraft technology that reduces  
 21 fuel burn by 33 percent compared to current tech-  
 22 nology, reducing energy consumption and green-  
 23 house gas (CO<sub>2</sub>) emissions.

24 (2) Certifiable engine technology that reduces  
 25 landing and takeoff cycle (LTO) nitrogen oxide



1 emissions by 60 percent, at a pressure ratio of 30,  
 2 over the International Civil Aviation Organization  
 3 standard adopted at the 6th Meeting of the Com-  
 4 mittee on Aviation Environmental Protection  
 5 (CAEP), with commensurate reductions over the full  
 6 pressure ratio range, while limiting or reducing  
 7 other gaseous or particle emissions.

8 (3) Certifiable aircraft technology that reduces  
 9 noise levels by 32 EPNdB cumulative, relative to  
 10 Stage 4 standards.

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

14 (5) Determination of the extent to which new  
 15 engine and aircraft technologies may be used to ret-  
 16 rofit or re-engine aircraft so as to increase the level  
 17 of penetration into the commercial fleet.

18 **SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECH-**  
 19 **NOLOGY FOR CIVILIAN AIRCRAFT.**

20 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
 21 From amounts made available under section 48102(a) of  
 22 title 49, United States Code, the Secretary of Transpor-  
 23 tation shall establish a research program related to devel-  
 24 oping jet fuel from clean coal through grants or other  
 25 measures authorized under section 106(l)(6) of such title;

1 including reimbursable agreements with other Federal  
 2 agencies. The program shall include participation by edu-  
 3 cational and research institutions that have existing facili-  
 4 ties and experience in the development and deployment of  
 5 technology that processes coal to aviation fuel.

6 (b) DESIGNATION OF INSTITUTION AS A CENTER OF  
 7 EXCELLENCE.—Within 6 months after the date of enact-  
 8 ment of this Act, the Administrator of the Federal Avia-  
 9 tion Administration shall designate an institution de-  
 10 scribed in subsection (a) as a Center of Excellence for  
 11 Coal-to-Jet-Fuel Research.

12 **SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERO-**  
 13 **NAUTICS.**

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

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

21 (c) CHAIRPERSON.—The Advisory Committee mem-  
 22 bers shall elect 1 member to serve as chairperson of the  
 23 Advisory Committee.

24 (d) FUNCTIONS.—The Advisory Committee shall ex-  
 25 amine the best governmental and organizational struc-

1 tures for the conduct of civil aeronautics research and de-  
2 velopment, including options and recommendations for  
3 consolidating such research to ensure continued United  
4 States leadership in civil aeronautics. The Committee shall  
5 consider transferring responsibility for civil aeronautics re-  
6 search and development from the National Aeronautics  
7 and Space Administration to other existing departments  
8 or agencies of the Federal Government or to a non-govern-  
9 mental organization such as academic consortia or not-  
10 for-profit organizations. In developing its recommenda-  
11 tions, the Advisory Committee shall consider, as appro-  
12 priate, the aeronautics research policies developed pursu-  
13 ant to section 101(d) of Public Law 109–155 and the re-  
14 quirements and priorities for aeronautics research estab-  
15 lished by title IV of Public Law 109–155.

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

1       (f) **TERMINATION.**—The Advisory Committee shall  
 2 terminate 60 days after the date on which it submits the  
 3 report to the Congress.

4       **SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
 5               **PAVEMENTS.**

6       (a) **CONTINUATION OF PROGRAM.**—The Adminis-  
 7 trator of the Federal Aviation Administration shall con-  
 8 tinue the program to consider awards to nonprofit con-  
 9 crete and asphalt pavement research foundations to im-  
 10 prove the design, construction, rehabilitation, and repair  
 11 of airfield pavements to aid in the development of safer,  
 12 more cost effective, and more durable airfield pavements.

13       (b) **USE OF GRANTS OR COOPERATIVE AGREE-**  
 14 **MENTS.**—The Administrator may use grants or coopera-  
 15 tive agreements in carrying out this section.

16       **SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
 17               **ER RESEARCH.**

18       Within 60 days after the date of enactment of this  
 19 Act, the Administrator of the Federal Aviation Adminis-  
 20 tration shall—

21               (1) initiate evaluation of proposals that would  
 22 increase capacity throughout the air transportation  
 23 system by reducing existing spacing requirements  
 24 between aircraft of all sizes, including research on  
 25 the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

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

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

**SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.**

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504 is amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

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

(C) by striking “aircraft.” in subsection (b)(7) and inserting “aircraft; and”; and

1                   (D) by adding at the end of subsection (b)  
2                   the following:

3                   “(8) in conjunction with other Federal agencies  
4                   as appropriate, to develop technologies and methods  
5                   to assess the risk of and prevent defects, failures,  
6                   and malfunctions of products, parts, and processes,  
7                   for use in all classes of unmanned aerial systems  
8                   that could result in a catastrophic failure.”.

9                   (2) HUMAN FACTORS; SIMULATIONS.—Section  
10                  44505(b) is amended—

11                  (A) by striking “and” after the semicolon  
12                  in paragraph (4);

13                  (B) by striking “programs.” in paragraph  
14                  (5)(C) and inserting “programs; and”; and

15                  (C) by adding at the end thereof the fol-  
16                  lowing:

17                  “(6) to develop a better understanding of the  
18                  relationship between human factors and unmanned  
19                  aerial systems air safety; and

20                  “(7) to develop dynamic simulation models of  
21                  integrating all classes of unmanned aerial systems  
22                  into the National Air Space.”.

23                  (b) NATIONAL ACADEMY OF SCIENCES ASSESS-  
24                  MENT.—

1           (1) IN GENERAL.—Within 3 months after the  
2       date of enactment of this Act, the Administrator of  
3       the Federal Aviation Administration shall enter into  
4       an arrangement with the National Academy of  
5       Sciences for an assessment of unmanned aerial sys-  
6       tems that shall include consideration of—

7           (A) human factors regarding unmanned  
8       aerial systems operation;

9           (B) “detect, sense and avoid technologies”  
10      with respect to both cooperative and non-coop-  
11      erative aircraft;

12          (C) spectrum issues and bandwidth re-  
13      quirements;

14          (D) operation in suboptimal winds and ad-  
15      verse weather conditions;

16          (E) mechanisms for letter others know  
17      where the unmanned aerial system is flying;

18          (F) airworthiness and system redundancy;

19          (G) flight termination systems for safety  
20      and security;

21          (H) privacy issues;

22          (I) technologies for unmanned aerial sys-  
23      tems flight control;

24          (J) technologies for unmanned aerial sys-  
25      tems propulsion;

1           ~~(K)~~ unmanned aerial systems operator  
 2           qualifications, medical standards, and training  
 3           requirements;

4           ~~(L)~~ unmanned aerial systems maintenance  
 5           requirements and training requirements; and

6           ~~(M)~~ any other unmanned aerial systems-re-  
 7           lated issue the Administrator believes should be  
 8           addressed.

9           ~~(2)~~ REPORT.—Within 12 months after initi-  
 10          ating the study, the National Academy shall submit  
 11          its report to the Administrator, the Senate Com-  
 12          mittee on Commerce, Science, and Transportation,  
 13          and the House of Representatives Committee on  
 14          Transportation and Infrastructure containing its  
 15          findings and recommendations.

16          ~~(c)~~ PILOT PROJECTS.—

17                 ~~(1)~~ IN GENERAL.—The Administrator of the  
 18          Federal Aviation Administration shall establish 3 2-  
 19          year cost-shared pilot projects in sparsely populated,  
 20          low-density Class G air traffic airspace to conduct  
 21          experiments and collect data in order to accelerate  
 22          the safe integration of unmanned aerial systems into  
 23          the National Airspace System as follows:



1           (A) 1 project shall address operational  
2 issues required for integration of Category 1  
3 unmanned aerial systems.

4           (B) 1 project shall address operational  
5 issues required for integration of Category 2  
6 unmanned aerial systems.

7           (C) 1 project shall address operational  
8 issues required for integration of Category 3  
9 unmanned aerial systems.

10          (2) USE OF CONSORTIA.—In conducting the  
11 pilot projects, the Administrator shall encourage the  
12 formation of consortia from the public and private  
13 sectors, educational institutions, and non-profit or-  
14 ganization.

15          (3) REPORT.—Within 60 days after completing  
16 the pilot projects, the Administrator shall transmit  
17 a report to the Senate Committee on Commerce,  
18 Science, and Transportation and the House of Rep-  
19 resentatives Committee on Transportation and In-  
20 frastructure setting forth the Administrator's find-  
21 ings and conclusions concerning the projects.

22          (4) AUTHORIZATION OF APPROPRIATIONS.—  
23 There are authorized to be appropriated to the Ad-  
24 ministrator for fiscal years 2008 and 2009 such

1 sums as may be necessary to conduct the pilot  
2 projects.

3 ~~(d) FAA TASK LIST.—~~

4 ~~(1) STREAMLINE UNMANNED AERIAL SYSTEMS~~  
5 ~~CERTIFICATION PROCESS.—~~Within 30 days after the  
6 date of enactment of this Act, the Administrator of  
7 the Federal Aviation Administration shall develop  
8 and transmit an unmanned aerial systems “road-  
9 map” to the Senate Committee on Commerce,  
10 Science, and Transportation and the House of Rep-  
11 resentatives Committee on Transportation and In-  
12 frastructure.

13 ~~(2) UPDATE POLICY STATEMENT.—~~Within 45  
14 days after the date of enactment of this Act, the Ad-  
15 ministrator shall issue an updated policy statement  
16 on unmanned aerial systems under Docket No.  
17 ~~FAA-2006-25714; Notice No. 07-01.~~

18 ~~(3) ISSUE NPRM FOR CERTIFICATES.—~~Within  
19 90 days after the date of enactment of this Act, the  
20 Administrator shall publish a notice of proposed  
21 rulemaking on issuing airworthiness certificates and  
22 experimental certificates to unmanned aerial systems  
23 operators for compensation or hire. The Adminis-  
24 trator shall promulgate a final rule 90 days after the  
25 date on which the notice is published.

1           (4) NOTICE TO CONGRESS ON BASING UN-  
2           MANNED AERIAL SYSTEMS REGULATIONS ON ULTRA-  
3           LIGHT REGULATIONS.—Within 90 days after the  
4           date of enactment of this Act, the Administrator  
5           shall transmit a report to the Senate Committee on  
6           Commerce, Science, and Transportation and the  
7           House of Representatives Committee on Transpor-  
8           tation and Infrastructure on the potential of using  
9           part 103 of title 14, Code of Federal Regulations  
10          (relating to Ultralight Aircraft), as the regulatory  
11          basis for regulations on lightweight unmanned aerial  
12          systems.

13          (e) CONSOLIDATED RULEMAKING DEADLINE.—No  
14          later than April 30, 2010, the Federal Aviation Adminis-  
15          tration and other affected Federal agencies shall have ini-  
16          tiated all of the rule makings regarding vehicle design re-  
17          quirements, operational requirements, airworthiness re-  
18          quirements, and flight crew certifications requirements  
19          necessary for integrating all categories of unmanned aerial  
20          systems into the national air space, taking into consider-  
21          ation the recommendations the Administrator receives  
22          from the National Academy of Sciences report under sub-  
23          section (b), the unmanned aerial systems “roadmap” de-  
24          veloped by the Administrator under subsection (d)(1), the  
25          recommendations of the Radio Technical Committee Aero-

1 nautics Special Committee 203 (RTCA-SC 203), and the  
 2 data generated from the 3 pilot projects conducted under  
 3 subsection (c).

4 **SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
 5 **IN APPLIED RESEARCH AND TRAINING IN**  
 6 **THE USE OF ADVANCED MATERIALS IN**  
 7 **TRANSPORT AIRCRAFT.**

8 Section 708(b) of the Vision 100—Century of Avia-  
 9 tion Reauthorization Act (49 U.S.C. 44504 note) is  
 10 amended by striking “\$500,000 for fiscal year 2004” and  
 11 inserting “\$1,000,000 for each of fiscal years 2008  
 12 through 2012”.

13 **SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**  
 14 **VEHICLES.**

15 (a) IN GENERAL.—Subchapter I of chapter 471 is  
 16 amended by inserting after section 47136 the following:  
 17 “§ 47136A. **Zero emission airport vehicles and infra-**  
 18 **structure**

19 “(a) IN GENERAL.—The Secretary of Transportation  
 20 shall establish a pilot program under which the sponsor  
 21 of a public-use airport may use funds made available  
 22 under section 47117 or section 48103 for use at such air-  
 23 ports or passenger facility revenue (as defined in section  
 24 40117(a)(6)) to carry out activities associated with the ac-  
 25 quisition and operation of zero emission vehicles (as de-

1 fined in section ~~88.120–94~~ of title 40, Code of Federal  
 2 Regulations), including the construction or modification of  
 3 infrastructure to facilitate the delivery of fuel and services  
 4 necessary for the use of such vehicles. Any use of funds  
 5 authorized by the preceding sentence shall be considered  
 6 to be an authorized use of funds under section ~~47117~~ or  
 7 section ~~48103~~, or an authorized use of passenger facility  
 8 revenue (as defined in section ~~40117(a)(6)~~), as the case  
 9 may be.

10       “(b) LOCATION IN AIR QUALITY NONATTAINMENT  
 11 AREAS.—

12               “(1) IN GENERAL.—A public-use airport shall  
 13 be eligible for participation in the pilot program only  
 14 if the airport is located in an air quality nonattain-  
 15 ment area (as defined in section ~~171(2)~~ of the Clean  
 16 Air Act (42 U.S.C. 7501(2))).

17               “(2) SHORTAGE OF CANDIDATES.—If the Sec-  
 18 retary receives an insufficient number of applications  
 19 from public-use airports located in such areas, then  
 20 the Secretary may consider applications from public-  
 21 use airports that are not located in such areas.

22       “(c) SELECTION CRITERIA.—In selecting from  
 23 among applicants for participation in the program, the  
 24 Secretary shall give priority consideration to applicants  
 25 that will achieve the greatest air quality benefits measured

1 by the amount of emissions reduced per dollar of funds  
2 expended under the program.

3       “(d) ~~FEDERAL SHARE.~~—Notwithstanding any other  
4 provision of this subchapter, the Federal share of the costs  
5 of a project carried out under the program shall be 50  
6 percent.

7       “(e) ~~TECHNICAL ASSISTANCE.~~—

8               “(1) ~~IN GENERAL.~~—The sponsor of a public-use  
9 airport carrying out activities funded under the pro-  
10 gram may not use more than 10 percent of the  
11 amounts made available under the program in any  
12 fiscal year for technical assistance in carrying out  
13 such activities.

14              “(2) ~~ELIGIBLE CONSORTIUM.~~—To the max-  
15 imum extent practicable, participants in the program  
16 shall use an eligible consortium (as defined in sec-  
17 tion 5506 of this title) in the region of the airport  
18 to receive technical assistance described in para-  
19 graph (1).

20       “(f) ~~MATERIALS IDENTIFYING BEST PRACTICES.~~—  
21 The Secretary may develop and make available materials  
22 identifying best practices for carrying out activities funded  
23 under the program based on projects carried out under  
24 section 47136 and other sources.”.

1       (b) **REPORT ON EFFECTIVENESS OF PROGRAM.**—Not  
 2 later than 18 months after the date of enactment of this  
 3 section, the Secretary of Transportation shall transmit a  
 4 report to the Senate Committee on Commerce, Science,  
 5 and Transportation the House of Representatives Com-  
 6 mittee on Transportation and Infrastructure containing—

7           (1) an evaluation of the effectiveness of the  
 8 pilot program;

9           (2) an identification of all public-use airports  
 10 that expressed an interest in participating in the  
 11 program; and

12           (3) a description of the mechanisms used by the  
 13 Secretary to ensure that the information and know-  
 14 how gained by participants in the program is trans-  
 15 ferred among the participants and to other inter-  
 16 ested parties, including other public-use airports.

17       (c) **CONFORMING AMENDMENT.**—The table of con-  
 18 tents for chapter 471 is amended by inserting after the  
 19 item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure.”.

20 **SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT**  
 21 **POWER SOURCES.**

22       (a) **IN GENERAL.**—Subchapter I of chapter 471 is  
 23 amended by inserting after section 47140 the following:

1   **“§ 47140A. Reduction of emissions from airport power**  
 2                   **sources**

3           “(a) IN GENERAL.—The Secretary of Transportation  
 4 shall establish a program under which the sponsor of each  
 5 airport eligible to receive grants under section 48103 is  
 6 encouraged to assess the airport’s energy requirements,  
 7 including heating and cooling, base load, back-up power,  
 8 and power for on-road airport vehicles and ground support  
 9 equipment, in order to identify opportunities to reduce  
 10 harmful emissions and increase energy efficiency at the  
 11 airport.

12          “(b) GRANTS.—The Secretary may make grants  
 13 under section 48103 to assist airport sponsors that have  
 14 completed the assessment described in subsection (a) to  
 15 acquire or construct equipment, including hydrogen equip-  
 16 ment and related infrastructure, that will reduce harmful  
 17 emissions and increase energy efficiency at the airport. To  
 18 be eligible for such a grant, the sponsor of such an airport  
 19 shall submit an application to the Secretary, at such time,  
 20 in such manner, and containing such information as the  
 21 Secretary may require.”.

22          “(b) CONFORMING AMENDMENT.—The table of con-  
 23 tents for chapter 471 is amended by inserting after the  
 24 item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources.”.



1 **SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL**  
2 **AIDES AND OTHER ASSETS.**

3 **(a) SURVEY AND ASSESSMENT.—**

4 **(1) IN GENERAL.**—In order to address safety  
5 and operational concerns associated with the con-  
6 struction, alteration, establishment, or expansion of  
7 wind farms in proximity to critical FAA facilities,  
8 the Administrator shall, within 60 days after the  
9 date of enactment of this Act, complete a survey and  
10 assessment of leases for critical FAA facility sites,  
11 including—

12 **(A)** an inventory of the leases that de-  
13 scribes, for each such lease—

14 **(i)** the periodic cost, location, site,  
15 terms, number of years remaining, and les-  
16 sor;

17 **(ii)** other Administration facilities that  
18 share the leasehold, including surveillance  
19 and communications equipment; and

20 **(iii)** the type of transmission services  
21 supported, including the terms of service,  
22 cost, and support contract obligations for  
23 the services; and

24 **(B)** a list of those leases for facilities lo-  
25 cated in or near areas suitable for the construc-  
26 tion and operation of wind farms, as deter-

1           mined by the Administrator in consultation  
2           with the Secretary of Energy.

3           ~~(2) REPORT.~~—Upon completion of the survey  
4           and assessment, the Administrator shall submit a re-  
5           port to the Senate Committee on Commerce,  
6           Science, and Transportation, the House of Rep-  
7           resentatives Committee on Transportation and In-  
8           frastructure, and the Comptroller General containing  
9           the Administrator’s findings, conclusions, and rec-  
10          ommendations.

11          ~~(b) GAO ASSESSMENT.~~—

12           ~~(1) IN GENERAL.~~—Within 180 days after re-  
13          ceiving the Administrator’s report under subsection  
14          ~~(a)(2)~~, the Comptroller General, in consultation with  
15          the Administrator, shall—

16                  ~~(A)~~ complete an assessment of the current  
17                  and potential impact of wind farms on the na-  
18                  tional airspace system;

19                  ~~(B)~~ complete an assessment of the extent  
20                  to which Federal policies and laws that encour-  
21                  age or facilitate the development of wind farms  
22                  have an impact on implementation of the Next  
23                  Generation air traffic control system, including  
24                  the installation of navigational aides associated  
25                  with that system;

1           (C) determine what resources the Federal  
2           Aviation Administration would need to mitigate  
3           any obstruction to navigation attributable to  
4           wind farms under the existing air traffic control  
5           system or the Next Generation air traffic con-  
6           trol system;

7           (D) recommend a new procedure, or im-  
8           provements to the current procedure, to the Ad-  
9           ministration for mitigation of potential conflicts  
10          between navigational aides and wind farms;  
11          with an emphasis on early involvement of the  
12          Administration in the planning stages for wind  
13          farms; and

14          (E) develop a matrix that will indicate how  
15          close to navigational aides wind farms can be  
16          located and how many turbines can reasonably  
17          be placed in the vicinity of such aides.

18          (2) REPORT.—Upon completion of the assess-  
19          ments, the Comptroller General shall submit a re-  
20          port to the Senate Committee on Commerce,  
21          Science, and Transportation, the House of Rep-  
22          resentatives Committee on Transportation and In-  
23          frastructure, and the Administrator containing the  
24          Comptroller General's findings, conclusions, and rec-  
25          ommendations.

1       ~~(e) ISSUANCE OF GUIDELINES; PUBLIC INFORMA-~~  
 2     ~~TION.—~~

3             ~~(1) GUIDANCE.—~~Within 60 days after the Ad-  
 4     ~~ministrator receives the Comptroller’s recommenda-~~  
 5     ~~tions, the Administrator shall publish guidelines for~~  
 6     ~~the construction and operation of wind farms to be~~  
 7     ~~located in proximity to critical Federal Aviation Ad-~~  
 8     ~~ministration facilities. The guidelines may include—~~

9                     ~~(A) the establishment of a zone system for~~  
 10                    ~~wind farms based on proximity to critical FAA~~  
 11                    ~~assets;~~

12                   ~~(B) the establishment of turbine height~~  
 13                    ~~and density limitations on such wind farms;~~

14                   ~~(C) requirements for notice to the Admin-~~  
 15                    ~~istration under section 44718(a) of title 49,~~  
 16                    ~~United States Code, before the construction, al-~~  
 17                    ~~teration, establishment, or expansion of a such~~  
 18                    ~~a wind farm; and~~

19                   ~~(D) any other requirements or rec-~~  
 20                    ~~ommendations designed to address Administra-~~  
 21                    ~~tion safety or operational concerns related to~~  
 22                    ~~the construction, alteration, establishment, or~~  
 23                    ~~expansion of such wind farms.~~

24             ~~(2) PUBLIC ACCESS TO INFORMATION.—~~To the  
 25     ~~extent feasible, taking into consideration security,~~

1 operational; and public safety concerns (as deter-  
2 mined by the Administrator), the Administrator  
3 shall provide public access to information regarding  
4 the planning, construction, and operation of wind  
5 farms in proximity to critical FAA facilities on, or  
6 by linkage from, the homepage of the Federal Avia-  
7 tion Administration's public website.

8 (d) CONSULTATION WITH OTHER FEDERAL AGEN-  
9 CIES.—In carrying out this section, the Administrator and  
10 the Comptroller General shall consult, as appropriate, with  
11 the Secretaries of the Army, the Navy, the Air Force,  
12 Homeland Security, and Energy—

13 (1) to coordinate the requirements of each de-  
14 partment for future air space needs;

15 (2) to determine what the acceptable risks are  
16 to the existing infrastructure of each department;  
17 and

18 (3) to define the different levels of risk for such  
19 infrastructure.

20 (e) REPORTS.—The Administrator and the Comp-  
21 troller General shall provide a copy of reports under sub-  
22 sections (a) and (b), respectively, to the Senate Committee  
23 on Homeland Security and Governmental Affairs, the Sen-  
24 ate Committee on Armed Services, the House of Rep-  
25 resentatives Committee on Homeland Security, the House

1 of Representatives Committee on Armed Services; and the  
 2 House of Representatives Committee on Science and  
 3 Technology, as appropriate.

4 (f) DEFINITIONS.—In this section:

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

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

10 (3) CRITICAL FAA FACILITIES.—The term “crit-  
 11 ical FAA facilities” means facilities on which are lo-  
 12 cated navigational aides, surveillance systems, or  
 13 communications systems used by the Administration  
 14 in administration of the national airspace system.

15 (4) WIND FARM.—The term “wind farm”  
 16 means an installation of 1 or more wind turbines  
 17 used for the generation of electricity.

## 18 **TITLE VII—MISCELLANEOUS**

### 19 **SEC. 701. GENERAL AUTHORITY.**

20 (a) THIRD PARTY LIABILITY.—Section 44303(b) is  
 21 amended by striking “December 31, 2009,” and inserting  
 22 “December 31, 2012,”.

23 (b) EXTENSION OF PROGRAM AUTHORITY.—Section  
 24 44310 is amended by striking “December 31, 2009.” and  
 25 inserting “October 1, 2017.”.

1       ~~(e) WAR RISK.—~~

2               ~~(1) Section 44302(f)(1) is amended—~~

3                       ~~(A) by striking “September 30, 2009,” and~~  
 4                       ~~inserting “September 30, 2011,”; and~~

5                       ~~(B) by striking “December 31, 2009,” and~~  
 6                       ~~inserting “December 31, 2011.”~~

7               ~~(2) Section 44303(b) is amended by striking~~  
 8               ~~“December 31, 2009,” and inserting “December 31,~~  
 9               ~~2011.”~~

10   **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

11       Within 6 months after the date of enactment of this  
 12   Act, the Administrator of the Federal Aviation Adminis-  
 13   tration shall develop a Human Intervention Management  
 14   Study program for cabin crews employed by commercial  
 15   air carriers in the United States.

16   **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

17       The Administrator of the Federal Aviation Adminis-  
 18   tration—

19               ~~(1) shall establish a formal, structured certifi-~~  
 20               ~~cation training program for the airport concessions~~  
 21               ~~disadvantaged business enterprise program; and~~

22               ~~(2) may appoint 3 additional staff to implement~~  
 23               ~~the programs of the airport concessions disadvan-~~  
 24               ~~taged business enterprise initiative.~~

1 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

2 (a) **EXTENSION OF METROPOLITAN WASHINGTON**  
 3 **AIRPORTS AUTHORITY.**—Section 49108 is amended by  
 4 striking “2009,” and inserting “2011,”.

5 (b) **MARSHALL ISLANDS, FEDERATED STATES OF**  
 6 **MICRONESIA, AND PALAU.**—Section 47115(j) is amended  
 7 by striking “2009,” and inserting “2011,”.

8 (c) **MIDWAY ISLAND AIRPORT.**—Section 186(d) of  
 9 the Vision 100—Century of Aviation Reauthorization Act  
 10 (17 Stat. 2518) is amended by striking “2009,” and in-  
 11 serting “2011,”.

12 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

13 Section 47107(s) is amended by striking paragraph  
 14 (3).

15 **SEC. 706. UPDATE ON OVERFLIGHTS.**

16 (a) **IN GENERAL.**—Section 45301(b) is amended to  
 17 read as follows:

18 “(b) **LIMITATIONS.**—

19 “(1) **IN GENERAL.**—In establishing fees under  
 20 subsection (a), the Administrator shall ensure that  
 21 the fees required by subsection (a) are reasonably  
 22 related to the Administration’s costs, as determined  
 23 by the Administrator, of providing the services ren-  
 24 dered. Services for which costs may be recovered in-  
 25 clude the costs of air traffic control, navigation,  
 26 weather services, training, and emergency services



1 which are available to facilitate safe transportation  
2 over the United States, and other services provided  
3 by the Administrator or by programs financed by  
4 the Administrator to flights that neither take off nor  
5 land in the United States. The determination of  
6 such costs by the Administrator is not subject to ju-  
7 dicial review.

8 “(2) ADJUSTMENT OF FEES.—The Adminis-  
9 trator shall adjust the overflight fees established by  
10 subsection (a)(1) by expedited rulemaking and begin  
11 collections under the adjusted fees by October 1,  
12 2010. In developing the adjusted overflight fees, the  
13 Administrator shall seek and consider the rec-  
14 ommendations, if any, offered by the Aviation Rule-  
15 making Committee for Overflight Fees that are in-  
16 tended to ensure that overflight fees are reasonably  
17 related to the Administrator’s costs of providing air  
18 traffic control and related services to overflights. In  
19 addition, the Administrator may periodically modify  
20 the fees established under this section either on the  
21 Administrator’s own initiative or on a recommenda-  
22 tion from the Air Traffic Control Modernization  
23 Board.

24 “(3) COST DATA.—The adjustment of overflight  
25 fees under paragraph (2) shall be based on the costs

1 to the Administration of providing the air traffic  
 2 control and related activities, services, facilities, and  
 3 equipment using the available data derived from the  
 4 Administration's cost accounting system and cost al-  
 5 location system to users, as well as budget and oper-  
 6 ational data.

7 “(4) AIRCRAFT ALTITUDE.—Nothing in this  
 8 section shall require the Administrator to take into  
 9 account aircraft altitude in establishing any fee for  
 10 aircraft operations in en route or oceanic airspace.

11 “(5) COSTS DEFINED.—In this subsection, the  
 12 term ‘costs’ means those costs associated with the  
 13 operation, maintenance, debt service, and overhead  
 14 expenses of the services provided and the facilities  
 15 and equipment used in such services, including the  
 16 projected costs for the period during which the serv-  
 17 ices will be provided.

18 “(6) PUBLICATION; COMMENT.—The Adminis-  
 19 trator shall publish in the Federal Register any fee  
 20 schedule under this section, including any adjusted  
 21 overflight fee schedule, and the associated collection  
 22 process as a proposed rule, pursuant to which public  
 23 comment will be sought and a final rule issued.”.

24 (b) ADMINISTRATIVE PROVISION.—Section  
 25 45303(c)(2) is amended to read as follows:

1           “(2) shall be available to the Administrator for  
 2           expenditure for purposes authorized by Congress for  
 3           the Federal Aviation Administration, however, fees  
 4           established by section 45301(a)(1) of title 49 of the  
 5           United States Code shall be available only to pay the  
 6           cost of activities and services for which the fee is im-  
 7           posed, including the costs to determine, assess, re-  
 8           view, and collect the fee; and”.

9   **SEC. 707. TECHNICAL CORRECTIONS.**

10          Section 40122(g), as amended by section 307 of this  
 11   Act, is further amended—

12           (1) by striking “section 2302(b), relating to  
 13           whistleblower protection,” in paragraph (2)(A) and  
 14           inserting “sections 2301 and 2302,”;

15           (2) by striking “and” after the semicolon in  
 16           paragraph (2)(H);

17           (3) by striking “Plan.” in paragraph (2)(I)(iii)  
 18           and inserting “Plan,”;

19           (4) by adding at the end of paragraph (2) the  
 20           following:

21                   “(J) section 5596, relating to back pay;

22                   and

23                   “(K) sections 6381 through 6387, relating  
 24                   to Family and Medical Leave.”; and

1           (5) by adding at the end of paragraph (3)  
 2           “Notwithstanding any other provision of law, retro-  
 3           active to April 1, 1996, the Board shall have the  
 4           same remedial authority over such employee appeals  
 5           that it had as of March 31, 1996.”.

6 **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

7           (a) STUDY.—

8           (1) IN GENERAL.—The Comptroller General  
 9           shall conduct a study of the training of airway  
 10           transportation systems specialists of the Federal  
 11           Aviation Administration that includes—

12                   (A) an analysis of the type of training pro-  
 13                   vided to such specialists;

14                   (B) an analysis of the type of training that  
 15                   such specialists need to be proficient in the  
 16                   maintenance of the latest technologies;

17                   (C) actions that the Administration has  
 18                   undertaken to ensure that such specialists re-  
 19                   ceive up-to-date training on such technologies;

20                   (D) the amount and cost of training pro-  
 21                   vided by vendors for such specialists;

22                   (E) the amount and cost of training pro-  
 23                   vided by the Administration after developing in-  
 24                   house training courses for such specialists;

1           (F) the amount and cost of travel required  
2           of such specialists in receiving training; and

3           (G) a recommendation regarding the most  
4           cost-effective approach to providing such train-  
5           ing.

6           (2) REPORT.—Within 1 year after the date of  
7           enactment of this Act, the Comptroller General shall  
8           transmit a report on the study containing the Comp-  
9           troller General's findings and recommendations to  
10          the Senate Committee on Commerce, Science, and  
11          Transportation and the House of Representatives  
12          Committee on Transportation and Infrastructure.

13          (b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

14           (1) IN GENERAL.—Not later than 90 days after  
15          the date of enactment of this Act, the Administrator  
16          of the Federal Aviation Administration shall con-  
17          tract with the National Academy of Sciences to con-  
18          duct a study of the assumptions and methods used  
19          by the Federal Aviation Administration to estimate  
20          staffing needs for Federal Aviation Administration  
21          air traffic controllers, system specialists, and engi-  
22          neers to ensure proper maintenance, certification,  
23          and operation of the National Airspace System. The  
24          National Academy of Sciences shall consult with the  
25          Exclusive Bargaining Representative certified under

1       section 7111 of title 5, United States Code, and the  
2       Administration (including the Civil Aeronautical  
3       Medical Institute) and examine data entailing  
4       human factors, traffic activity, and the technology at  
5       each facility.

6           (2) CONTENTS.—The study shall include—

7               (A) recommendations for objective staffing  
8               standards that maintain the safety of the Na-  
9               tional Airspace System; and

10              (B) the approximate length of time for de-  
11              veloping such standards.

12           (3) REPORT.—Not later than 24 months after  
13       executing a contract under subsection (a), the Na-  
14       tional Academy of Sciences shall transmit a report  
15       containing its findings and recommendations to the  
16       Congress.

17           (e) SAFETY STAFFING MODEL.—Within 18 months  
18       after the date of enactment of this Act, the Administrator  
19       of the Federal Aviation Administration shall develop a  
20       staffing model for aviation safety inspectors. In developing  
21       the model, the Administrator shall consult with represent-  
22       atives of the aviation safety inspectors.

1 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
2 **TIONAL PARKS.**

3 (a) SECRETARY OF THE INTERIOR AND OVER-  
4 FLIGHTS OF NATIONAL PARKS.—

5 (1) Section 40128 is amended—

6 (A) by striking paragraph (8) of subsection  
7 (f);

8 (B) by striking “Director” each place it  
9 appears and inserting “Secretary of the Inte-  
10 rior”;

11 (C) by striking “National Park Service” in  
12 subsection (a)(2)(B)(vi) and inserting “Depart-  
13 ment of the Interior”; and

14 (D) by striking “National Park Service” in  
15 subsection (b)(4)(C) and inserting “Department  
16 of the Interior”.

17 (2) The National Parks Air Tour Management  
18 Act of 2000 (49 U.S.C. 40128 note) is amended—

19 (A) by striking “Director” in section  
20 804(b) and inserting “Secretary of the Inte-  
21 rior”;

22 (B) in section 805—

23 (i) by striking “Director of the Na-  
24 tional Park Service” in subsection (a) and  
25 inserting “Secretary of the Interior”;

1                   (ii) by striking “Director” each place  
2                   it appears and inserting “Secretary of the  
3                   Interior”;

4                   (iii) by striking “National Park Serv-  
5                   ice” each place it appears in subsection (b)  
6                   and inserting “Department of the Inte-  
7                   rior”;

8                   (iv) by striking “National Park Serv-  
9                   ice” in subsection (d)(2) and inserting  
10                  “Department of the Interior”; and  
11                  (C) in section 807—

12                  (i) by striking “National Park Serv-  
13                  ice” in subsection (a)(1) and inserting  
14                  “Department of the Interior”; and

15                  (ii) by striking “Director of the Na-  
16                  tional Park Service” in subsection (b) and  
17                  inserting “Secretary of the Interior”.

18       (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-  
19       MENT.—Paragraph (1) of subsection (a) of section 40128  
20       is amended—

21                  (1) by striking “and” in subparagraph (B);

22                  (2) by striking “lands.” in subparagraph (C)  
23                  and inserting “lands; and”; and

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



1           “(D) in accordance with a voluntary agree-  
 2           ment between the commercial air tour operator  
 3           and appropriate representatives of the national  
 4           park or tribal lands, as the case may be.”.

5       (C) AVIATION SAFETY INSPECTORS.—

6           (1) SAFETY STAFFING MODEL.—Within 12  
 7           months after the date of enactment of this Act, the  
 8           Administrator of the Federal Aviation Administra-  
 9           tion shall develop a staffing model for aviation safety  
 10          inspectors. In developing the model, the Adminis-  
 11          trator shall consult with representatives of the avia-  
 12          tion safety inspectors and other interested parties.

13          (2) SAFETY INSPECTOR STAFFING.—The Fed-  
 14          eral Aviation Administration aviation safety inspec-  
 15          tor staffing requirement shall be no less than the  
 16          staffing levels indicated as necessary in the staffing  
 17          model described under subsection (a).

18       (d) MODIFICATION OF INTERIM OPERATING AU-  
 19       THORITY.—Section 40128(c)(2)(I) is amended to read as  
 20       follows:

21               “(I) may allow for modifications of the in-  
 22               terim operating authority without further envi-  
 23               ronmental process, if—

24                       “(i) adequate information on the ex-  
 25                       isting and proposed operations of the com-

mercials air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

“(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

“(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.”.

(e) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the

1 routes, altitudes, duration, and time of day of  
2 flights; and

3 ~~(C)~~ such other information as the Adminis-  
4 trator and the Secretary may determine nec-  
5 essary to administer the provisions of the Na-  
6 tional Parks Air Tour Management Act of 2000  
7 ~~(49 U.S.C. 40128 note).~~

8 ~~(2)~~ **FORMAT.**—The report required by para-  
9 graph ~~(1)~~ shall be submitted in such form as the Ad-  
10 ministrator and the Secretary determine to be ap-  
11 propriate.

12 ~~(3)~~ **EFFECT OF FAILURE TO REPORT.**—The Ad-  
13 ministrator shall rescind the operating authority of  
14 a commercial air tour operator that fails to file a re-  
15 port not later than 180 days after the date for the  
16 submittal of the report described in paragraph ~~(1)~~.

17 ~~(4)~~ **AUDIT OF REPORTS.**—Not later than 2  
18 years after the date of the enactment of this Act,  
19 and at such times thereafter as the Inspector Gen-  
20 eral of the Department of Transportation determines  
21 necessary, the Inspector General shall audit the re-  
22 ports required by paragraph ~~(1)~~.

23 ~~(f)~~ **COLLECTION OF FEES FROM AIR TOUR OPER-**  
24 **ATIONS.**—

1           (1) IN GENERAL.—The Secretary of the Inte-  
 2           rior may assess a fee in an amount determined by  
 3           the Secretary under paragraph (2) on a commercial  
 4           air tour operator conducting commercial air tour op-  
 5           erations over a national park.

6           (2) AMOUNT OF FEE.—In determining the  
 7           amount of the fee assessed under paragraph (1), the  
 8           Secretary shall consider the cost of developing air  
 9           tour management plans for each national park.

10          (3) EFFECT OF FAILURE TO PAY FEE.—The  
 11          Administrator of the Federal Aviation Administra-  
 12          tion shall revoke the operating authority of a com-  
 13          mercial air tour operator conducting commercial air  
 14          tour operations over any national park, including the  
 15          Grand Canyon National Park, that has not paid the  
 16          fee assessed by the Secretary under paragraph (1)  
 17          by the date that is 180 days after the date on which  
 18          the Secretary determines the fee shall be paid.

19          (g) AUTHORIZATION OF APPROPRIATIONS FOR AIR  
 20          TOUR MANAGEMENT PLANS.—

21               (1) IN GENERAL.—There are authorized to be  
 22               appropriated \$10,000,000 to the Secretary of the  
 23               Interior for the development of air tour management  
 24               plans under section 40128(b) of title 49, United  
 25               States Code.

1           ~~(2) USE OF FUNDS.—~~The funds authorized to  
 2       be appropriated by paragraph (1) shall be used to  
 3       develop air tour management plans for the national  
 4       parks the Secretary determines would most benefit  
 5       from such a plan.

6       ~~(h) GUIDANCE TO DISTRICT OFFICES ON COMMER-~~  
 7       ~~CIAL AIR TOUR OPERATORS.—~~The Administrator of the  
 8       Federal Aviation Administration shall provide to the Ad-  
 9       ministration's district offices clear guidance on the ability  
 10      of commercial air tour operators to obtain—

11           ~~(1) increased safety certifications;~~

12           ~~(2) exemptions from regulations requiring safe-~~  
 13       ~~ty certifications; and~~

14           ~~(3) other information regarding compliance~~  
 15       ~~with the requirements of this Act and other Federal~~  
 16       ~~and State laws and regulations.~~

17       ~~(i) OPERATING AUTHORITY OF COMMERCIAL AIR~~  
 18       ~~TOUR OPERATORS.—~~

19           ~~(1) TRANSFER OF OPERATING AUTHORITY.—~~

20           ~~(A) IN GENERAL.—~~Subject to subpara-  
 21       ~~graph (B),~~ a commercial air tour operator that  
 22       obtains operating authority from the Adminis-  
 23       trator under section 40128 of title 49, United  
 24       States Code, to conduct commercial air tour op-

erations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

1           ~~(3) INCREASE IN INTERIM OPERATING AUTHOR-~~  
 2           ~~ITY.—The Administrator and the Secretary may in-~~  
 3           ~~crease the interim operating authority while an air~~  
 4           ~~tour management plan is being developed for a park~~  
 5           ~~if—~~

6                   ~~(A) the Secretary determines that such an~~  
 7                   ~~increase does not adversely impact park re-~~  
 8                   ~~sources or visitor experiences; and~~

9                   ~~(B) the Administrator determines that~~  
 10                  ~~granting interim operating authority does not~~  
 11                  ~~adversely affect aviation safety or the manage-~~  
 12                  ~~ment of the national airspace system.~~

13           ~~(4) ENFORCEMENT OF OPERATING AUTHOR-~~  
 14           ~~ITY.—The Administrator is authorized and directed~~  
 15           ~~to enforce the requirements of this Act and any~~  
 16           ~~agency rules or regulations related to operating au-~~  
 17           ~~thority.~~

18 **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

19           ~~(a) IN GENERAL.—Subchapter II of chapter 475 is~~  
 20           ~~amended by adding at the end the following:~~

21 **“§ 47534. Prohibition on operating certain aircraft**  
 22 **weighing 75,000 pounds or less not com-**  
 23 **plying with Stage 3 noise levels**

24           ~~“(a) PROHIBITION.—Except as provided in sub-~~  
 25           ~~section (b), (c), or (d), a person may not operate a civil~~

1 subsonic turbojet with a maximum weight of 75,000  
 2 pounds or less to or from an airport in the United States  
 3 unless the Secretary of Transportation finds that the air-  
 4 craft complies with stage 3 noise levels.

5 “(b) EXCEPTION.—Subsection (a) shall not apply to  
 6 aircraft operated only outside the 48 contiguous States.

7 “(c) OPT-OUT.—Subsection (a) shall not apply at an  
 8 airport where the airport operator has notified the Sec-  
 9 retary that it wants to continue to permit the operation  
 10 of civil subsonic turbojets with a maximum weight of  
 11 75,000 pounds or less that do not comply with stage 3  
 12 noise levels. The Secretary shall post the notices received  
 13 under this subsection on its website or in another place  
 14 easily accessible to the public.

15 “(d) LIMITATION.—The Secretary shall permit a per-  
 16 son to operate Stage 1 and Stage 2 aircraft with a max-  
 17 imum weight of 75,000 pounds or less to or from an air-  
 18 port in the contiguous 48 States in order—

19 “(1) to sell, lease, or use the aircraft outside  
 20 the 48 contiguous States;

21 “(2) to scrap the aircraft;

22 “(3) to obtain modifications to the aircraft to  
 23 meet stage 3 noise levels;

24 “(4) to perform scheduled heavy maintenance  
 25 or significant modifications on the aircraft at a



1 maintenance facility located in the contiguous 48  
2 states;

3 “(5) to deliver the aircraft to an operator leas-  
4 ing the aircraft from the owner or return the air-  
5 craft to the lessor;

6 “(6) to prepare or park or store the aircraft in  
7 anticipation of any of the activities described in  
8 paragraphs (1) through (5); or

9 “(7) to divert the aircraft to an alternative air-  
10 port in the 48 contiguous States on account of  
11 weather, mechanical, fuel air traffic control or other  
12 safety reasons while conducting a flight in order to  
13 perform any of the activities described in paragraphs  
14 (1) through (6).

15 “(e) STATUTORY CONSTRUCTION.—Nothing in the  
16 section may be construed as interfering with, nullifying,  
17 or otherwise affecting determinations made by the Federal  
18 Aviation Administration, or to be made by the Administra-  
19 tion, with respect to applications under part 161 of title  
20 14, Code of Federal Regulations, that were pending on  
21 the date of enactment of the Aircraft Noise Reduction Act  
22 of 2006.”.

23 (b) CONFORMING AMENDMENTS.—

1           (1) Section 47531 is amended by striking  
2           “47529, or 47530” and inserting “47529, 47530, or  
3           47534”.

4           (2) Section 47532 is amended by striking  
5           “47528–47531” and inserting “47528 through  
6           47531 or 47534”.

7           (3) The table of contents for chapter 475 is  
8           amended by inserting after the item relating to sec-  
9           tion 47533 the following:

~~“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with Stage 3 noise levels.”.~~

10          (c) **EFFECTIVE DATE.**—The amendments made by  
11 this section shall take effect 5 years after the date of en-  
12 actment of this Act.

13       **SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

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

20       **SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
21               **PORT PROPERTIES.**

22           (a) **IN GENERAL.**—Within 1 year after the date of  
23 enactment of this Act, the Administrator of the Federal  
24 Aviation Administration shall establish a pilot program at

1 up to 4 public-use airports for local airport operators that  
 2 have submitted a noise compatibility program approved by  
 3 the Federal Aviation Administration under section 47504  
 4 of title 49, United States Code, under which such airport  
 5 operators may use funds made available under section  
 6 47117(e) of that title, or passenger facility revenue col-  
 7 lected under section 40117 of that title, in partnership  
 8 with affected neighboring local jurisdictions, to support  
 9 joint planning, engineering design, and environmental per-  
 10 mitting for the assembly and redevelopment of property  
 11 purchased with noise mitigation funds or passenger facil-  
 12 ity charge funds, to encourage airport-compatible land  
 13 uses and generate economic benefits to the local airport  
 14 authority and adjacent community.

15 (b) NOISE COMPATIBILITY MEASURES.—Section  
 16 47504(a)(2) is amended—

17 (1) by striking “and” after the semicolon in  
 18 subparagraph (D);

19 (2) by striking “operations.” in subparagraph  
 20 (E) and inserting “operations; and”; and

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

22 “(F) joint comprehensive land use planning in-  
 23 cluding master plans, traffic studies, environmental  
 24 evaluation and economic and feasibility studies, with  
 25 neighboring local jurisdictions undertaking commu-

1 nity redevelopment in the area where the land or  
 2 other property interest acquired by the airport oper-  
 3 ator pursuant to this subsection is located, to en-  
 4 courage and enhance redevelopment opportunities  
 5 that reflect zoning and uses that will prevent the in-  
 6 troduction of additional incompatible uses and en-  
 7 hance redevelopment potential.”.

8 (c) GRANT REQUIREMENTS.—The Administrator  
 9 may not make a grant under subsection (a) unless the  
 10 grant is made—

11 (1) to enable the airport operator and local ju-  
 12 risdictions undertaking the community redevel-  
 13 opment effort to expedite redevelopment efforts;

14 (2) subject to a requirement that the local juris-  
 15 diction governing the property interests in question  
 16 has adopted zoning regulations that permit airport  
 17 compatible redevelopment; and

18 (3) subject to a requirement that, in deter-  
 19 mining the part of the proceeds from disposing of  
 20 the land that is subject to repayment or reinvest-  
 21 ment under section 47107(c)(2)(A) of title 49,  
 22 United States Code, the total amount of the grant  
 23 issued under this section shall be added to the  
 24 amount of any grants issued for acquisition of land.

25 (d) DEMONSTRATION GRANTS.—

1           (1) IN GENERAL.—The Administrator shall pro-  
2       vide grants for up to 4 pilot property redevelopment  
3       projects distributed geographically and targeted to  
4       airports that demonstrate—

5           (A) a readiness to implement cooperative  
6       land use management and redevelopment plans  
7       with the adjacent community; and

8           (B) the probability of clear economic ben-  
9       efit to the local community and financial return  
10      to the airport through the implementation of  
11      the redevelopment plan.

12       (2) FEDERAL SHARE.—

13           (A) Notwithstanding any other provision of  
14      law, the Federal share of the allowable costs of  
15      a project carried out under the pilot program  
16      shall be 80 percent.

17           (B) In determining the allowable costs, the  
18      Administrator shall deduct from the total costs  
19      of the activities described in subsection (a) that  
20      portion of the costs which is equal to that por-  
21      tion of the total property to be redeveloped  
22      under this section that is not owned or to be ac-  
23      quired by the airport operator pursuant to the  
24      noise compatibility program or that is not

1 owned by the affected neighboring local juris-  
 2 dictions or other public entities.

3 ~~(3) MAXIMUM AMOUNT.—Not more than~~  
 4 ~~\$5,000,000 in funds made available under section~~  
 5 ~~47117(e) of title 49, United States Code, may be ex-~~  
 6 ~~pended under the pilot program at any single public-~~  
 7 ~~use airport.~~

8 ~~(4) EXCEPTION.—Amounts paid to the Admin-~~  
 9 ~~istrator under subsection (c)(3)—~~

10 ~~(A) shall be in addition to amounts author-~~  
 11 ~~ized under section 48203 of title 49, United~~  
 12 ~~States Code;~~

13 ~~(B) shall not be subject to any limitation~~  
 14 ~~on grant obligations for any fiscal year; and~~

15 ~~(C) shall remain available until expended.~~

16 ~~(e) USE OF PASSENGER REVENUE.—An airport~~  
 17 ~~sponsor that owns or operates an airport participating in~~  
 18 ~~the pilot program may use passenger facility revenue col-~~  
 19 ~~lected under section 40117 of title 49, United States Code,~~  
 20 ~~to pay any project cost described in subsection (a) that~~  
 21 ~~is not financed by a grant under the program.~~

22 ~~(f) SUNSET.—This section, other than the amend-~~  
 23 ~~ments made by subsections (b), shall not be in effect after~~  
 24 ~~September 30, 2011.~~

1       (g) **REPORT TO CONGRESS.**—The Administrator shall  
 2 report to Congress within 18 months after making the  
 3 first grant under this section on the effectiveness of this  
 4 program on returning part 150 lands to productive use.

5 **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

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

8 **“§ 41724. Musical instruments**

9       “(a) **IN GENERAL.**—

10           “(1) **SMALL INSTRUMENTS AS CARRY-ON BAG-**  
 11 **GAGE.**—An air carrier providing air transportation  
 12 shall permit a passenger to carry a violin, guitar, or  
 13 other musical instrument in the aircraft cabin with-  
 14 out charge if—

15           “(A) the instrument can be stowed safely  
 16 in a suitable baggage compartment in the air-  
 17 craft cabin or under a passenger seat; and

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

20           “(2) **LARGER INSTRUMENTS AS CARRY-ON BAG-**  
 21 **GAGE.**—An air carrier providing air transportation  
 22 shall permit a passenger to carry a musical instru-  
 23 ment that is too large to meet the requirements of  
 24 paragraph (1) in the aircraft cabin without charge  
 25 if—

1           “(A) the instrument is contained in a case  
2           or covered so as to avoid injury to other pas-  
3           sengers;

4           “(B) the weight of the instrument, includ-  
5           ing the case or covering, does not exceed 165  
6           pounds;

7           “(C) the instrument can be secured by a  
8           seat belt to avoid shifting during flight;

9           “(D) the instrument does not restrict ac-  
10          cess to, or use of, any required emergency exit,  
11          regular exit, or aisle;

12          “(E) the instrument does not obscure any  
13          passenger’s view of any illuminated exit, warn-  
14          ing, or other informational sign;

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

19          “(G) the passenger wishing to carry the in-  
20          strument in the aircraft cabin has purchased an  
21          additional seat to accommodate the instrument.

22          “(3) LARGE INSTRUMENTS AS CHECKED BAG-  
23          GAGE.—An air carrier shall transport as baggage,  
24          without charge, a musical instrument that is the  
25          property of a passenger traveling in air transpor-



1       tation that may not be carried in the aircraft cabin  
2       if—

3               “(A) the sum of the length, width, and  
4               height measured in inches of the outside linear  
5               dimensions of the instrument (including the  
6               case) does not exceed 150 inches; and

7               “(B) the weight of the instrument does not  
8               exceed 165 pounds.

9       “(b) **REGULATIONS.**—The Secretary may prescribe  
10   such regulations as may be necessary or appropriate to  
11   implement subsection (a).”.

12       (b) **CONFORMING AMENDMENT.**—The table of con-  
13   tents for chapter 417 is amended by inserting after the  
14   item relating to section 41723 the following:

      “41724. Musical instruments.”.

15       (c) **EFFECTIVE DATE.**—The amendments made by  
16   this section shall take effect 30 days after the date of en-  
17   actment of this Act.

18   **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

19       (a) **AIRPORT PLANNING.**—Section 47102(5) is  
20   amended by striking “planning.” and inserting “planning  
21   and a plan for recycling and minimizing the generation  
22   of airport solid waste, consistent with applicable State and  
23   local recycling laws, including the cost of a waste audit.”.

24       (b) **MASTER PLAN.**—Section 47106(a) is amended—

1           (1) by striking “and” at the end of paragraph  
2       (4);

3           (2) by striking “proposed.” in paragraph (5)  
4       and inserting “proposed; and”; and

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

6           “(6) if the project is for an airport that has an  
7       airport master plan, the master plan addresses—

8               “(A) the feasibility of solid waste recycling  
9       at the airport;

10               “(B) minimizing the generation of solid  
11       waste at the airport;

12               “(C) operation and maintenance require-  
13       ments;

14               “(D) the review of waste management con-  
15       tracts;

16               “(E) the potential for cost savings or the  
17       generation of revenue; and

18               “(F) training and education require-  
19       ments.”.

20       **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**  
21       **GRAM ADJUSTMENTS.**

22       (a) IN GENERAL.—Section 47107(c) is amended—

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

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

3           “(8) MANDATORY TRAINING PROGRAM FOR  
4 AIRPORT CONCESSIONS.—

5           “(A) IN GENERAL.—Not later than  
6 one year after the date of enactment of the  
7 FAA Air Transportation Modernization  
8 and Safety Improvement Act, the Sec-  
9 retary shall establish a mandatory training  
10 program for persons described in subpara-  
11 graph (C) on the certification of whether a  
12 small business concern in airport conces-  
13 sions qualifies as a small business concern  
14 owned and controlled by a socially and eco-  
15 nomically disadvantaged individual for pur-  
16 poses of paragraph (1).

17           “(B) IMPLEMENTATION.—The train-  
18 ing program may be implemented by one  
19 or more private entities approved by the  
20 Secretary.

21           “(C) PARTICIPANTS.—A person re-  
22 ferred to in paragraph (1) is an official or  
23 agent of an airport owner or operator who  
24 is required to provide a written assurance  
25 under paragraph (1) that the airport

owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

~~“(D) AUTHORIZATION OF APPROPRIATIONS.—~~There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

~~(b) REPORT.—~~Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

~~(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—~~Section 47113 is amended by adding at the end the following:

1       “(e) ~~PERSONAL NET WORTH CAP.~~—Not later than  
 2 180 days after the date of enactment of the FAA Air  
 3 Transportation Modernization and Safety Improvement  
 4 Act, the Secretary shall issue final regulations to adjust  
 5 the personal net worth cap used in determining whether  
 6 an individual is economically disadvantaged for purposes  
 7 of qualifying under the definition contained in subsection  
 8 (a)(2) and under section 47107(c). The regulations shall  
 9 correct for the impact of inflation since the Small Business  
 10 Administration established the personal net worth cap at  
 11 \$750,000 in 1989.

12       “(f) ~~EXCLUSION OF RETIREMENT BENEFITS.~~—

13               “(1) ~~IN GENERAL.~~—In calculating a business  
 14 owner’s personal net worth, any funds held in a  
 15 qualified retirement account owned by the business  
 16 owner shall be excluded, subject to regulations to be  
 17 issued by the Secretary.

18               “(2) ~~REGULATIONS.~~—Not later than one year  
 19 after the date of enactment of the FAA Air Trans-  
 20 portation Modernization and Safety Improvement  
 21 Act, the Secretary shall issue final regulations to im-  
 22 plement paragraph (1), including consideration of  
 23 appropriate safeguards, such as a limit on the  
 24 amount of such accounts, to prevent circumvention  
 25 of personal net worth requirements.

1       “(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-  
2 TORY BONDING REQUIREMENTS.—

3               “(1) IN GENERAL.—The Secretary shall estab-  
4 lish a program to eliminate barriers to small busi-  
5 ness participation in airport-related contracts and  
6 concessions by prohibiting excessive, unreasonable,  
7 or discriminatory bonding requirements for any  
8 project funded under this chapter or using passenger  
9 facility revenues under section 40117.

10              “(2) REGULATIONS.—Not later than one year  
11 after the date of enactment of the FAA Air Trans-  
12 portation Modernization and Safety Improvement  
13 Act, the Secretary shall issue a final rule to establish  
14 the program under paragraph (1).”.

15 **SEC. 716. FRONT LINE MANAGER STAFFING.**

16       (a) STUDY.—Not later than 45 days after the date  
17 of enactment of this Act, the Administrator of the Federal  
18 Aviation Administration shall initiate a study on front line  
19 manager staffing requirements in air traffic control facili-  
20 ties.

21       (b) CONSIDERATIONS.—In conducting the study, the  
22 Administrator may take into consideration—

23              (1) the number of supervisory positions of oper-  
24 ation requiring watch coverage in each air traffic  
25 control facility;

1           (2) coverage requirements in relation to traffic  
2 demand;

3           (3) facility type;

4           (4) complexity of traffic and managerial respon-  
5 sibilities;

6           (5) proficiency and training requirements; and

7           (6) such other factors as the Administrator con-  
8 siders appropriate.

9       (c) DETERMINATIONS.—The Administrator shall  
10 transmit any determinations made as a result of the study  
11 to the Chief Operating Officer for the air traffic control  
12 system.

13       (d) REPORT.—Not later than 180 days after the date  
14 of enactment of this Act, the Administrator shall submit  
15 to the Senate Committee on Commerce, Science, and  
16 Transportation and the House of Representatives Com-  
17 mittee on Transportation and Infrastructure a report on  
18 the results of the study and a description of any deter-  
19 minations submitted to the Chief Operating Officer under  
20 subsection (c).

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

22       (a) *SHORT TITLE.*—*This Act may be cited as the*  
23 *“FAA Air Transportation Modernization and Safety Im-*  
24 *provement Act”.*

1        *(b) TABLE OF CONTENTS.—The table of contents for*  
 2 *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. 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.*

*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. Unmanned aerial systems.*
- Sec. 320. Surface Systems Program Office.*
- Sec. 321. Stakeholder coordination.*
- Sec. 322. FAA task force on air traffic control facility conditions.*
- Sec. 323. State ADS-B equipage bank pilot program.*
- Sec. 324. Implementation of Inspector General ATC recommendations.*
- Sec. 325. Definitions.*

#### *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.*

##### *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.*

##### *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.*

#### *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. Flight crew 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. Pilot applicant employment records.*
- Sec. 552. Air carrier safety management systems.*
- Sec. 553. Implementation of NTSB 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. Safety inspections of regional air carriers.*
- Sec. 557. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.*
- Sec. 558. Oversight of pilot training schools.*
- Sec. 559. Enhanced training for flight attendants and gate agents.*
- Sec. 560. Definitions.*

#### *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.*

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 of*  
 4 *an amendment to, or a repeal of, a section or other provi-*  
 5 *sion, the reference shall be considered to be made to a section*  
 6 *or other provision of title 49, United States Code.*

7   **SEC. 3. EFFECTIVE DATE.**

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

11       **TITLE I—AUTHORIZATIONS**

12   **SEC. 101. OPERATIONS.**

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

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

16               *and*

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

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

2 *Section 48101(a) is amended by striking paragraphs*  
 3 *(1) through (5) and inserting the following:*

4 *“(1) \$3,500,000,000 for fiscal year 2010, of*  
 5 *which \$500,000,000 is derived from the Air Traffic*  
 6 *Control System Modernization Account of the Airport*  
 7 *and Airways Trust Fund; and*

8 *“(2) \$3,600,000,000 for fiscal year 2011, of*  
 9 *which \$500,000,000 is derived from the Air Traffic*  
 10 *Control System Modernization Account of the Airport*  
 11 *and Airways Trust Fund.”.*

12 **SEC. 103. RESEARCH AND DEVELOPMENT.**

13 *Section 48102 is amended—*

14 *(1) by striking subsection (a) and inserting the*  
 15 *following:*

16 *“(a) IN GENERAL.—Not more than the following*  
 17 *amounts may be appropriated to the Secretary of Transpor-*  
 18 *tation out of the Airport and Airway Trust Fund estab-*  
 19 *lished under section 9502 of the Internal Revenue Code of*  
 20 *1986 (26 U.S.C. 9502) for conducting civil aviation re-*  
 21 *search and development under sections 44504, 44505,*  
 22 *44507, 44509, and 44511 through 44513 of this title:*

23 *“(1) \$200,000,000 for fiscal year 2010.*

24 *“(2) \$206,000,000 for fiscal year 2011.”;*

25 *(2) by striking subsections (c) through (h); and*

26 *(3) by adding at the end the following:*

1       “(c) *RESEARCH GRANTS PROGRAM INVOLVING UN-*  
2 *DERGRADUATE STUDENTS.—The Administrator of the Fed-*  
3 *eral Aviation Administration shall establish a program to*  
4 *utilize undergraduate and technical colleges, including His-*  
5 *torically Black Colleges and Universities, Hispanic Serving*  
6 *Institutions, tribally controlled colleges and universities,*  
7 *and Alaska Native and Native Hawaiian serving institu-*  
8 *tions in research on subjects of relevance to the Federal*  
9 *Aviation Administration. Grants may be awarded under*  
10 *this subsection for—*

11               “(1) *research projects to be carried out at pri-*  
12 *marily undergraduate institutions and technical col-*  
13 *leges;*

14               “(2) *research projects that combine research at*  
15 *primarily undergraduate institutions and technical*  
16 *colleges with other research supported by the Federal*  
17 *Aviation Administration;*

18               “(3) *research on future training requirements on*  
19 *projected changes in regulatory requirements for air-*  
20 *craft maintenance and power plant licensees; or*

21               “(4) *research on the impact of new technologies*  
22 *and procedures, particularly those related to aircraft*  
23 *flight deck and air traffic management functions, and*  
24 *on training requirements for pilots and air traffic*  
25 *controllers.”.*

1 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
 2 **NOISE COMPATIBILITY PLANNING AND PRO-**  
 3 **GRAMS.**

4 *Section 48103 is amended by striking paragraphs (1)*  
 5 *through (6) and inserting the following:*

6 *“(1) \$4,000,000,000 for fiscal year 2010; and*

7 *“(2) \$4,100,000,000 for fiscal year 2011.”.*

8 **SEC. 105. OTHER AVIATION PROGRAMS.**

9 *Section 48114 is amended—*

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

12 *(2) by striking “2007,” in subsection (a)(2) and*  
 13 *inserting “2011,”; and*

14 *(3) by striking “2007” in subsection (c)(2) and*  
 15 *inserting “2011”.*

16 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**  
 17 **PORTATION SYSTEM PROJECTS.**

18 *Section 44501(b) is amended—*

19 *(1) by striking “and” after the semicolon in*  
 20 *paragraph (3);*

21 *(2) by striking “defense.” in paragraph (4) and*  
 22 *inserting “defense; and”; and*

23 *(3) by adding at the end thereof the following:*

24 *“(5) a list of projects that are part of the Next*  
 25 *Generation Air Transportation System and do not*

1       *have as a primary purpose to operate or maintain*  
 2       *the current air traffic control system.”.*

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

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

7   **“§48105. Airport programs administrative expenses**

8       *“Of the amount made available under section 48103*  
 9   *of this title, the following may be available for administra-*  
 10   *tive expenses relating to the Airport Improvement Program,*  
 11   *passenger facility charge approval and oversight, national*  
 12   *airport system planning, airport standards development*  
 13   *and enforcement, airport certification, airport-related envi-*  
 14   *ronmental activities (including legal services), and other*  
 15   *airport-related activities (including airport technology re-*  
 16   *search), to remain available until expended—*

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

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

19       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 20   *for chapter 481 is amended by striking the item relating*  
 21   *to section 48105 and inserting the following:*

*“48105. Airport programs administrative expenses.”.*

***TITLE II—AIRPORT  
IMPROVEMENTS***

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

*(a) PASSENGER FACILITY CHARGE STREAMLINING.—*  
*Section 40117(c) is amended to read as follows:*

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

*“(1) IN GENERAL.—An eligible agency must sub-  
mit to those air carriers and foreign air carriers op-  
erating at the airport with a significant business in-  
terest, as defined in paragraph (3), and to the Sec-  
retary and make available to the public annually a  
report, in the form required by the Secretary, on the  
status of the eligible agency’s passenger facility charge  
program, including—*

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

*“(B) the total amount of program revenue  
collected by the agency during the period covered  
by the report;*

*“(C) the amount of expenditures with pro-  
gram revenue made by the agency on each eligi-*



1        *ble airport-related project during the period cov-*  
2        *ered by the report;*

3                *“(D) each airport-related project for which*  
4        *the agency plans to collect and use program rev-*  
5        *enue during the next 12-month period covered by*  
6        *the report, including the amount of revenue pro-*  
7        *jected to be used for such project;*

8                *“(E) the level of program revenue the agen-*  
9        *cy plans to collect during the next 12-month pe-*  
10       *riod covered by the report;*

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

17               *“(G) any other information on the program*  
18       *that the Secretary may require.*

19               *“(2) IMPLEMENTATION.—Subject to the require-*  
20       *ments of paragraphs (3), (4), (5), and (6), the eligible*  
21       *agency may implement the planned collection and use*  
22       *of passenger facility charges in accordance with its*  
23       *report upon filing the report as required in para-*  
24       *graph (1).*

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

3           “(A) *An eligible agency proposing to collect*  
4           *or use passenger facility charge revenue for a*  
5           *project not previously approved by the Secretary*  
6           *or not included in a report required by para-*  
7           *graph (1) that was submitted in a prior year*  
8           *shall provide to air carriers and foreign air car-*  
9           *riers operating at the airport reasonable notice,*  
10          *and an opportunity to comment on the planned*  
11          *collection and use of program revenue before pro-*  
12          *viding the report required under paragraph (1).*  
13          *The Secretary shall prescribe by regulation what*  
14          *constitutes reasonable notice under this para-*  
15          *graph, which shall at a minimum include—*

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

21               “(ii) *that the notice include a full de-*  
22               *scription and justification for a proposed*  
23               *project;*

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

1                   “(iv) that the notice include the pro-  
2                   posed level for the passenger facility charge.

3                   “(B) An eligible agency providing notice  
4                   and an opportunity for comment shall be deemed  
5                   to have satisfied the requirements of this para-  
6                   graph if the eligible agency provides such notice  
7                   to air carriers and foreign air carriers that have  
8                   a significant business interest at the airport. For  
9                   purposes of this subparagraph, the term ‘signifi-  
10                  cant business interest’ means an air carrier or  
11                  foreign air carrier that—

12                   “(i) had not less than 1.0 percent of  
13                   passenger boardings at the airport in the  
14                   prior calendar year;

15                   “(ii) had at least 25,000 passenger  
16                   boardings at the airport in the prior cal-  
17                   endar year; or

18                   “(iii) provides scheduled service at the  
19                   airport.

20                   “(C) Not later than 45 days after written  
21                   notice is provided under subparagraph (A), each  
22                   air carrier and foreign air carrier may provide  
23                   written comments to the eligible agency indi-  
24                   cating its agreement or disagreement with the

1        *project or, if applicable, the proposed level for a*  
2        *passenger facility charge.*

3            *“(D) The eligible agency may include, as*  
4        *part of the notice and comment process, a con-*  
5        *sultation meeting to discuss the proposed project*  
6        *or, if applicable, the proposed level for a pas-*  
7        *senger facility charge. If the agency provides a*  
8        *consultation meeting, the written comments spec-*  
9        *ified in subparagraph (C) shall be due not later*  
10       *than 30 days after the meeting.*

11       *“(4) PUBLIC NOTICE AND COMMENT.—*

12            *“(A) An eligible agency proposing to collect*  
13        *or use passenger facility charge revenue for a*  
14        *project not previously approved by the Secretary*  
15        *or not included in a report required by para-*  
16        *graph (1) that was filed in a prior year shall*  
17        *provide reasonable notice and an opportunity for*  
18        *public comment on the planned collection and*  
19        *use of program revenue before providing the re-*  
20        *port required in paragraph (1).*

21            *“(B) The Secretary shall prescribe by regu-*  
22        *lation what constitutes reasonable notice under*  
23        *this paragraph, which shall at a minimum re-*  
24        *quire—*

1           “(i) that the eligible agency provide  
2           public notice of intent to collect a passenger  
3           facility charge so as to inform those inter-  
4           ested persons and agencies that may be af-  
5           fected;

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

11          “(iii) submission of public comments  
12          no later than 45 days after the date of the  
13          publication of the notice.

14          “(5) OBJECTIONS.—

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

21          “(B) The Secretary shall provide not less  
22          than 30 days for the eligible agency to respond  
23          to any filed objection.

24          “(C) Not later than 90 days after receiving  
25          the eligible agency’s response to a filed objection,

1        *the Secretary shall make a determination wheth-*  
2        *er or not to terminate authority to collect the*  
3        *passenger facility charge for the project, based on*  
4        *the filed objection. The Secretary shall state the*  
5        *reasons for any determination. The Secretary*  
6        *may only terminate authority if—*

7                *“(i) the project is not an eligible air-*  
8                *port related project;*

9                *“(ii) the eligible agency has not com-*  
10               *plied with the requirements of this section*  
11               *or the Secretary’s implementing regulations*  
12               *in proposing the project;*

13               *“(iii) the eligible agency has been*  
14               *found to be in violation of section 47107(b)*  
15               *of this title and has failed to take corrective*  
16               *action, prior to the filing of the objection; or*

17               *“(iv) in the case of a proposed increase*  
18               *in the passenger facility charge level, the*  
19               *level is not authorized by this section.*

20               *“(D) Upon issuance of a decision termi-*  
21               *nating authority, the public agency shall prepare*  
22               *an accounting of passenger facility revenue col-*  
23               *lected under the terminated authority and restore*  
24               *the funds for use on other authorized projects.*

1           “(E) *Except as provided in subparagraph*  
2           *(C), the eligible agency may implement the*  
3           *planned collection and use of a passenger facility*  
4           *charge in accordance with its report upon filing*  
5           *the report as specified in paragraph (1)(A).*

6           “(6) *APPROVAL REQUIREMENT FOR INCREASED*  
7           *PASSENGER FACILITY CHARGE OR INTERMODAL*  
8           *GROUND ACCESS PROJECT.—*

9           “(A) *An eligible agency may not collect or*  
10          *use a passenger facility charge to finance an*  
11          *intermodal ground access project, or increase a*  
12          *passenger facility charge, unless the project is*  
13          *first approved by the Secretary in accordance*  
14          *with this paragraph.*

15          “(B) *The eligible agency may submit to the*  
16          *Secretary an application for authority to impose*  
17          *a passenger facility charge for an intermodal*  
18          *ground access project or to increase a passenger*  
19          *facility charge. The application shall contain in-*  
20          *formation and be in the form that the Secretary*  
21          *may require by regulation but, at a minimum,*  
22          *must include copies of any comments received by*  
23          *the agency during the comment period described*  
24          *by subparagraph (C).*

1           “(C) Before submitting an application  
 2           under this paragraph, an eligible agency must  
 3           provide air carriers and foreign air carriers op-  
 4           erating at the airport, and the public, reasonable  
 5           notice of and an opportunity to comment on a  
 6           proposed intermodal ground access project or the  
 7           increased passenger facility charge. Such notice  
 8           and opportunity to comment shall conform to the  
 9           requirements of paragraphs (3) and (4).

10           “(D) After receiving an application, the  
 11           Secretary may provide air carriers, foreign air  
 12           carriers and other interested persons notice and  
 13           an opportunity to comment on the application.  
 14           The Secretary shall make a final decision on the  
 15           application not later than 120 days after receiv-  
 16           ing it.”.

17           (b) CONFORMING AMENDMENTS.—

18           (1) REFERENCES.—

19           (A) Section 40117(a) is amended—

20           (i) by striking “FEE” in the heading  
 21           for paragraph (5) and inserting “CHARGE”;  
 22           and

23           (ii) by striking “fee” each place it ap-  
 24           pears in paragraphs (5) and (6) and insert-  
 25           ing “charge”.



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

3                 (i) by striking “fee” or “fees” each  
4                 place either appears and inserting “charge”  
5                 or “charges”, respectively; and

6                 (ii) by striking “FEE” in the sub-  
7                 section caption for subsection (l), and  
8                 “FEES” in the subsection captions for sub-  
9                 sections (e) and (m), and inserting  
10                “CHARGE” and “CHARGES”, respectively.

11           (C) The caption for section 40117 is amend-  
12           ed to read as follows:

13   **“§ 40117. Passenger facility charges”.**

14           (D) The table of contents for chapter 401 is  
15           amended by striking the item relating to section  
16           40117 and inserting the following:

“40117. Passenger facility charges.”.

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

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

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

24                 (C) by striking paragraph (2) and inserting  
25           the following:

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

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

6           (E) by striking paragraph (4).

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

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

15          (5) *COMPLIANCE.*—Section 40117(h) is amend-  
16      ed—

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

19               (B) by inserting after paragraph (2) the fol-  
20      lowing:

21      “(3) The Secretary may, on complaint of an interested  
22      person or on the Secretary’s own initiative, conduct an in-  
23      vestigation into an eligible agency’s collection and use of  
24      passenger facility charge revenue to determine whether a  
25      passenger facility charge is excessive or that passenger facil-

1 *ity revenue is not being used as provided in this section.*  
 2 *The Secretary shall prescribe regulations establishing proce-*  
 3 *dures for complaints and investigations. The regulations*  
 4 *may provide for the issuance of a final agency decision*  
 5 *without resort to an oral evidentiary hearing. The Secretary*  
 6 *shall not accept complaints filed under this paragraph until*  
 7 *after the issuance of regulations establishing complaint pro-*  
 8 *cedures.”.*

9 (6) *PILOT PROGRAM FOR PFC AT NONHUB AIR-*  
 10 *PORTS.—Section 40117(l) is amended—*

11 (A) *by striking “(c)(2)” in paragraph (2)*  
 12 *and inserting “(c)(3)”;* and

13 (B) *by striking “October 1, 2009.” in para-*  
 14 *graph (7) and inserting “the date of issuance of*  
 15 *regulations to carry out subsection (c) of this sec-*  
 16 *tion, as amended by the FAA Air Transpor-*  
 17 *tation Modernization and Safety Improvement*  
 18 *Act.”.*

19 (7) *PROHIBITION ON APPROVING PFC APPLICA-*  
 20 *TIONS FOR AIRPORT REVENUE DIVERSION.—Section*  
 21 *47111(e) is amended by striking “sponsor” the second*  
 22 *place it appears in the first sentence and all that fol-*  
 23 *lows and inserting “sponsor. A sponsor shall not pro-*  
 24 *pose collection or use of passenger facility charges for*  
 25 *any new projects under paragraphs (3) through (6) of*

1        *section 40117(c) unless the Secretary determines that*  
 2        *the sponsor has taken corrective action to address the*  
 3        *violation and the violation no longer exists.”.*

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

5        *(a) IN GENERAL.—Section 40117 is amended by add-*  
 6        *ing at the end thereof the following:*

7        *“(n) ALTERNATIVE PASSENGER FACILITY CHARGE*  
 8        *COLLECTION PILOT PROGRAM.—*

9                *“(1) IN GENERAL.—The Secretary shall establish*  
 10        *and conduct a pilot program at not more than 6 air-*  
 11        *ports under which an eligible agency may impose a*  
 12        *passenger facility charge under this section without*  
 13        *regard to the dollar amount limitations set forth in*  
 14        *paragraph (1) or (4) of subsection (b) if the partici-*  
 15        *parting eligible agency meets the requirements of para-*  
 16        *graph (2).*

17        *“(2) COLLECTION REQUIREMENTS.—*

18                *“(A) DIRECT COLLECTION.—An eligible*  
 19        *agency participating in the pilot program—*

20                *“(i) may collect the charge from the*  
 21        *passenger at the facility, via the Internet, or*  
 22        *in any other reasonable manner; but*

23                *“(ii) may not require or permit the*  
 24        *charge to be collected by an air carrier or*  
 25        *foreign air carrier for the flight segment.*

1                   “(B) *PFC COLLECTION REQUIREMENT NOT*  
 2                   *TO APPLY.*—Subpart C of part 158 of title 14,  
 3                   *Code of Federal Regulations, does not apply to*  
 4                   *the collection of the passenger facility charge im-*  
 5                   *posed by an eligible agency participating in the*  
 6                   *pilot program.”.*

7           (b) *GAO STUDY OF ALTERNATIVE MEANS OF COL-*  
 8           *LECTING PFCs.*—

9                   (1) *IN GENERAL.*—The Comptroller General shall  
 10                  *conduct a study of alternative means of collection*  
 11                  *passenger facility charges imposed under section*  
 12                  *40117 of title 49, United States Code, that would per-*  
 13                  *mit such charges to be collected without being in-*  
 14                  *cluded in the ticket price. In the study, the Comp-*  
 15                  *troller General shall consider, at a minimum—*

16                       (A) *collection options for arriving, con-*  
 17                       *necting, and departing passengers at airports;*

18                       (B) *cost sharing or fee allocation methods*  
 19                       *based on passenger travel to address connecting*  
 20                       *traffic; and*

21                       (C) *examples of airport fees collected by do-*  
 22                       *mestic and international airports that are not*  
 23                       *included in ticket prices.*

24                   (2) *REPORT.*—No later than 1 year after the  
 25                  *date of enactment of this Act, the Comptroller General*

1       *shall submit a report on the study to the Senate Com-*  
 2       *mittee on Commerce, Science, and Transportation*  
 3       *and the House of Representatives Committee on*  
 4       *Transportation and Infrastructure containing the*  
 5       *Comptroller General’s findings, conclusions, and rec-*  
 6       *ommendations.*

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

8       *Section 47107 is amended—*

9           (1)   *by striking “made;” in subsection*  
 10          *(a)(16)(D)(ii) and inserting “made, except that, if*  
 11          *there is a change in airport design standards that the*  
 12          *Secretary determines is beyond the owner or opera-*  
 13          *tor’s control that requires the relocation or replace-*  
 14          *ment of an existing airport facility, the Secretary,*  
 15          *upon the request of the owner or operator, may grant*  
 16          *funds available under section 47114 to pay the cost*  
 17          *of relocating or replacing such facility;”;*

18          (2)   *by striking “purpose;” in subsection*  
 19          *(c)(2)(A)(i) and inserting “purpose, which includes*  
 20          *serving as noise buffer land;”;*

21          (3)   *by striking “paid to the Secretary for deposit*  
 22          *in the Fund if another eligible project does not exist.”*  
 23          *in subsection (c)(2)(B)(iii) and inserting “reinvested*  
 24          *in another project at the airport or transferred to an-*  
 25          *other airport as the Secretary prescribes.”; and*

1           (4) by redesignating paragraph (3) of subsection  
 2           (c) as paragraph (4) and inserting after paragraph  
 3           (2) the following:

4           “(3) In approving the reinvestment or transfer of pro-  
 5 ceeds under paragraph (2)(C)(iii), the Secretary shall give  
 6 preference, in descending order, to—

7           “(i) reinvestment in an approved noise compat-  
 8 ibility project;

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

11           “(iii) reinvestment in an airport development  
 12 project that is eligible for funding under section  
 13 47114, 47115, or 47117 and meets the requirements  
 14 of this chapter;

15           “(iv) transfer to the sponsor of another public  
 16 airport to be reinvested in an approved noise compat-  
 17 ibility project at such airport; and

18           “(v) payment to the Secretary for deposit in the  
 19 Airport and Airway Trust Fund established under  
 20 section 9502 of the Internal Revenue Code of 1986 (26  
 21 U.S.C. 9502).”.

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

23           (a) *FEDERAL SHARE*.—Section 47109 is amended—

1           (1) by striking “subsection (b) or subsection (c)”  
 2           in subsection (a) and inserting “subsection (b), (c), or  
 3           (e)”; and

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

5           “(e) *SPECIAL RULE FOR TRANSITION FROM SMALL*  
 6 *HUB TO MEDIUM HUB STATUS.*—If the status of a small  
 7 hub primary airport changes to a medium hub primary  
 8 airport, the United States Government’s share of allowable  
 9 project costs for the airport may not exceed 95 percent for  
 10 2 fiscal years following such change in hub status.”.

11          (b)           *TRANSITIONING           AIRPORTS.*—Section  
 12 47114(f)(3)(B) is amended by striking “year 2004.” and  
 13 inserting “years 2010 and 2011.”.

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

15          Section 47110 is amended—

16           (1) by striking subsection (d) and inserting the  
 17           following:

18           “(d) *RELOCATION OF AIRPORT-OWNED FACILITIES.*—  
 19 The Secretary may determine that the costs of relocating  
 20 or replacing an airport-owned facility are allowable for an  
 21 airport development project at an airport only if—

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



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

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

6           (2) by striking “facilities, including fuel farms  
7           and hangars,” in subsection (h) and inserting “facili-  
8           ties, as defined by section 47102,”; and

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

10          “(i) *BIRD-DETECTING RADAR SYSTEMS*.—Within 180  
11          days after the date of enactment of the *FAA Air Transpor-*  
12          *tation Modernization and Safety Improvement Act*, the Ad-  
13          ministrators shall analyze the conclusions of ongoing studies  
14          of various types of commercially-available bird radar sys-  
15          tems, based upon that analysis, if the Administrator deter-  
16          mines such systems have no negative impact on existing  
17          navigational aids and that the expenditure of such funds  
18          is appropriate, the Administrator shall allow the purchase  
19          of bird-detecting radar systems as an allowable airport de-  
20          velopment project costs subject to subsection (b). If a deter-  
21          mination is made that such radar systems will not improve  
22          or negatively impact airport safety, the Administrator shall  
23          issue a report to the Senate Committee on Commerce,  
24          Science, and Transportation and the House of Representa-

1 *tives Committee on Transportation and Infrastructure on*  
 2 *why that determination was made.”.*

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

4 *Section 47133(b) is amended—*

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

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

8 *(3) by adding at the end thereof the following:*

9 *“(2) In the case of a privately owned airport,*  
 10 *subsection (a) shall not apply to the proceeds from the*  
 11 *sale of the airport to a public sponsor if—*

12 *“(A) the sale is approved by the Secretary;*

13 *“(B) funding is provided under this title for*  
 14 *the public sponsor’s acquisition; and*

15 *“(C) an amount equal to the remaining*  
 16 *unamortized portion of the original grant, amor-*  
 17 *tized over a 20-year period, is repaid to the Sec-*  
 18 *retary by the private owner for deposit in the*  
 19 *Trust Fund for airport acquisitions.*

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

22 **SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**  
 23 **COSTS.**

24 *Notwithstanding section 47109(a) of title 49, United*  
 25 *States Code, the Federal Government’s share of allowable*

1 *project costs for a grant made in fiscal year 2008, 2009,*  
 2 *2010, or 2011 under chapter 471 of that title for a project*  
 3 *described in paragraph (2) or (3) of that section shall be*  
 4 *95 percent.*

5 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

6 (a) *TECHNICAL CHANGES TO NATIONAL PLAN OF IN-*  
 7 *TEGRATED AIRPORT SYSTEMS.—Section 47103 is amend-*  
 8 *ed—*

9 (1) *by striking “each airport to—” in subsection*  
 10 *(a) and inserting “the airport system to—”;*

11 (2) *by striking “system in the particular area;”*  
 12 *in subsection (a)(1) and inserting “system, including*  
 13 *connection to the surface transportation network;*  
 14 *and”;*

15 (3) *by striking “aeronautics; and” in subsection*  
 16 *(a)(2) and inserting “aeronautics.”;*

17 (4) *by striking subsection (a)(3);*

18 (5) *by inserting “and” after the semicolon in*  
 19 *subsection (b)(1);*

20 (6) *by striking paragraph (2) of subsection (b)*  
 21 *and redesignating paragraph (3) as paragraph (2);*

22 (7) *by striking “operations, Short Takeoff and*  
 23 *Landing/Very Short Takeoff and Landing aircraft op-*  
 24 *erations,” in subsection (b)(2), as redesignated, and*  
 25 *inserting “operations”; and*

1           (8) *by striking “status of the” in subsection (d).*

2           (b) *UPDATE VETERANS PREFERENCE DEFINITION.—*

3 *Section 47112(c) is amended—*

4           (1) *by striking “separated from” in paragraph*  
5 *(1)(B) and inserting “discharged or released from ac-*  
6 *tive duty in”;*

7           (2) *by adding at the end of paragraph (1) the*  
8 *following:*

9           “(C) ‘Afghanistan-Iraq war veteran’ means an  
10 *individual who served on active duty, as defined by*  
11 *section 101(21) of title 38, at any time in the armed*  
12 *forces for a period of more than 180 consecutive days,*  
13 *any part of which occurred during the period begin-*  
14 *ning on September 11, 2001, and ending on the date*  
15 *prescribed by Presidential proclamation or by law as*  
16 *the last date of Operation Iraqi Freedom.”;*

17           (3) *by striking “veterans and” in paragraph (2)*  
18 *and inserting “veterans, Afghanistan-Iraq war vet-*  
19 *erans, and”;* and

20           (4) *by adding at the end the following:*

21           “(3) *A contract involving labor for carrying out an*  
22 *airport development project under a grant agreement under*  
23 *this subchapter must require that a preference be given to*  
24 *the use of small business concerns (as defined in section 3*

1 *of the Small Business Act (15 U.S.C. 632)) owned and con-*  
 2 *trolled by disabled veterans.”.*

3 (c) *ANNUAL REPORT.—Section 47131(a) is amended—*

4 (1) *by striking “April 1” and inserting “June*  
 5 *1”; and*

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

8 “(1) *a summary of airport development and*  
 9 *planning completed;*

10 “(2) *a summary of individual grants issued;*

11 “(3) *an accounting of discretionary and appor-*  
 12 *tioned funds allocated; and*

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

14 (d) *SUNSET OF PROGRAM.—Section 47137 is repealed*  
 15 *effective September 30, 2008.*

16 (e) *CORRECTION TO EMISSION CREDITS PROVISION.—*  
 17 *Section 47139 is amended—*

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

19 (2) *by striking “47102(3)(F), 47102(3)(K),*  
 20 *47102(3)(L), or 47140” in subsection (b) and insert-*  
 21 *ing “47102(3)(K) or 47102(3)(L)”;* and

22 (3) *by striking “40117(a)(3)(G), 47103(3)(F),*  
 23 *47102(3)(K), 47102(3)(L), or 47140,” in subsection*  
 24 *(b) and inserting “40117(a)(3)(G), 47102(3)(K), or*  
 25 *47102(3)(L),”.*

1       (f) *CORRECTION TO SURPLUS PROPERTY AUTHOR-*  
 2 *ITY.*—Section 47151(e) is amended by striking “(other than  
 3 *real property that is subject to section 2687 of title 10, sec-*  
 4 *tion 201 of the Defense Authorization Amendments and*  
 5 *Base Closure and Realignment Act (10 U.S.C. 2687 note),*  
 6 *or section 2905 of the Defense Base Closure and Realign-*  
 7 *ment Act of 1990 (10 U.S.C. 2687 note),”.*

8       (g) *AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.*—Section 47175 is amend-  
 9 ed—  
 10 ed—

11           (1) *by striking “Airport Capacity Benchmark*  
 12 *Report 2001.” in paragraph (2) and inserting “2001*  
 13 *and 2004 Airport Capacity Benchmark Reports or of*  
 14 *the most recent Benchmark report, Future Airport*  
 15 *Capacity Task Report, or other comparable FAA re-*  
 16 *port.”; and*

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

18           “(7) *JOINT USE AIRPORT.*—The term ‘joint use  
 19 *airport’ means an airport owned by the United States*  
 20 *Department of Defense, at which both military and*  
 21 *civilian aircraft make shared use of the airfield.”.*

22       (h) *USE OF APPORTIONED AMOUNTS.*—Section  
 23 47117(e)(1)(A) is amended—

24           (1) *by striking “35 percent” in the first sentence*  
 25 *and inserting “\$300,000,000”;*

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

2           (3) by striking “et seq.” and inserting “et seq.),  
3           and for water quality mitigation projects to comply  
4           with the Act of June 30, 1948 (33 U.S.C. 1251 et  
5           seq.), approved in an environmental record of deci-  
6           sion for an airport development project under this  
7           title.”; and

8           (4) by striking “such 35 percent requirement is”  
9           in the second sentence and inserting “the require-  
10          ments of the preceding sentence are”.

11          (i) *USE OF PREVIOUS FISCAL YEAR’S APPORTION-*  
12 *MENT.*—Section 47114(c)(1) is amended—

13           (1) by striking “and” after the semicolon in sub-  
14          paragraph (E)(ii);

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

17           (3) by adding at the end of subparagraph (E)  
18          the following:

19                   “(iv) the airport received scheduled or  
20                   unscheduled air service from a large cer-  
21                   tified air carrier (as defined in part 241 of  
22                   title 14, Code of Federal Regulations, or  
23                   such other regulations as may be issued by  
24                   the Secretary under the authority of section  
25                   41709) and the Secretary determines that

1           the airport had more than 10,000 passenger  
2           boardings in the preceding calendar year,  
3           based on data submitted to the Secretary  
4           under part 241 of title 14, Code of Federal  
5           Regulations.”;

6           (4) in subparagraph (G)—

7                 (A) by striking “FISCAL YEAR 2006” in the  
8                 heading and inserting “FISCAL YEARS 2008  
9                 THROUGH 2011”;

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

12                (C) by striking clause (i) and inserting the  
13                following:

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

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

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

21                 “(H) SPECIAL RULE FOR FISCAL YEARS 2010  
22                 AND 2011.—Notwithstanding subparagraph (A), for  
23                 an airport that had more than 10,000 passenger  
24                 boardings and scheduled passenger aircraft service in  
25                 calendar year 2007, but in either calendar years 2008



1       or 2009, or both years, the number of passenger  
 2       boardings decreased to a level below 10,000 boardings  
 3       per year at such airport, the Secretary may appor-  
 4       tion in fiscal years 2010 or 2011 to the sponsor of  
 5       such an airport an amount equal to the amount ap-  
 6       portioned to that sponsor in fiscal year 2009.”.

7       (j) *MOBILE REFUELER PARKING CONSTRUCTION.*—  
 8       Section 47102(3) is amended by adding at the end the fol-  
 9       lowing:

10               “(M) construction of mobile refueler parking  
 11               within a fuel farm at a nonprimary airport  
 12               meeting the requirements of section 112.8 of title  
 13               40, Code of Federal Regulations.”.

14       (k) *DISCRETIONARY FUND.*—Section 47115(g)(1) is  
 15       amended by striking “of—” and all that follows and insert-  
 16       ing “of \$520,000,000. The amount credited is exclusive of  
 17       amounts that have been apportioned in a prior fiscal year  
 18       under section 47114 of this title and that remain available  
 19       for obligation.”.

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

21       Section 47128 is amended—

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

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

4           (3) by redesignating subsection (c) as subsection  
 5           (d) and inserting after subsection (b) the following:

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

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

14           “(e) *PILOT PROGRAM.—The Secretary shall establish*  
 15           *a pilot program for up to 3 States that do not participate*  
 16           *in the program established under subsection (a) that is con-*  
 17           *sistent with the program under subsection (a).”.*

18           **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
 19           **VIEWS.**

20           Section 47173(a) is amended by striking “project.”  
 21           and inserting “project, or to conduct special environmental  
 22           studies related to a federally funded airport project or for  
 23           special studies or reviews to support approved noise com-  
 24           patibility measures in a Part 150 program or environ-

1 *mental mitigation in a Federal Aviation Administration*  
 2 *Record of Decision or Finding of No Significant Impact.”.*

3 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
 4 **PROCEDURES.**

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

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

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

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

1        *authority shall not be subject to the procedures appli-*  
 2        *cable to the receipt of gifts by the Administrator.”.*

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

4        *Section 47118(c) is amended—*

5            *(1) by striking “or” after the semicolon in para-*  
 6        *graph (1);*

7            *(2) by striking “delays.” in paragraph (2) and*  
 8        *inserting “delays; or”; and*

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

10            *“(3) be critical to the safety of commercial, mili-*  
 11        *tary, or general aviation in trans-oceanic flights.”.*

12    **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**  
 13            **PILOT PROGRAM.**

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

16    **“§47143. Environmental mitigation demonstration**  
 17            **pilot program**

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

1 *ity of the airport. Notwithstanding any other provision of*  
 2 *this subchapter, an environmental mitigation demonstra-*  
 3 *tion project approved under this section shall be treated as*  
 4 *eligible for assistance under this subchapter.*

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

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

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

15               “(2) *will be implemented by an eligible consor-*  
 16 *tium.*

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

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

24       “(f) *IDENTIFYING BEST PRACTICES.*—The Adminis-  
 25 *trator may develop and publish information identifying*

1 *best practices for reducing or mitigating aviation impacts*  
 2 *on noise, air quality, or water quality in the vicinity of*  
 3 *airports, based on the projects carried out under the pilot*  
 4 *program.*

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

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

9 “(A) *Businesses operating in the United*  
 10 *States.*

11 “(B) *Public or private educational or re-*  
 12 *search organizations located in the United*  
 13 *States.*

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

16 “(D) *Federal laboratories.*

17 “(2) *ENVIRONMENTAL MITIGATION DEMONSTRA-*  
 18 *TION PROJECT.—The term ‘environmental mitigation*  
 19 *demonstration project’ means a project that—*

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

1                   “(B) proposes methods for efficient adapta-  
 2                   tion or integration of new concepts to airport op-  
 3                   erations; and

4                   “(C) will demonstrate whether new tech-  
 5                   niques or technology for environmental mitiga-  
 6                   tion identified in research are—

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

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

12           (b) CONFORMING AMENDMENT.—The table of contents  
 13 for chapter 471 is amended by inserting after the item relat-  
 14 ing to section 47142 the following:

“47143. Environmental mitigation demonstration pilot program.”.

15 **SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DE-**  
 16 **VELOPMENT PROGRAM.**

17           Section 47110(c) is amended—

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

20                   (2) by striking “project.” in paragraph (2) and  
 21                   inserting “project; or”; and

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

23                   “(3) necessarily incurred in anticipation of se-  
 24                   vere weather.”.

1 **SEC. 215. GLYCOL RECOVERY VEHICLES.**

2       Section 47102(3)(G) is amended by inserting “includ-  
3   ing acquiring glycol recovery vehicles,” after “aircraft,”.

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

5       Section 44504(b) is amended—

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

8           (2) by striking “aircraft.” in paragraph (7) and  
9   inserting “aircraft; and”; and

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

11           “(8) to conduct research to support programs de-  
12   signed to reduce gases and particulates emitted.”.

13 **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**  
14 **ANTEE.**

15       Section 47114(e) is amended—

16           (1) by inserting “AND ANY UNITED STATES TER-  
17   RITORY” after “ALASKA” in the subsection heading;  
18   and

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

20           “(5) UNITED STATES TERRITORY MINIMUM  
21   GUARANTEE.—In any fiscal year in which the total  
22   amount apportioned to airports in a United States  
23   Territory under subsections (c) and (d) is less than  
24   1.5 percent of the total amount apportioned to all air-  
25   ports under those subsections, the Secretary may ap-  
26   portion to the local authority in any United States



1        *Territory responsible for airport development projects*  
2        *in that fiscal year an amount equal to the difference*  
3        *between 1.5 percent of the total amounts apportioned*  
4        *under subsections (c) and (d) in that fiscal year and*  
5        *the amount otherwise apportioned under those sub-*  
6        *sections to airports in a United States Territory in*  
7        *that fiscal year.”.*

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

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

20       (b) *GRANTS.*—Notwithstanding any other provision of  
21       *law, the municipality of Anchorage shall be released from*  
22       *the repayment of any outstanding grant obligations owed*  
23       *by the municipality to the Federal Aviation Administration*  
24       *with respect to any land described in subsection (a) that*  
25       *is subsequently conveyed to or used by the Department of*

1 *Transportation and Public Facilities of the State of Alaska*  
 2 *for the construction or reconstruction of a federally sub-*  
 3 *sidized highway project.*

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 the*  
 13 *date of enactment of the FAA Air Transportation*  
 14 *Modernization and Safety Improvement Act, the Sec-*  
 15 *retary shall establish and appoint the members of an*  
 16 *advisory Board which shall be known as the Air Traf-*  
 17 *fic Control Modernization Oversight Board.*

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

24 *“(A) the Administrator and a representa-*  
 25 *tive from the Department of Defense;*

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

4           “(C) 6 members representing aviation inter-  
5           ests, as follows:

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

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

11                  “(iii) 1 representative of a labor orga-  
12                  nization representing employees at the Fed-  
13                  eral Aviation Administration that are in-  
14                  volved with the operation of the air traffic  
15                  control system.

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

19                  “(v) 1 representative from an aircraft  
20                  manufacturer.

21                  “(vi) 1 representative of a labor orga-  
22                  nization representing employees at the Fed-  
23                  eral Aviation Administration who are in-  
24                  volved with maintenance of the air traffic  
25                  control system.

1           “(3) *APPOINTMENT AND QUALIFICATIONS.*—

2                   “(A) *Members of the Board appointed under*  
 3                   *paragraphs (2)(B) and (2)(C) shall be appointed*  
 4                   *by the President, by and with the advice and*  
 5                   *consent of the Senate.*

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

14                           “(i) *management of large service orga-*  
 15                           *nizations;*

16                           “(ii) *customer service;*

17                           “(iii) *management of large procure-*  
 18                           *ments;*

19                           “(iv) *information and communications*  
 20                           *technology;*

21                           “(v) *organizational development; and*

22                           “(vi) *labor relations.*

23                   “(C) *Of the members first appointed under*  
 24                   *paragraphs (2)(B) and (2)(C)—*

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

3                   “(ii) 1 shall be appointed for a term of  
4                   2 years;

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

7                   “(iv) 1 shall be appointed for a term  
8                   of 4 years.

9                   “(4) *FUNCTIONS.*—

10                  “(A) *IN GENERAL.*—*The Board shall—*

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

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

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

23                   “(iv) approve procurements of air traf-  
24                   fic control equipment in excess of  
25                   \$100,000,000;

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

9           “(vi) approve the Federal Aviation Ad-  
10          ministration’s Capital Investment Plan  
11          prior to its submission to the Congress;

12          “(vii) annually review and make rec-  
13          ommendations on the NextGen Implementa-  
14          tion Plan;

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

20          “(ix) approve the selection of the head  
21          of the Joint Planning and Development Of-  
22          fice.

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

1           “(C) *ACCESS TO DOCUMENTS AND STAFF.*—

2           *The Administration may give the Board appro-*  
 3           *priate access to relevant documents and per-*  
 4           *sonnel of the Administration, and the Adminis-*  
 5           *trator shall make available, consistent with the*  
 6           *authority to withhold commercial and other pro-*  
 7           *prietary information under section 552 of title 5,*  
 8           *cost data associated with the acquisition and op-*  
 9           *eration of air traffic control systems. Any mem-*  
 10          *ber of the Board who receives commercial or*  
 11          *other proprietary data from the Administrator*  
 12          *shall be subject to the provisions of section 1905*  
 13          *of title 18, pertaining to unauthorized disclosure*  
 14          *of such information.*

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

20          “(6) *ADMINISTRATIVE MATTERS.*—

21                 “(A) *TERMS OF MEMBERS.*—*Except as pro-*  
 22                 *vided in paragraph (3)(C), members of the*  
 23                 *Board appointed under paragraph (2)(B) and*  
 24                 *(2)(C) shall be appointed for a term of 4 years.*

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

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

10          “(D) *CONTINUATION IN OFFICE.*—A member  
11          of the Board whose term expires shall continue  
12          to serve until the date on which the member’s  
13          successor takes office.

14          “(E) *REMOVAL.*—Any member of the Board  
15          appointed under paragraph (2)(B) or (2)(C)  
16          may be removed by the President for cause.

17          “(F) *CLAIMS AGAINST MEMBERS OF THE*  
18          *BOARD.*—

19                 “(i) *IN GENERAL.*—A member ap-  
20                 pointed to the Board shall have no personal  
21                 liability under State or Federal law with  
22                 respect to any claim arising out of or re-  
23                 sulting from an act or omission by such  
24                 member within the scope of service as a  
25                 member of the Board.



1           “(ii) *EFFECT ON OTHER LAW.—This*  
2           *subparagraph shall not be construed—*

3                     “(I) *to affect any other immunity*  
4                     *or protection that may be available to*  
5                     *a member of the Board under applica-*  
6                     *ble law with respect to such trans-*  
7                     *actions;*

8                     “(II) *to affect any other right or*  
9                     *remedy against the United States*  
10                    *under applicable law; or*

11                    “(III) *to limit or alter in any*  
12                    *way the immunities that are available*  
13                    *under applicable law for Federal offi-*  
14                    *cers and employees.*

15           “(G) *ETHICAL CONSIDERATIONS.—Each*  
16           *member of the Board appointed under para-*  
17           *graph (2)(B) must certify that the member—*

18                    “(i) *does not have a pecuniary interest*  
19                    *in, or own stock in or bonds of, an aviation*  
20                    *or aeronautical enterprise, except an inter-*  
21                    *est in a diversified mutual fund or an in-*  
22                    *terest that is exempt from the application of*  
23                    *section 208 of title 18;*

24                    “(ii) *does not engage in another busi-*  
25                    *ness related to aviation or aeronautics; and*

1           “(iii) is not a member of any organi-  
 2           zation that engages, as a substantial part of  
 3           its activities, in activities to influence avia-  
 4           tion-related legislation.

5           “(H) CHAIRMAN; VICE CHAIRMAN.—The  
 6           Board shall elect a chair and a vice chair from  
 7           among its members, each of whom shall serve for  
 8           a term of 2 years. The vice chair shall perform  
 9           the duties of the chairman in the absence of the  
 10          chairman.

11          “(I) COMPENSATION.—No member shall re-  
 12          ceive any compensation or other benefits from the  
 13          Federal Government for serving on the Board,  
 14          except for compensation benefits for injuries  
 15          under subchapter I of chapter 81 of title 5 and  
 16          except as provided under subparagraph (J).

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

22          “(K) BOARD RESOURCES.—From resources  
 23          otherwise available to the Administrator, the  
 24          Chairman shall appoint such staff to assist the  
 25          board and provide impartial analysis, and the

1        *Administrator shall make available to the Board*  
 2        *such information and administrative services*  
 3        *and assistance, as may reasonably be required to*  
 4        *enable the Board to carry out its responsibilities*  
 5        *under this subsection.*

6                *“(L) QUORUM AND VOTING.—A simple ma-*  
 7        *jority of members of the Board duly appointed*  
 8        *shall constitute a quorum. A majority vote of*  
 9        *members present and voting shall be required for*  
 10        *the Committee to take action.*

11                *“(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—*  
 12        *In this subsection, the term ‘air traffic control system’*  
 13        *has the meaning given that term in section*  
 14        *40102(a).”.*

15    **SEC. 302. NEXTGEN MANAGEMENT.**

16        *(a) IN GENERAL.—The Administrator shall appoint or*  
 17        *designate an individual, as the Chief NextGen Officer, to*  
 18        *be responsible for implementation of all Administration*  
 19        *programs associated with the Next Generation Air Trans-*  
 20        *portation System.*

21        *(b) SPECIFIC DUTIES.—The individual appointed or*  
 22        *designated under subsection (a) shall—*

23                *(1) oversee the implementation of all Adminis-*  
 24        *tration NextGen programs;*

1           (2) *coordinate implementation of those NextGen*  
 2           *programs with the Office of Management and Budget;*

3           (3) *develop an annual NextGen implementation*  
 4           *plan;*

5           (4) *ensure that Next Generation Air Transpor-*  
 6           *tation System implementation activities are planned*  
 7           *in such a manner as to require that system architec-*  
 8           *ture is designed to allow for the incorporation of*  
 9           *novel and currently unknown technologies into the*  
 10          *System in the future and that current decisions do*  
 11          *not bias future decisions unfairly in favor of existing*  
 12          *technology at the expense of innovation; and*

13          (5) *oversee the Joint Planning and Development*  
 14          *Office's facilitation of cooperation among all Federal*  
 15          *agencies whose operations and interests are affected*  
 16          *by implementation of the NextGen programs.*

17 **SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAF-**  
 18 **FIC SERVICES.**

19          *Section 106(l) is amended by adding at the end the*  
 20          *following:*

21               “(7) *AIR TRAFFIC SERVICES.*—*In determining*  
 22               *what actions to take, by rule or through an agreement*  
 23               *or transaction under paragraph (6) or under section*  
 24               *44502, to permit non-Government providers of com-*  
 25               *munications, navigation, surveillance or other services*

1       to provide such services in the National Airspace Sys-  
 2       tem, or to require the usage of such services, the Ad-  
 3       ministrator shall consider whether such actions  
 4       would—

5               “(A) promote the safety of life and property;

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

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

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

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

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

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

22       Section 40110(c) is amended—

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

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

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

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

4       Section 40113(e) is amended—

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

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

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

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

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

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

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

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

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

11                    “(i) *for purposes of applying such pro-*  
12                    *visions to the personnel management sys-*  
13                    *tem—*

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

16                             “(II) *the term ‘senior executive’*  
17                             *means a Federal Aviation Administra-*  
18                             *tion executive;*

19                             “(III) *the term ‘career appointee’*  
20                             *means a Federal Aviation Administra-*  
21                             *tion career executive; and*

22                             “(IV) *the term ‘senior career em-*  
23                             *ployee’ means a Federal Aviation Ad-*  
24                             *ministration career senior professional;*

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

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

19 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**  
 20 **MENT.**

21       (a) *FAA CRITERIA FOR FACILITIES REALIGNMENT.*—

22 *Within 9 months after the date of enactment of this Act,*  
 23 *the Administrator, after providing an opportunity for pub-*  
 24 *lic comment, shall publish final criteria to be used in mak-*  
 25 *ing the Administrator’s recommendations for the realign-*



1 *ment of services and facilities to assist in the transition*  
 2 *to next generation facilities and help reduce capital, oper-*  
 3 *ating, maintenance, and administrative costs with no ad-*  
 4 *verse effect on safety.*

5       (b) *REALIGNMENT RECOMMENDATIONS.*—Within 9  
 6 *months after publication of the criteria, the Administrator*  
 7 *shall publish a list of the services and facilities that the*  
 8 *Administrator recommends for realignment, including a*  
 9 *justification for each recommendation and a description of*  
 10 *the costs and savings of such transition, in the Federal Reg-*  
 11 *ister and allow 45 days for the submission of public com-*  
 12 *ments to the Board. In addition, the Administrator upon*  
 13 *request shall hold a public hearing in any community that*  
 14 *would be affected by a recommendation in the report.*

15       (c) *STUDY BY BOARD.*—The Air Traffic Control Mod-  
 16 *ernization Oversight Board established by section 106(p) of*  
 17 *title 49, United States Code, shall study the Administrator's*  
 18 *recommendations for realignment and the opportunities,*  
 19 *risks, and benefits of realigning services and facilities of*  
 20 *the Administration to help reduce capital, operating, main-*  
 21 *tenance, and administrative costs with no adverse effect on*  
 22 *safety.*

23       (d) *REVIEW AND RECOMMENDATIONS.*—

24               (1) *Based on its review and analysis of the Ad-*  
 25 *ministrator's recommendations and any public com-*

1        *ment it may receive, the Board shall make its inde-*  
 2        *pendent recommendations for realignment of aviation*  
 3        *services or facilities and submit its recommendations*  
 4        *in a report to the President, the Senate Committee on*  
 5        *Commerce, Science, and Transportation, and the*  
 6        *House of Representatives Committee on Transpor-*  
 7        *tation and Infrastructure.*

8            *(2) The Board shall explain and justify in its re-*  
 9        *port any recommendation made by the Board that is*  
 10       *different from the recommendations made by the Ad-*  
 11       *ministrator pursuant to subsection (b).*

12           *(3) The Administrator may not consolidate any*  
 13       *additional approach control facilities into the South-*  
 14       *ern California TRACON, the Northern California*  
 15       *TRACON, the Miami TRACON, or the Memphis*  
 16       *TRACON until the Board's recommendations are*  
 17       *completed.*

18        *(e) REALIGNMENT DEFINED.—In this section, the term*  
 19       *“realignment”—*

20           *(1) means a relocation or reorganization of func-*  
 21       *tions, services, or personnel positions, including a fa-*  
 22       *cility closure, consolidation, deconsolidation, colloca-*  
 23       *tion, decombining, decoupling, split, or inter-facility*  
 24       *or inter-regional reorganization that requires a reas-*  
 25       *ignment of employees; but*

1           (2) *does not include a reduction in personnel re-*  
 2           *sulting from workload adjustments.*

3   **SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYS-**  
 4           **TEM IMPLEMENTATION OFFICE.**

5           (a) *IMPROVED COOPERATION AND COORDINATION*  
 6   *AMONG PARTICIPATING AGENCIES.*—Section 709 of the Vi-  
 7   *sion 100—Century of Aviation Reauthorization Act (49*  
 8   *U.S.C. 40101 note) is amended—*

9           (1) *by inserting “strategic and cross-agency”*  
 10          *after “manage” in subsection (a)(1);*

11          (2) *by adding at the end of subsection (a)(1)*  
 12          *“The office shall be headed by a Director, who shall*  
 13          *report to the Chief NextGen Officer appointed or des-*  
 14          *ignated under section 302(a) of the FAA Air Trans-*  
 15          *portation Modernization and Safety Improvement*  
 16          *Act.”;*

17          (3) *by inserting “(A)” after “(3)” in subsection*  
 18          *(a)(3);*

19          (4) *by inserting after subsection (a)(3) the fol-*  
 20          *lowing:*

21                 *“(B) The Administrator, the Secretary of*  
 22                 *Defense, the Administrator of the National Aero-*  
 23                 *navics and Space Administration, the Secretary*  
 24                 *of Commerce, the Secretary of Homeland Secu-*  
 25                 *rity, and the head of any other Department or*

1       *Federal agency from which the Secretary of*  
2       *Transportation requests assistance under sub-*  
3       *paragraph (A) shall designate an implementa-*  
4       *tion office to be responsible for—*

5               “(i) *carrying out the Department or*  
6               *agency’s Next Generation Air Transpor-*  
7               *tation System implementation activities*  
8               *with the Office;*

9               “(ii) *liaison and coordination with*  
10              *other Departments and agencies involved in*  
11              *Next Generation Air Transportation System*  
12              *activities; and*

13              “(iii) *managing all Next Generation*  
14              *Air Transportation System programs for*  
15              *the Department or agency, including nec-*  
16              *essary budgetary and staff resources, includ-*  
17              *ing, for the Federal Aviation Administra-*  
18              *tion, those projects described in section*  
19              *44501(b)(5) of title 49, United States Code).*

20              “(C) *The head of any such Department or*  
21              *agency shall ensure that—*

22                   “(i) *the Department’s or agency’s Next*  
23                   *Generation Air Transportation System re-*  
24                   *sponsibilities are clearly communicated to*  
25                   *the designated office; and*

1           “(ii) the performance of supervisory  
2           personnel in that office in carrying out the  
3           Department’s or agency’s Next Generation  
4           Air Transportation System responsibilities  
5           is reflected in their annual performance  
6           evaluations and compensation decisions.

7           “(D)(i) Within 6 months after the date of  
8           enactment of the FAA Air Transportation Mod-  
9           ernization and Safety Improvement Act, the  
10          head of each such Department or agency shall  
11          execute a memorandum of understanding with  
12          the Office and with the other Departments and  
13          agencies participating in the Next Generation  
14          Air Transportation System project that—

15               “(I) describes the respective responsibil-  
16               ities of each such Department and agency,  
17               including budgetary commitments; and

18               “(II) the budgetary and staff resources  
19               committed to the project.

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

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

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

7           (7) by striking “and” after the semicolon in sub-  
8           section (b)(3)(B);

9           (8) by inserting after subsection (b)(3)(C) the fol-  
10          lowing:

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

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

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

20           (11) by adding at the end of subsection (b) the  
21           following:

22           “Within 6 months after the date of enactment of the FAA  
23           Air Transportation Modernization and Safety Improve-  
24           ment Act, the Administrator shall develop the implementa-

1 *tion plan described in paragraph (3) of this subsection and*  
 2 *shall update it annually thereafter.”; and*

3 *(12) by striking “2010.” in subsection (e) and*  
 4 *inserting “2011.”.*

5 *(b) SENIOR POLICY COMMITTEE MEETINGS.—Section*  
 6 *710(a) of such Act (49 U.S.C. 40101 note) is amended by*  
 7 *striking “Secretary.” and inserting “Secretary and shall*  
 8 *meet at least once each quarter.”.*

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

10 *Section 40102(a)(4) is amended—*

11 *(1) by striking subparagraph (B) and inserting*  
 12 *the following:*

13 *“(B) runway lighting and airport surface*  
 14 *visual and other navigation aids;”;*

15 *(2) by striking “weather information, signaling,*  
 16 *radio-directional finding, or radio or other electro-*  
 17 *magnetic communication; and” in subparagraph (C)*  
 18 *and inserting “aeronautical and meteorological infor-*  
 19 *mation to air traffic control facilities or aircraft, sup-*  
 20 *plying communication, navigation or surveillance*  
 21 *equipment for air-to-ground or air-to-air applica-*  
 22 *tions;”;*

23 *(3) by striking “another structure” in subpara-*  
 24 *graph (D) and inserting “any structure, equipment,”;*

1           (4) by striking “aircraft.” in subparagraph (D)  
 2           and inserting “aircraft; and”; and

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

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

6 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
 7 **TORY.**

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

12 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

13          The Administrator shall make payments to the De-  
 14          partment of Defense for the education of dependent children  
 15          of those Administration employees in Puerto Rico and  
 16          Guam as they are subject to transfer by policy and practice  
 17          and meet the eligibility requirements of section 2164(c) of  
 18          title 10, United States Code.

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

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

21                   “(2) *DISPUTE RESOLUTION.*—

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



1       *Federal Mediation and Conciliation Service shall*  
2       *be used to attempt to reach such agreement in*  
3       *accordance with part 1425 of title 29, Code of*  
4       *Federal Regulations. The Administrator and*  
5       *bargaining representatives may by mutual agree-*  
6       *ment adopt procedures for the resolution of dis-*  
7       *putes or impasses arising in the negotiation of a*  
8       *collective-bargaining agreement.*

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

1        *Administrator and the bargaining representa-*  
2        *tives. Within 10 days after receiving the list, the*  
3        *parties shall each select 1 person. The 2 arbitra-*  
4        *tors shall then select a third person from the list*  
5        *within 7 days. If the 2 arbitrators are unable to*  
6        *agree on the third person, the parties shall select*  
7        *the third person by alternately striking names*  
8        *from the list until only 1 name remains. If the*  
9        *parties do not agree on the framing of the issues*  
10       *to be submitted, the arbitration board shall*  
11       *frame the issues. The arbitration board shall give*  
12       *the parties a full and fair hearing, including an*  
13       *opportunity to present evidence in support of*  
14       *their claims, and an opportunity to present their*  
15       *case in person, by counsel, or by other represent-*  
16       *ative as they may elect. Decisions of the arbitra-*  
17       *tion board shall be conclusive and binding upon*  
18       *the parties. The arbitration board shall render*  
19       *its decision within 90 days after its appoint-*  
20       *ment. The Administrator and the bargaining*  
21       *representative shall share costs of the arbitration*  
22       *equally. The arbitration board shall take into*  
23       *consideration the effect of its arbitration deci-*  
24       *sions on the Federal Aviation Administration's*  
25       *ability to attract and retain a qualified work-*

1       *force and the Federal Aviation Administration's*  
 2       *budget.*

3               “(C) *EFFECT.*—*Upon reaching a voluntary*  
 4       *agreement or at the conclusion of the binding ar-*  
 5       *bitration under subparagraph (B) above, the*  
 6       *final agreement, except for those matters decided*  
 7       *by the arbitration board, shall be subject to rati-*  
 8       *fication by the exclusive representative, if so re-*  
 9       *quested by the exclusive representative, and ap-*  
 10       *proval by the head of the agency in accordance*  
 11       *with subsection (g)(2)(C).*

12              “(D) *ENFORCEMENT.*—*Enforcement of the*  
 13       *provisions of this paragraph shall be in the*  
 14       *United States District Court for the District of*  
 15       *Columbia.”.*

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

17       (a) *OEP AIRPORT PROCEDURES.*—

18              (1) *IN GENERAL.*—*Within 6 months after the*  
 19       *date of enactment of this Act, the Administrator shall*  
 20       *publish a report, after consultation with representa-*  
 21       *tives of appropriate Administration employee groups,*  
 22       *airport operators, air carriers, and aircraft manufac-*  
 23       *turers that includes the following:*

24              (A) *RNP/RNAV OPERATIONS.*—*The re-*  
 25       *quired navigation performance and area naviga-*

tion operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

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

(C) *IMPLEMENTATION PLAN.*—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

1                   (D) *COST/BENEFIT ANALYSIS FOR THIRD-*  
 2                   *PARTY USAGE.*—*An assessment of the costs and*  
 3                   *benefits of using third parties to assist in the de-*  
 4                   *velopment of the procedures.*

5                   (E) *ADDITIONAL PROCEDURES.*—*A process*  
 6                   *for the identification, certification, and publica-*  
 7                   *tion of additional required navigation perform-*  
 8                   *ance and area navigation procedures that may*  
 9                   *be required at such airports in the future.*

10                  (2) *IMPLEMENTATION SCHEDULE.*—*The Admin-*  
 11                  *istrator shall certify, publish, and implement—*

12                   (A) *30 percent of the required procedures*  
 13                   *within 18 months after the date of enactment of*  
 14                   *this Act;*

15                   (B) *60 percent of the procedures within 36*  
 16                   *months after the date of enactment of this Act;*  
 17                   *and*

18                   (C) *100 percent of the procedures before*  
 19                   *January 1, 2014.*

20                  (b) *EXPANSION OF PLAN TO OTHER AIRPORTS.*—

21                   (1) *IN GENERAL.*—*No later than January 1,*  
 22                   *2014, the Administrator shall publish a report, after*  
 23                   *consultation with representatives of appropriate Ad-*  
 24                   *ministration employee groups, airport operators, and*  
 25                   *air carriers, that includes a plan for applying the*

1        *procedures, requirements, criteria, and metrics de-*  
2        *scribed in subsection (a)(1) to other airports across*  
3        *the Nation.*

4            (2) *IMPLEMENTATION SCHEDULE.—The Admin-*  
5        *istrator shall certify, publish, and implement—*

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

8            (B) *50 percent of the procedures at such*  
9        *other airports before January 1, 2016;*

10          (C) *75 percent of the procedures at such*  
11        *other airports before January 1, 2017; and*

12          (D) *100 percent of the procedures before*  
13        *January 1, 2018.*

14          (c) *ESTABLISHMENT OF PRIORITIES.—The Adminis-*  
15        *trator shall extend the charter of the Performance Based*  
16        *Navigation Aviation Rulemaking Committee as necessary*  
17        *to authorize and request it to establish priorities for the de-*  
18        *velopment, certification, publication, and implementation*  
19        *of the navigation performance and area navigation proce-*  
20        *dures based on their potential safety and congestion bene-*  
21        *fits.*

22          (d) *COORDINATED AND EXPEDITED REVIEW.—Navi-*  
23        *gation performance and area navigation procedures devel-*  
24        *oped, certified, published, and implemented under this sec-*  
25        *tion shall be presumed to be covered by a categorical exclu-*

1 sion (as defined in section 1508.4 of title 40, Code of Fed-  
 2 eral Regulations) under chapter 3 of FAA Order 1050.1E  
 3 unless the Administrator determines that extraordinary cir-  
 4 cumstances exist with respect to the procedure.

5 (e) *DEPLOYMENT PLAN FOR NATIONWIDE DATA COM-*  
 6 *MUNICATIONS SYSTEM.*—Within 1 year after the date of en-  
 7 actment of this Act, the Administrator shall submit a plan  
 8 for implementation of a nationwide communications system  
 9 to the Senate Committee on Commerce, Science, and Trans-  
 10 portation and the House of Representatives Committee on  
 11 Transportation and Infrastructure. The plan shall in-  
 12 clude—

13 (1) clearly defined budget, schedule, project orga-  
 14 nization, and leadership requirements;

15 (2) specific implementation and transition steps;  
 16 and

17 (3) baseline and performance metrics for meas-  
 18 uring the Administration's progress in implementing  
 19 the plan.

20 (f) *IMPROVED PERFORMANCE STANDARDS.*—Within  
 21 90 days after the date of enactment of this Act, the Adminis-  
 22 trator shall submit a report to the Senate committee on  
 23 commerce, Science, and Transportation and the House of  
 24 Representatives Committee on Transportation and Infra-  
 25 structure that—

1           (1) *evaluates whether utilization of ADS-B,*  
 2           *RNP, and other technologies as part of the NextGen*  
 3           *Air Transportation System implementation plan will*  
 4           *display the position of aircraft more accurately and*  
 5           *frequently so as to enable a more efficient use of exist-*  
 6           *ing airspace and result in reduced consumption of*  
 7           *aviation fuel and aircraft engine emissions;*

8           (2) *evaluates the feasibility of reducing aircraft*  
 9           *separation standards in a safe manner as a result of*  
 10          *implementation of such technologies; and*

11          (3) *if the Administrator determines that such*  
 12          *standards can be reduced safely, includes a timetable*  
 13          *for implementation of such reduced standards.*

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

15          (a) *IN GENERAL.*—

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



1           (A) a clearly defined budget, schedule,  
 2           project organization, leadership, and the specific  
 3           implementation or transition steps required to  
 4           achieve these ADS-B ground station installation  
 5           goals;

6           (B) a transition plan for ADS-B that in-  
 7           cludes date-specific milestones for the implemen-  
 8           tation of new capabilities into the National Air-  
 9           space System;

10          (C) identification of any potential oper-  
 11          ational or workforce changes resulting from de-  
 12          ployment of ADS-B;

13          (D) detailed plans and schedules for imple-  
 14          mentation of advanced operational procedures  
 15          and ADS-B air-to-air applications; and

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

18          (2) IDENTIFICATION AND MEASUREMENT OF BEN-  
 19          EFITS.—In the report required by paragraph (1), the  
 20          Administrator shall identify actual benefits that will  
 21          accrue to National Airspace System users from de-  
 22          ployment of ADS-B and provide an explanation of  
 23          the metrics used to quantify those benefits.

24          (b) RULEMAKINGS.—

1           (1) *ADS-B OUT*.—Not later than 45 days after  
2     the date of enactment of this Act the Administrator  
3     shall—

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

8           (i) identify the ADS-B Out technology  
9     that will be required under NextGen;

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

13          (iii) identify—

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

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

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

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

1           (2) *ADS-B IN*.—Not later than 45 days after the  
 2           date of enactment of this Act the Administrator shall  
 3           initiate a rulemaking proceeding to issue guidelines  
 4           and regulations for *ADS-B In* technology that—

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

7                   (B) subject to paragraph (3), require all  
 8                   aircraft to be equipped with such technology by  
 9                   2018; and

10                  (C) identify—

11                          (i) the type of such avionics required of  
 12                          aircraft for all classes of airspace;

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

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

17           (3) *READINESS VERIFICATION*.—Before the date  
 18           on which all aircraft are required to be equipped with  
 19           *ADS-B* technology pursuant to rulemakings under  
 20           paragraphs (1) and (2), the Air Traffic Control Mod-  
 21           ernization Oversight Board shall 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-B  
9                   prior to the 2015 deadline for surveillance and active  
10                  air traffic control in specific regions of the country  
11                  with the most congested airspace;

12                  (2) identify the equipment required at air traffic  
13                  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.

1 **SEC. 316. EQUIPAGE INCENTIVES.**

2 (a) *IN GENERAL.*—*The Administrator shall issue a re-*  
3 *port that—*

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

8 (2) *identifies the costs and benefits of each op-*  
9 *tion; and*

10 (3) *includes input from industry stakeholders,*  
11 *including passenger and cargo air carriers, aerospace*  
12 *manufacturers, and general aviation aircraft opera-*  
13 *tors.*

14 (b) *DEADLINE.*—*The Administrator shall issue the re-*  
15 *port before the earlier of—*

16 (1) *the date that is 6 months after the date of*  
17 *enactment of this Act; or*

18 (2) *the date on which aircraft are required to be*  
19 *equipped with ADS–B technology pursuant to*  
20 *rulemakings under section 315(b) of this Act.*

21 **SEC. 317. PERFORMANCE METRICS.**

22 (a) *IN GENERAL.*—*No later than June 1, 2010, the Ad-*  
23 *ministrator shall establish and track National Airspace*  
24 *System performance metrics, including, at a minimum—*

25 (1) *the allowable operations per hour on run-*  
26 *ways;*

1           (2) *average gate-to-gate times;*

2           (3) *fuel burned between key city pairs;*

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

5           (5) *average distance flown between key city*  
6 *pairs;*

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

9           (7) *uninterrupted climb or descent;*

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

11          (9) *flown versus filed flight times for key city*  
12 *pairs; and*

13          (10) *metrics to demonstrate reduced fuel burn*  
14 *and reduced emissions.*

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

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

23          (d) *REPORTS.*—

24               (1) *INITIAL REPORT.*—*Not later than 90 days*  
25 *after the date of enactment of this Act, the Adminis-*

1        *trator shall submit to the Senate Committee on Com-*  
 2        *merce, Science, and Transportation and the House of*  
 3        *Representatives Committee on Transportation and*  
 4        *Infrastructure that contains—*

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

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

11               *(2) ANNUAL PROGRESS REPORT.—The Adminis-*  
 12               *trator shall submit an annual progress report to those*  
 13               *committees on the Administration’s progress in im-*  
 14               *plementing NextGen Air Transportation System.*

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

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

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

22               *(2) identification of the specific activities needed*  
 23               *to certify core NextGen technologies, including the es-*  
 24               *tablishment of NextGen technical requirements for the*  
 25               *manufacture of equipage, installation of equipage,*

1        *airline operational procedures, pilot training stand-*  
 2        *ards, air traffic control procedures, and air traffic*  
 3        *controller training;*

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

10           *(4) an assessment of the extent to which the Ad-*  
 11        *ministration will use third parties in the certification*  
 12        *process, and the cost and benefits of this approach;*  
 13        *and*

14           *(5) performance metrics to measure the Adminis-*  
 15        *tration's progress.*

16        *(b) CERTIFICATION INTEGRITY.—The Administrator*  
 17        *shall make no distinction between public or privately owned*  
 18        *equipment, systems, or services used in the National Air-*  
 19        *space System when determining certification requirements.*

20        **SEC. 319. UNMANNED AERIAL SYSTEMS.**

21           *(a) IN GENERAL.—Within 1 year after the date of en-*  
 22        *actment of this Act, the Administrator shall develop a plan*  
 23        *to accelerate the integration of unmanned aerial systems*  
 24        *into the National Airspace System that—*



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

4           (2) creates a safe, non-exclusionary airspace des-  
5 ignation for cooperative manned and unmanned  
6 flight operations in the National Airspace System;

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

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

13          (5) encourages leveraging and coordination of  
14 such research and development activities with the Na-  
15 tional Aeronautics and Space Administration and the  
16 Department of Defense;

17          (6) addresses both military and civilian un-  
18 manned aerial system operations;

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

23          (8) provides for verification of the safety of the  
24 vehicles and navigation procedures before their inte-  
25 gration into the National Airspace System.

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

6 **SEC. 320. SURFACE SYSTEMS PROGRAM OFFICE.**

7       (a) *IN GENERAL.*—*The Air Traffic Organization*  
 8 *shall—*

9               (1) *evaluate the Airport Surface Detection*  
 10 *Equipment-Model X program for its potential con-*  
 11 *tribution to implementation of the NextGen initiative;*

12              (2) *evaluate airport surveillance technologies and*  
 13 *associated collaborative surface management software*  
 14 *for potential contributions to implementation of*  
 15 *NextGen surface management;*

16              (3) *accelerate implementation of the program;*  
 17 *and*

18              (4) *carry out such additional duties as the Ad-*  
 19 *ministrator may require.*

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

22              (1) *consider options for expediting the certifi-*  
 23 *cation of Ground Based Augmentation System tech-*  
 24 *nology; and*

1           (2) *develop a plan to utilize such a system at the*  
 2       35 *Operational Evolution Partnership airports by*  
 3       *September 30, 2012.*

4 **SEC. 321. STAKEHOLDER COORDINATION.**

5       (a) *IN GENERAL.—The Administrator shall establish*  
 6 *a process for including qualified employees selected by each*  
 7 *exclusive collective bargaining representative of employees*  
 8 *of the Administration who are likely to be affected by the*  
 9 *planning, development, and deployment of air traffic con-*  
 10 *trol modernization projects (including the Next Generation*  
 11 *Air Transportation System) in, and collaborating with,*  
 12 *such employees in the planning, development, and deploy-*  
 13 *ment of those projects.*

14       (b) *PARTICIPATION.—*

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

21           (2) *CAPACITY AND COMPENSATION.—Exclusive*  
 22 *collective bargaining representatives and selected em-*  
 23 *ployees participating in the process described in sub-*  
 24 *section (a) shall—*

1           (A) serve in a collaborative and advisory  
2           capacity; and

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

7           (c) *REPORT*.—No later than 180 days after the date  
8           of enactment of this Act, the Administrator shall submit  
9           a report on the implementation of this section to the Senate  
10          Committee on Commerce, Science, and Transportation and  
11          the House of Representatives Committee on Transportation  
12          and Infrastructure.

13   **SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
14                                   **CILITY CONDITIONS.**

15          (a) *ESTABLISHMENT*.—The Administrator shall estab-  
16          lish a special task force to be known as the “FAA Task  
17          Force on Air Traffic Control Facility Conditions”.

18          (b) *MEMBERSHIP*.—

19               (1) *COMPOSITION*.—The Task Force shall be com-  
20          posed of 11 members of whom—

21                   (A) 7 members shall be appointed by the  
22                   Administrator; and

23                   (B) 4 members shall be appointed by labor  
24                   unions representing employees who work at field  
25                   facilities of the Administration.

1           (2) *QUALIFICATIONS.*—Of the members ap-  
 2           pointed by the Administrator under paragraph  
 3           (1)(A)—

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

11                   (B) 2 members shall be specialists on the re-  
 12                  habilitation of aging buildings.

13           (3) *TERMS.*—Members shall be appointed for the  
 14           life of the Task Force.

15           (4) *VACANCIES.*—A vacancy in the Task Force  
 16           shall be filled in the manner in which the original  
 17           appointment was made.

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

23           (c) *CHAIRPERSON.*—The Administrator shall des-  
 24           ignate, from among the individuals appointed under sub-

1 *section (b)(1), an individual to serve as chairperson of the*  
2 *Task Force.*

3 *(d) TASK FORCE PERSONNEL MATTERS.—*

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

7 *(2) STAFF OF FEDERAL AGENCIES.—Upon re-*  
8 *quest of the Chairperson of the Task Force, the head*  
9 *of any department or agency of the United States*  
10 *may detail, on a reimbursable basis, any of the per-*  
11 *sonnel of that department or agency to the Task Force*  
12 *to assist it in carrying out its duties under this sec-*  
13 *tion.*

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

21 *(e) OBTAINING OFFICIAL DATA.—The Task Force may*  
22 *secure directly from any department or agency of the*  
23 *United States information (other than information required*  
24 *by any statute of the United States to be kept confidential*  
25 *by such department or agency) necessary for the Task Force*

1 *to carry out its duties under this section. Upon request of*  
2 *the chairperson of the Task Force, the head of that depart-*  
3 *ment or agency shall furnish such information to the Task*  
4 *Force.*

5 *(f) DUTIES.—*

6 *(1) STUDY.—The Task Force shall undertake a*  
7 *study of—*

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

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

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

20 *(D) the ability of managers and supervisors*  
21 *of such employees to promptly document and*  
22 *seek remediation for unsafe facility conditions;*

23 *(E) whether employees of the Administra-*  
24 *tion who report facility-related illnesses are*  
25 *treated fairly;*

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

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

7           (2) *FACILITY CONDITION INDICES.*—The Task  
 8           Force shall review the facility condition indices of the  
 9           Administration for inclusion in the recommendations  
 10          under subsection (g).

11          (g) *RECOMMENDATIONS.*—Based on the results of the  
 12          study and review of the facility condition indices under sub-  
 13          section (f), the Task Force shall make recommendations as  
 14          it considers necessary to—

15               (1) prioritize those facilities needing the most  
 16               immediate attention in order of the greatest risk to  
 17               employee health and safety;

18               (2) ensure that the Administration is using sci-  
 19               entifically approved remediation techniques in all fa-  
 20               cilities; and

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

24          (h) *REPORT.*—Not later than 6 months after the date  
 25          on which initial appointments of members to the Task



1 *Force are completed, the Task Force shall submit a report*  
 2 *to the Administrator, the Senate Committee on Commerce,*  
 3 *Science, and Transportation, and the House of Representa-*  
 4 *tives Committee on Transportation and Infrastructure on*  
 5 *the activities of the Task Force, including the recommenda-*  
 6 *tions of the Task Force under subsection (g).*

7       (i) *IMPLEMENTATION.*—*Within 30 days after receipt*  
 8 *of the Task Force report under subsection (h), the Adminis-*  
 9 *trator shall submit to the House of Representatives Com-*  
 10 *mittee on Transportation and Infrastructure and the Sen-*  
 11 *ate Committee on Commerce, Science, and Transportation*  
 12 *a report that includes a plan and timeline to implement*  
 13 *the recommendations of the Task Force and to align future*  
 14 *budgets and priorities of the Administration accordingly.*

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

18       (k) *APPLICABILITY OF THE FEDERAL ADVISORY COM-*  
 19 *MITTEE ACT.*—*The Federal Advisory Committee Act (5*  
 20 *U.S.C. App.) shall not apply to the Task Force.*

21 **SEC. 323. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.**

22       (a) *IN GENERAL.*—

23               (1) *COOPERATIVE AGREEMENTS.*—*Subject to the*  
 24 *provisions of this section, the Secretary of Transpor-*  
 25 *tation may enter into cooperative agreements with*

1       *not to exceed 5 States for the establishment of State*  
2       *ADS-B equipage banks for making loans and pro-*  
3       *viding other assistance to public entities for projects*  
4       *eligible for assistance under this section.*

5       **(b) FUNDING.—**

6           **(1) SEPARATE ACCOUNT.—***An ADS-B equipage*  
7       *bank established under this section shall maintain a*  
8       *separate aviation trust fund account for Federal*  
9       *funds contributed to the bank under paragraph (2).*  
10       *No Federal funds contributed or credited to an ac-*  
11       *count of an ADS-B equipage bank established under*  
12       *this section may be commingled with Federal funds*  
13       *contributed or credited to any other account of such*  
14       *bank.*

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

18       **(c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE**  
19       **BANKS.—***An ADS-B equipage bank established under this*  
20       *section may make loans or provide other assistance to a*  
21       *public entity in an amount equal to all or part of the cost*  
22       *of carrying out a project eligible for assistance under this*  
23       *section. The amount of any loan or other assistance pro-*  
24       *vided for such project may be subordinated to any other*  
25       *debt financing for the project.*

1       (d) *QUALIFYING PROJECTS.*—*Federal funds in the*  
 2 *ADS–B equipage account of an ADS–B equipage bank es-*  
 3 *tablished under this section may be used only to provide*  
 4 *assistance with respect to aircraft ADS–B and related avi-*  
 5 *onics equipage.*

6       (e) *REQUIREMENTS.*—*In order to establish an ADS–*  
 7 *B equipage bank under this section, each State establishing*  
 8 *such a bank shall—*

9           (1) *contribute, at a minimum, in each account*  
 10 *of the bank from non-Federal sources an amount*  
 11 *equal to 50 percent of the amount of each capitaliza-*  
 12 *tion grant made to the State and contributed to the*  
 13 *bank;*

14           (2) *ensure that the bank maintains on a con-*  
 15 *tinuing basis an investment grade rating on its debt*  
 16 *issuances or has a sufficient level of bond or debt fi-*  
 17 *nancing instrument insurance to maintain the viabil-*  
 18 *ity of the bank;*

19           (3) *ensure that investment income generated by*  
 20 *funds contributed to an account of the bank will be—*

21                   (A) *credited to the account;*

22                   (B) *available for use in providing loans and*  
 23 *other assistance to projects eligible for assistance*  
 24 *from the account; and*

1           (C) *invested in United States Treasury se-*  
 2           *curities, bank deposits, or such other financing*  
 3           *instruments as the Secretary may approve to*  
 4           *earn interest to enhance the leveraging of projects*  
 5           *assisted by the bank;*

6           (4) *ensure that any loan from the bank will bear*  
 7           *interest at or below market interest rates, as deter-*  
 8           *mined by the State, to make the project that is the*  
 9           *subject of the loan feasible;*

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

13          (6) *require the bank to make an annual report*  
 14          *to the Secretary on its status no later than September*  
 15          *30 of each year for which funds are made available*  
 16          *under this section, and to make such other reports as*  
 17          *the Secretary may require by guidelines.*

18 **SEC. 324. IMPLEMENTATION OF INSPECTOR GENERAL ATC**

19 **RECOMMENDATIONS.**

20          (a) *IN GENERAL.*—*As soon as practicable after the*  
 21          *date of enactment of this Act, but no later than 1 year after*  
 22          *that date, the Administrator of the Federal Aviation Ad-*  
 23          *ministration shall—*

24               (1) *provide the Los Angeles International Air*  
 25               *Traffic Control Tower facility, the Southern Cali-*

1      *for*nia Terminal Radar Approach Control facility,  
 2      *and the Northern California Terminal Radar Ap-*  
 3      *proach Control facility a sufficient number of con-*  
 4      *tract instructors, classroom space (including off-site*  
 5      *locations as needed), and simulators for a surge in*  
 6      *the number of new air traffic controllers at those fa-*  
 7      *cilities;*

8            *(2) to the greatest extent practicable, distribute*  
 9      *the placement of new trainee air traffic controllers at*  
 10     *those facilities evenly across the calendar year in*  
 11     *order to avoid training bottlenecks;*

12           *(3) commission an independent analysis, in con-*  
 13     *sultation with the Administration and the exclusive*  
 14     *bargaining representative of air traffic controllers cer-*  
 15     *tified under section 7111 of title 5, United States*  
 16     *Code, of overtime scheduling practices at those facili-*  
 17     *ties; and*

18           *(4) to the greatest extent practicable, provide pri-*  
 19     *ority to certified professional controllers-in-training*  
 20     *when filling staffing vacancies at those facilities.*

21     *(b) STAFFING ANALYSES AND REPORTS.—For the pur-*  
 22     *poses of—*

23           *(1) the Federal Aviation Administration’s an-*  
 24     *nual controller workforce plan,*

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

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

5 *the Administrator may not consider an individual to be*  
 6 *an air traffic controller unless that individual is a certified*  
 7 *professional controller.*

8 **SEC. 325. DEFINITIONS.**

9       *In this title:*

10           (1) **ADMINISTRATION.**—*The term “Administra-*  
 11           *tion” means the Federal Aviation Administration.*

12           (2) **ADMINISTRATOR.**—*The term “Adminis-*  
 13           *trator” means the Administrator of the Federal Avia-*  
 14           *tion Administration.*

15           (3) **NEXTGEN.**—*The term “NextGen” means the*  
 16           *Next Generation Air Transportation System.*

17           (4) **SECRETARY.**—*The term “Secretary” means*  
 18           *the Secretary of Transportation.*

19 **TITLE IV—AIRLINE SERVICE AND**  
 20 **SMALL COMMUNITY AIR SERV-**  
 21 **ICE IMPROVEMENTS**

22 **SUBTITLE A—CONSUMER PROTECTION**

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

24           (a) **IN GENERAL.**—*Chapter 417 is amended by adding*  
 25 *at the end the following:*

1 “SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE  
 2 “§41781. ***Air carrier and airport contingency plans***  
 3 ***for long on-board tarmac delays***

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

8 “(b) *SUBMISSION OF AIR CARRIER AND AIRPORT*  
 9 *PLANS.*—Not later than 60 days after the date of the enact-  
 10 ment of the FAA Air Transportation Modernization and  
 11 Safety Improvement Act, each air carrier and airport oper-  
 12 ator shall submit, in accordance with the requirements  
 13 under this section, a proposed contingency plan to the Sec-  
 14 retary of Transportation for review and approval.

15 “(c) *MINIMUM STANDARDS.*—The Secretary of Trans-  
 16 portation shall establish minimum standards for elements  
 17 in contingency plans required to be submitted under this  
 18 section to ensure that such plans effectively address long on-  
 19 board tarmac delays and provide for the health and safety  
 20 of passengers and crew.

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

23 “(1) *PROVISION OF ESSENTIAL SERVICES.*—Each  
 24 air carrier shall provide for the essential needs of pas-  
 25 sengers on board an aircraft at an airport in any

1       *case in which the departure of a flight is delayed or*  
 2       *disembarkation of passengers on an arriving flight*  
 3       *that has landed is substantially delayed, including—*

4               “(A) *adequate food and potable water;*

5               “(B) *adequate restroom facilities;*

6               “(C) *cabin ventilation and comfortable*  
 7       *cabin temperatures; and*

8               “(D) *access to necessary medical treatment.*

9       “(2) *RIGHT TO DEPLANE.—*

10              “(A) *IN GENERAL.—Each air carrier shall*  
 11       *submit a proposed contingency plan to the Sec-*  
 12       *retary of Transportation that identifies a clear*  
 13       *time frame under which passengers would be*  
 14       *permitted to deplane a delayed aircraft. After the*  
 15       *Secretary has reviewed and approved the pro-*  
 16       *posed plan, the air carrier shall make the plan*  
 17       *available to the public.*

18              “(B) *DELAYS.—*

19              “(i) *IN GENERAL.—As part of the*  
 20       *plan, except as provided under clause (iii),*  
 21       *an air carrier shall provide passengers with*  
 22       *the option of deplaning and returning to the*  
 23       *terminal at which such deplaning could be*  
 24       *safely completed, or deplaning at the ter-*  
 25       *minal if—*



1           “(I) 3 hours have elapsed after  
2           passengers have boarded the aircraft,  
3           the aircraft doors are closed, and the  
4           aircraft has not departed; or

5           “(II) 3 hours have elapsed after  
6           the aircraft has landed and the pas-  
7           sengers on the aircraft have been un-  
8           able to deplane.

9           “(ii) *FREQUENCY.*—The option de-  
10          scribed in clause (i) shall be offered to pas-  
11          sengers at a minimum not less often than  
12          once during each successive 3-hour period  
13          that the plane remains on the ground.

14          “(iii) *EXCEPTIONS.*—This subpara-  
15          graph shall not apply if—

16               “(I) the pilot of such aircraft rea-  
17               sonably determines that the aircraft  
18               will depart or be unloaded at the ter-  
19               minal not later than 30 minutes after  
20               the 3 hour delay; or

21               “(II) the pilot of such aircraft  
22               reasonably determines that permitting  
23               a passenger to deplane would jeop-  
24               ardize passenger safety or security.

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

5                   “(D)   *REPORTS.—Not later than 30 days*  
6                   *after any flight experiences a tarmac delay last-*  
7                   *ing at least 3 hours, the air carrier responsible*  
8                   *for such flight shall submit a written description*  
9                   *of the incident and its resolution to the Aviation*  
10                  *Consumer Protection Office of the Department of*  
11                  *Transportation.*

12                  “(e)   *AIRPORT PLANS.—Each airport operator shall*  
13                  *submit a proposed contingency plan under subsection (b)*  
14                  *that contains a description of—*

15                       “(1) *how the airport operator will provide for*  
16                       *the deplanement of passengers following a long*  
17                       *tarmac delay; and*

18                       “(2) *how, to the maximum extent practicable, the*  
19                       *airport operator will provide for the sharing of facili-*  
20                       *ties and make gates available at the airport for use*  
21                       *by aircraft experiencing such delays.*

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

24                  “(g)   *APPROVAL.—*

1           “(1) *IN GENERAL.*—Not later than 6 months  
 2           after the date of the enactment of this section, the Sec-  
 3           retary of Transportation shall—

4                   “(A) review the initial contingency plans  
 5                   submitted under subsection (b); and

6                   “(B) approve plans that closely adhere to  
 7                   the standards described in subsections (d) or (e),  
 8                   whichever is applicable.

9           “(2) *UPDATES.*—Not later than 60 days after the  
 10          submission of an update under subsection (f) or an  
 11          initial contingency plan by a new air carrier or air-  
 12          port, the Secretary shall—

13                   “(A) review the plan; and

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

17          “(h) *CIVIL PENALTIES.*—The Secretary may assess a  
 18          civil penalty under section 46301 against any air carrier  
 19          or airport operator that does not submit, obtain approval  
 20          of, or adhere to a contingency plan submitted under this  
 21          section.

22          “(i) *PUBLIC ACCESS.*—Each air carrier and airport  
 23          operator required to submit a contingency plan under this  
 24          section shall ensure public access to an approved plan under  
 25          this section by—

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

3           “(2) disseminating the plan by other means, as  
4           determined by the Secretary.

5   **“§ 41782. Air passenger complaints hotline and infor-**  
6                               **mation**

7           “(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-  
8   PHONE NUMBER.—The Secretary of Transportation shall  
9   establish a consumer complaints hotline telephone number  
10 for the use of air passengers.

11          “(b) PUBLIC NOTICE.—The Secretary shall notify the  
12 public of the telephone number established under subsection  
13 (a).

14          “(c) AUTHORIZATION OF APPROPRIATIONS.—There are  
15 authorized to be appropriated such sums as may be nec-  
16 essary to carry out this section, which sums shall remain  
17 available until expended.”.

18          (b) CONFORMING AMENDMENT.—The table of contents  
19 for chapter 417 is amended by adding at the end the fol-  
20 lowing:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

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

“41782. Air passenger complaints hotline and information.”.

1 **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**  
 2 **FLIGHT DELAY HISTORY.**

3 (a) *IN GENERAL.*—Section 41722 is amended by add-  
 4 ing at the end the following:

5 “(f) *CHRONICALLY DELAYED FLIGHTS.*—

6 “(1) *PUBLICATION OF LIST OF FLIGHTS.*—Each  
 7 air carrier holding a certificate issued under section  
 8 41102 that conducts scheduled passenger air transpor-  
 9 tation shall, on a monthly basis—

10 “(A) publish and update on the Internet  
 11 website of the air carrier a list of chronically de-  
 12 layed flights operated by such air carrier; and

13 “(B) share such list with each entity that is  
 14 authorized to book passenger air transportation  
 15 for such air carrier for inclusion on the Internet  
 16 website of such entity.

17 “(2) *DISCLOSURE TO CUSTOMERS WHEN PUR-*  
 18 *CHASING TICKETS.*—For each individual who books  
 19 passenger air transportation on the Internet website  
 20 of an air carrier, or the Internet website of an entity  
 21 that is authorized to book passenger air transpor-  
 22 tation for an air carrier, for any flight for which  
 23 data is reported to the Department of Transportation  
 24 under part 234 of title 14, Code of Federal Regula-  
 25 tions, such air carrier or entity, as the case may be,

1        *shall prominently disclose to such individual, before*  
 2        *such individual makes such booking, the following:*

3                *“(A) The on-time performance for the flight*  
 4                *if the flight is a chronically delayed flight.*

5                *“(B) The cancellation rate for the flight if*  
 6                *the flight is a chronically canceled flight.*

7                *“(3) DEFINITIONS.—In this subsection:*

8                        *“(A) CHRONICALLY DELAYED FLIGHT.—The*  
 9                        *term ‘chronically delayed flight’ means a regu-*  
 10                        *larly scheduled flight that has failed to arrive on*  
 11                        *time (as such term is defined in section 234.2 of*  
 12                        *title 14, Code of Federal Regulations) at least 40*  
 13                        *percent of the time during the most recent 3-*  
 14                        *month period for which data is available.*

15                        *“(B) CHRONICALLY CANCELED FLIGHT.—*  
 16                        *The term ‘chronically canceled flight’ means a*  
 17                        *regularly scheduled flight at least 30 percent of*  
 18                        *the departures of which have been canceled dur-*  
 19                        *ing the most recent 3-month period for which*  
 20                        *data is available.”.*

21                *(b) EFFECTIVE DATE.—The amendment made by sub-*  
 22        *section (a) shall take effect 180 days after the date of enact-*  
 23        *ment of this Act.*

1 **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
2 **PLAINT INVESTIGATIONS.**

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

6 (1) *flight cancellations;*

7 (2) *compliance with Federal regulations con-*  
8 *cerning overbooking seats flights;*

9 (3) *lost, damaged, or delayed baggage, and dif-*  
10 *ficulties with related airline claims procedures;*

11 (4) *problems in obtaining refunds for unused or*  
12 *lost tickets or fare adjustments;*

13 (5) *incorrect or incomplete information about*  
14 *fares, discount fare conditions and availability, over-*  
15 *charges, and fare increases;*

16 (6) *the rights of passengers who hold frequent*  
17 *flier miles, or equivalent redeemable awards earned*  
18 *through customer-loyalty programs; and*

19 (7) *deceptive or misleading advertising.*

20 (b) *BUDGET NEEDS REPORT.*—The Secretary shall  
21 provide, as an annex to its annual budget request, an esti-  
22 mate of resources which would have been sufficient to inves-  
23 tigate all such claims the Department of Transportation re-  
24 ceived in the previous fiscal year. The annex shall be trans-  
25 mitted to the Congress when the President submits the budg-

1 *et of the United States to the Congress under section 1105*  
 2 *of title 31, United States Code.*

3 **SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**  
 4 **AVIATION CONSUMER PROTECTION.**

5 (a) *IN GENERAL.*—*The Secretary of Transportation*  
 6 *shall establish an advisory committee for aviation consumer*  
 7 *protection to advise the Secretary in carrying out airline*  
 8 *customer service improvements, including those required by*  
 9 *subchapter IV of chapter 417 of title 49, United States Code.*

10 (b) *MEMBERSHIP.*—*The Secretary shall appoint mem-*  
 11 *bers of the advisory committee comprised of one representa-*  
 12 *tive each of—*

13 (1) *air carriers;*

14 (2) *airport operators;*

15 (3) *State or local governments who has expertise*  
 16 *in consumer protection matters; and*

17 (4) *a nonprofit public interest group who has ex-*  
 18 *pertise in consumer protection matters.*

19 (c) *VACANCIES.*—*A vacancy in the advisory committee*  
 20 *shall be filled in the manner in which the original appoint-*  
 21 *ment was made.*

22 (d) *TRAVEL EXPENSES.*—*Members of the advisory*  
 23 *committee shall serve without pay but shall receive travel*  
 24 *expenses, including per diem in lieu of subsistence, in ac-*



1 *cordance with subchapter I of chapter 57 of title 5, United*  
2 *States Code.*

3       (e) *CHAIRPERSON.*—*The Secretary shall designate,*  
4 *from among the individuals appointed under subsection (b),*  
5 *an individual to serve as chairperson of the advisory com-*  
6 *mittee.*

7       (f) *DUTIES.*—*The duties of the advisory committee*  
8 *shall include—*

9               (1) *evaluating existing aviation consumer protec-*  
10 *tion programs and providing recommendations for*  
11 *the improvement of such programs, if needed; and*

12              (2) *providing recommendations to establish addi-*  
13 *tional aviation consumer protection programs, if*  
14 *needed.*

15       (g) *REPORT.*—*Not later than February 1 of each of*  
16 *the first 2 calendar years beginning after the date of enact-*  
17 *ment of this Act, the Secretary shall transmit to Congress*  
18 *a report containing—*

19              (1) *the recommendations made by the advisory*  
20 *committee during the preceding calendar year; and*

21              (2) *an explanation of how the Secretary has im-*  
22 *plemented each recommendation and, for each rec-*  
23 *ommendation not implemented, the Secretary's reason*  
24 *for not implementing the recommendation.*

1 **SEC. 405. DISCLOSURE OF PASSENGER FEES.**

2       (a) *IN GENERAL.*—Within 180 days after the date of  
3 enactment of this Act, the Secretary of Transportation shall  
4 complete a rulemaking that requires each air carrier oper-  
5 ating in the United States under part 121 of title 49, Code  
6 of Federal Regulations, to make available to the public and  
7 to the Secretary a list of all passenger fees and charges  
8 (other than airfare) that may be imposed by the air carrier,  
9 including fees for—

10           (1) *checked baggage or oversized or heavy bag-*  
11 *gage;*

12           (2) *meals, beverages, or other refreshments;*

13           (3) *seats in exit rows, seats with additional*  
14 *space, or other preferred seats in any given class of*  
15 *travel;*

16           (4) *purchasing tickets from an airline ticket*  
17 *agent or a travel agency; or*

18           (5) *any other good, service, or amenity provided*  
19 *by the air carrier, as required by the Secretary.*

20       (b) *PUBLICATION; UPDATES.*—In order to ensure that  
21 the fee information required by subsection (a) is both cur-  
22 rent and widely available to the travelling public, the Sec-  
23 retary—

24           (1) *may require an air carrier to make such in-*  
25 *formation on any public website maintained by an*  
26 *air carrier, to make such information available to*

9     *SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL*  
10                     *COMMUNITIES*

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

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

22      *Section 41737(a)(1) is amended—*

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

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

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

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

14   **SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.**

15          (a) *IN GENERAL.*—Section 41745 is amended—

16               (1) by redesignating subsections (c) through (g)  
17               as subsections (d) through (h), respectively; and

18               (2) by inserting after subsection (b) the fol-  
19               lowing:

20               “(c) *CONVERSION OF LOST ELIGIBILITY AIRPORTS.*—

21                       “(1) *IN GENERAL.*—The Secretary shall establish  
22                       a program to provide general aviation conversion  
23                       funding for airports serving eligible places that the  
24                       Secretary has determined no longer qualify for a sub-  
25                       sidy.

1           “(2) *GRANTS.*—A grant under this subsection—

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

8                   “(B) may be used—

9                           “(i) for airport development (as de-  
10           fined in section 47102(3)) that will enhance  
11           general aviation capacity at the airport;

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

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

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

1           “(4) *LIMITATION.*—*The sponsor of an airport re-*  
 2           *ceiving funding under this subsection is not eligible*  
 3           *for funding under section 41736.*”.

4           (b) *CONFORMING AMENDMENT.*—*Section 41745(f), as*  
 5           *redesignated, is amended—*

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

9                 (2) *by striking “not”.*

10 **SEC. 415. EAS REFORM.**

11           *Section 41742(a) is amended—*

12                 (1) *by adding at the end of paragraph (1) “Any*  
 13                 *amount in excess of \$50,000,000 credited for any fis-*  
 14                 *cal year to the account established under section*  
 15                 *45303(c) shall be obligated for programs under section*  
 16                 *406 of the Vision 100—Century of Aviation Reau-*  
 17                 *thorization Act (49 U.S.C. 40101 note) and section*  
 18                 *41745 of this title. Amounts appropriated pursuant to*  
 19                 *this section shall remain available until expended.”;*  
 20                 *and*

21                 (2) *by striking “\$77,000,000” in paragraph (2)*  
 22                 *and inserting “\$125,000,000”.*

23 **SEC. 416. SMALL COMMUNITY AIR SERVICE.**

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

1           (1) *by striking “and” after the semicolon in sub-*  
 2     *paragraph (D);*

3           (2) *by striking “fashion.” in subparagraph (E)*  
 4     *and inserting “fashion; and”; and*

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

6                     *“(F) multiple communities cooperate to sub-*  
 7                     *mit a region or multistate application to im-*  
 8                     *prove air service.”.*

9       (b) *EXTENSION OF AUTHORIZATION.—Section*  
 10     *41743(e)(2) is amended—*

11           (1) *by striking “is appropriated” and inserting*  
 12     *“are appropriated”; and*

13           (2) *by striking “2009” and inserting “2011”.*

14     **SEC. 417. EAS MARKETING.**

15       *The Secretary of Transportation shall require all ap-*  
 16     *plications to provide service under subchapter II of chapter*  
 17     *417 of title 49, United States Code, include a marketing*  
 18     *plan.*

19     **SEC. 418. RURAL AVIATION IMPROVEMENT.**

20       (a) *COMMUNITIES ABOVE PER PASSENGER SUBSIDY*  
 21     *CAP.—*

22           (1) *IN GENERAL.—Subchapter II of chapter 417*  
 23     *is amended by adding at the end the following:*

1   **“§ 41749. Essential air service for eligible places above**  
 2                   ***per passenger subsidy cap***

3           “(a) *PROPOSALS.*—A State or local government may  
 4   submit a proposal to the Secretary of Transportation for  
 5   compensation for an air carrier to provide air transpor-  
 6   tation to a place described in subsection (b).

7           “(b) *PLACE DESCRIBED.*—A place described in this  
 8   subsection is a place—

9                   “(1) *that is otherwise an eligible place; and*

10                   “(2) *for which the per passenger subsidy exceeds*  
 11   *the dollar amount allowable under this subchapter.*

12           “(c) *DECISIONS.*—Not later than 90 days after receiv-  
 13   ing a proposal under subsection (a) for compensation for  
 14   an air carrier to provide air transportation to a place de-  
 15   scribed in subsection (b), the Secretary shall—

16                   “(1) *decide whether to provide compensation for*  
 17   *the air carrier to provide air transportation to the*  
 18   *place; and*

19                   “(2) *approve the proposal if the State or local*  
 20   *government or a person is willing and able to pay the*  
 21   *difference between—*

22                           “(A) *the per passenger subsidy; and*

23                           “(B) *the dollar amount allowable for such*  
 24   *subsidy under this subchapter.*

25           “(d) *COMPENSATION PAYMENTS.*—



1           “(1) *IN GENERAL.*—*The Secretary shall pay*  
2           *compensation under this section at such time and in*  
3           *such manner as the Secretary determines is appro-*  
4           *priate.*

5           “(2) *DURATION OF PAYMENTS.*—*The Secretary*  
6           *shall continue to pay compensation under this section*  
7           *only as long as—*

8                   “(A) *the State or local government or per-*  
9                   *son agreeing to pay compensation under sub-*  
10                  *section (c)(2) continues to pay such compensa-*  
11                  *tion; and*

12                  “(B) *the Secretary decides the compensation*  
13                  *is necessary to maintain air transportation to*  
14                  *the place.*

15           “(e) *REVIEW.*—

16                  “(1) *IN GENERAL.*—*The Secretary shall periodi-*  
17                  *cally review the type and level of air service provided*  
18                  *under this section.*

19                  “(2) *CONSULTATION.*—*The Secretary may make*  
20                  *appropriate adjustments in the type and level of air*  
21                  *service to a place under this section based on the re-*  
22                  *view under paragraph (1) and consultation with the*  
23                  *affected community and the State or local government*  
24                  *or person agreeing to pay compensation under sub-*  
25                  *section (c)(2).*

1       “(f) *ENDING, SUSPENDING, AND REDUCING AIR*  
 2 *TRANSPORTATION.*—An air carrier providing air transpor-  
 3 tation to a place under this section may end, suspend, or  
 4 reduce such air transportation if, not later than 30 days  
 5 before ending, suspending, or reducing such air transpor-  
 6 tation, the air carrier provides notice of the intent of the  
 7 air carrier to end, suspend, or reduce such air transpor-  
 8 tation to—

9               “(1) the Secretary;

10              “(2) the affected community; and

11              “(3) the State or local government or person  
 12 agreeing to pay compensation under subsection  
 13 (c)(2).”.

14              (2) *CLERICAL AMENDMENT.*—The table of con-  
 15 tents for chapter 417 is amended by adding after the  
 16 item relating to section 41748 the following new item:

“41749. *Essential air service for eligible places above per passenger subsidy cap.*”.

17              (b) *PREFERRED ESSENTIAL AIR SERVICE.*—

18              (1) *IN GENERAL.*—Subchapter II of chapter 417,  
 19 as amended by subsection (a), is further amended by  
 20 adding after section 41749 the following:

21       “§ **41750. Preferred essential air service**

22              “(a) *PROPOSALS.*—A State or local government may  
 23 submit a proposal to the Secretary of Transportation for  
 24 compensation for a preferred air carrier described in sub-  
 25 section (b) to provide air transportation to an eligible place.

1       “(b) *PREFERRED AIR CARRIER DESCRIBED.*—A pre-  
 2       ferred air carrier described in this subsection is an air car-  
 3       rier that—

4               “(1) submits an application under section  
 5       41733(c) to provide air transportation to an eligible  
 6       place;

7               “(2) is not the air carrier that submits the lowest  
 8       cost bid to provide air transportation to the eligible  
 9       place; and

10              “(3) is an air carrier that the affected commu-  
 11       nity prefers to provide air transportation to the eligi-  
 12       ble place instead of the air carrier that submits the  
 13       lowest cost bid.

14       “(c) *DECISIONS.*—Not later than 90 days after receiv-  
 15       ing a proposal under subsection (a) for compensation for  
 16       a preferred air carrier described in subsection (b) to provide  
 17       air transportation to an eligible place, the Secretary shall—

18              “(1) decide whether to provide compensation for  
 19       the preferred air carrier to provide air transportation  
 20       to the eligible place; and

21              “(2) approve the proposal if the State or local  
 22       government or a person is willing and able to pay the  
 23       difference between—

24                      “(A) the rate of compensation the Secretary  
 25       would provide to the air carrier that submits the

1       *lowest cost bid to provide air transportation to*  
 2       *the eligible place; and*

3               “(B) *the rate of compensation the preferred*  
 4       *air carrier estimates to be necessary to provide*  
 5       *air transportation to the eligible place.*

6       “(d) *COMPENSATION PAYMENTS.—*

7               “(1) *IN GENERAL.—The Secretary shall pay*  
 8       *compensation under this section at such time and in*  
 9       *such manner as the Secretary determines is appro-*  
 10       *priate.*

11              “(2) *DURATION OF PAYMENTS.—The Secretary*  
 12       *shall continue to pay compensation under this section*  
 13       *only as long as—*

14              “(A) *the State or local government or per-*  
 15       *son agreeing to pay compensation under sub-*  
 16       *section (c)(2) continues to pay such compensa-*  
 17       *tion; and*

18              “(B) *the Secretary decides the compensation*  
 19       *is necessary to maintain air transportation to*  
 20       *the eligible place.*

21       “(e) *REVIEW.—*

22              “(1) *IN GENERAL.—The Secretary shall periodi-*  
 23       *cally review the type and level of air service provided*  
 24       *under this section.*

1           “(2) *CONSULTATION.*—*The Secretary may make*  
 2           *appropriate adjustments in the type and level of air*  
 3           *service to an eligible 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.*—*A preferred air carrier providing air*  
 10           *transportation to an eligible place under this section may*  
 11           *end, suspend, or reduce such air transportation if, not later*  
 12           *than 30 days before ending, suspending, or reducing such*  
 13           *air transportation, the preferred air carrier provides notice*  
 14           *of the intent of the preferred air carrier to end, suspend,*  
 15           *or reduce such air transportation 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, as amended by subsection (a),*  
 23           *is further amended by adding after the item relating*  
 24           *to section 41749 the following new item:*

“41750. *Preferred essential air service.*”.

1       (c) *RESTORATION OF ELIGIBILITY TO A PLACE DETER-*  
 2 *MINED BY THE SECRETARY TO BE INELIGIBLE FOR SUB-*  
 3 *SIDIZED ESSENTIAL AIR SERVICE.*—Section 41733 is  
 4 *amended by adding at the end the following:*

5       “(f) *RESTORATION OF ELIGIBILITY FOR SUBSIDIZED*  
 6 *ESSENTIAL AIR SERVICE.*—

7               “(1) *IN GENERAL.*—*If the Secretary of Transpor-*  
 8 *tation terminates the eligibility of an otherwise eligi-*  
 9 *ble place to receive basic essential air service by an*  
 10 *air carrier for compensation under subsection (c), a*  
 11 *State or local government may submit to the Sec-*  
 12 *retary a proposal for restoring such eligibility.*

13              “(2) *DETERMINATION BY SECRETARY.*—*If the per*  
 14 *passenger subsidy required by the proposal submitted*  
 15 *by a State or local government under paragraph (1)*  
 16 *does not exceed the per passenger subsidy cap pro-*  
 17 *vided under this subchapter, the Secretary shall issue*  
 18 *an order restoring the eligibility of the otherwise eligi-*  
 19 *ble place to receive basic essential air service by an*  
 20 *air carrier for compensation under subsection (c).”.*

21       (d) *OFFICE OF RURAL AVIATION.*—

22              “(1) *ESTABLISHMENT.*—*There is established with-*  
 23 *in the Office of the Secretary of Transportation the*  
 24 *Office of Rural Aviation.*

25       (e) *FUNCTIONS.*—*The functions of the Office are—*

1           (1) *to develop a uniform 4-year contract for air*  
 2           *carriers providing essential air service to commu-*  
 3           *nities under subchapter II of chapter 417 of title 49,*  
 4           *United States Code;*

5           (2) *to develop a mechanism for comparing appli-*  
 6           *cations submitted by air carriers under section*  
 7           *41733(c) to provide essential air service to commu-*  
 8           *nities, including comparing—*

9                 (A) *estimates from air carriers on—*

10                         (i) *the cost of providing essential air*  
 11                         *service; and*

12                         (ii) *the revenues air carriers expect to*  
 13                         *receive when providing essential air service;*  
 14                         *and*

15                 (B) *estimated schedules for air transpor-*  
 16                 *tation; and*

17           (3) *to select an air carrier from among air car-*  
 18           *riers applying to provide essential air service, based*  
 19           *on the criteria described in paragraph (2).*

20           (f) *EXTENSION OF AUTHORITY TO MAKE AGREE-*  
 21           *MENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—*  
 22           *Section 41743(e)(2) is amended by striking “2009” and in-*  
 23           *serting “2011”.*

1       (g) *ADJUSTMENTS To COMPENSATION FOR SIGNIFI-*  
 2 *CANTLY INCREASED COSTS.*—Section 41737 is amended by  
 3 *adding at the end thereof the following:*

4       “(f) *FUEL COST SUBSIDY DISREGARD.*—Any amount  
 5 *provided as an adjustment in compensation pursuant to*  
 6 *subsection (a)(1)(D) shall be disregarded for the purpose of*  
 7 *determining whether the amount of compensation provided*  
 8 *under this subchapter with respect to an eligible place ex-*  
 9 *ceeds the per passenger subsidy exceeds the dollar amount*  
 10 *allowable under this subchapter.”.*

11                   *SUBTITLE C—MISCELLANEOUS*

12 ***SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.***

13       (a) *IN GENERAL.*—Section 47129 is amended—

14               (1) *by striking the section heading and inserting*  
 15 *the following:*

16 ***“§47129. Resolution of airport-air carrier and foreign***  
 17 ***air carrier disputes concerning airport***  
 18 ***fees” ;***

19               (2) *by inserting “AND FOREIGN AIR CARRIER”*  
 20 *after “CARRIER” in the heading for subsection (d);*

21               (3) *by inserting “AND FOREIGN AIR CARRIER”*  
 22 *after “CARRIER” in the heading for subsection (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 contents  
 10          for chapter 471 is amended by striking the item relating  
 11          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 govern-  
 20          ment having jurisdiction over the airport shall not be re-  
 21          quired to pay the portion of the costs that exceeds the benefit  
 22          for a period of 18 months after such determination is made.

23          “(C) If the Secretary finds that all or part of an  
 24          amount made available to carry out the program continued

1 *under this paragraph is not required during a fiscal year,*  
 2 *the Secretary may use during such fiscal year the amount*  
 3 *not so required to carry out the program established under*  
 4 *paragraph (3) of this section.”.*

5 (b) *COSTS EXCEEDING BENEFITS.*—Subparagraph  
 6 (D) of section 47124(b)(3) is amended—

7 (1) *by striking “benefit.” and inserting “benefit,*  
 8 *with the maximum allowable local cost share for FAA*  
 9 *Part 139 certified airports capped at 20 percent for*  
 10 *those airports with fewer than 50,000 annual pas-*  
 11 *senger enplanements.”.*

12 (c) *FUNDING.*—Subparagraph (E) of section  
 13 47124(b)(3) is amended—

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

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

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

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

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

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

11 **SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

12       (a) *FINDINGS*.—The Congress finds that—

13           (1) *the Armed Forces is comprised of approxi-*  
 14       *mately 1,450,000 members who are stationed on ac-*  
 15       *tive duty at more than 6,000 military bases in 146*  
 16       *different countries;*

17           (2) *the United States is indebted to the members*  
 18       *of the Armed Forces, many of whom are in grave*  
 19       *danger due to their engagement in, or exposure to,*  
 20       *combat;*

21           (3) *military service, especially in the current*  
 22       *war against terrorism, often requires members of the*  
 23       *Armed Forces to be separated from their families on*  
 24       *short notice, for long periods of time, and under very*  
 25       *stressful conditions;*

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

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

9           (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
 10          *that each United States air carrier should—*

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

14           (2) *offer flexible terms that allow members of the*  
 15           *Armed Forces on active duty to purchase, modify, or*  
 16           *cancel tickets without time restrictions, fees (includ-*  
 17           *ing baggage fees), ancillary costs, or penalties.*

18                           **TITLE V—SAFETY**  
 19           **SUBTITLE A—AVIATION SAFETY**

20   **SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

21           *Not later than December 31, 2009, the Administrator*  
 22           *of the Federal Aviation Administration shall issue a plan*  
 23           *to develop an installation and deployment schedule for sys-*  
 24           *tems the Administration is installing to alert controllers*  
 25           *and flight crews to potential runway incursions. The plan*

1 *shall be integrated into the annual Federal Aviation Ad-*  
 2 *ministration NextGen Implementation Plan.*

3 **SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
 4 **TIFICATES.**

5 *(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section*  
 6 *44703(d) is amended by adding at the end the following:*

7 *“(3) JUDICIAL REVIEW.—A person substantially af-*  
 8 *ected by an order of the Board under this subsection, or*  
 9 *the Administrator when the Administrator decides that an*  
 10 *order of the Board will have a significant adverse impact*  
 11 *on carrying out this part, may obtain judicial review of*  
 12 *the order under section 46110 of this title. The Adminis-*  
 13 *trator shall be made a party to the judicial review pro-*  
 14 *ceedings. The findings of fact of the Board in any such case*  
 15 *are conclusive if supported by substantial evidence.”.*

16 *(b) CONFORMING AMENDMENT.—Section 1153(c) is*  
 17 *amended by striking “section 44709 or” and inserting “sec-*  
 18 *tion 44703(d), 44709, or”.*

19 **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**  
 20 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
 21 **TYPE CERTIFICATES.**

22 *Section 44704(a) is amended by adding at the end the*  
 23 *following:*

24 *“(5) RELEASE OF DATA.—*

1           “(A) Notwithstanding any other provision of  
2           law, the Administrator may designate, without the  
3           consent of the owner of record, engineering data in  
4           the agency’s possession related to a type certificate or  
5           a supplemental type certificate for an aircraft, en-  
6           gine, propeller or appliance as public data, and there-  
7           fore releasable, upon request, to a person seeking to  
8           maintain the airworthiness of such product, if the Ad-  
9           ministrator determines that—

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

12                 “(ii) the owner of record, or the owner of  
13                 record’s heir, of the type certificate or supple-  
14                 mental certificate has not been located despite a  
15                 search of due diligence by the agency; and

16                 “(iii) the designation of such data as public  
17                 data will enhance aviation safety.

18           “(B) In this section, the term ‘engineering data’  
19           means type design drawings and specifications for the  
20           entire product or change to the product, including the  
21           original design data, and any associated supplier  
22           data for individual parts or components approved as  
23           part of the particular aeronautical product certifi-  
24           cate.”.

1 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

2 *Section 44704(e) is amended—*

3 *(1) by striking “Beginning 7 years after the date*  
 4 *of enactment of this subsection,” in paragraph (1)*  
 5 *and inserting “Effective January 1, 2013,”;*

6 *(2) by striking “testing” in paragraph (2) and*  
 7 *inserting “production”; and*

8 *(3) by striking paragraph (3) and inserting the*  
 9 *following:*

10 *“(3) ISSUANCE OF CERTIFICATE BASED ON DE-*  
 11 *SIGN ORGANIZATION CERTIFICATION.—The Adminis-*  
 12 *trator may rely on the Design Organization for cer-*  
 13 *tification of compliance under this section.”.*

14 **SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**  
 15 **DATABASE SYSTEMS.**

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

18 **“§40130. FAA access to criminal history records or**  
 19 **databases systems**

20 *“(a) ACCESS TO RECORDS OR DATABASES SYS-*  
 21 *TEMS.—*

22 *“(1) Notwithstanding section 534 of title 28 and*  
 23 *the implementing regulations for such section (28*  
 24 *C.F.R. part 20), the Administrator of the Federal*  
 25 *Aviation Administration is authorized to access a*  
 26 *system of documented criminal justice information*

1        *maintained by the Department of Justice or by a*  
 2        *State but may do so only for the purpose of carrying*  
 3        *out its civil and administrative responsibilities to*  
 4        *protect the safety and security of the National Air-*  
 5        *space System or to support the missions of the De-*  
 6        *partment of Justice, the Department of Homeland Se-*  
 7        *curity, and other law enforcement agencies. The Ad-*  
 8        *ministrator shall be subject to the same conditions or*  
 9        *procedures established by the Department of Justice*  
 10       *or State for access to such an information system by*  
 11       *other governmental agencies with access to the system.*

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

15            *“(b) DESIGNATED EMPLOYEES.—The Administrator*  
 16        *shall, by order, designate those employees of the Administra-*  
 17        *tion who shall carry out the authority described in sub-*  
 18        *section (a). Such designated employees may—*

19            *“(1) have access to and receive criminal history,*  
 20        *driver, vehicle, and other law enforcement informa-*  
 21        *tion contained in the law enforcement databases of the*  
 22        *Department of Justice, or of any jurisdiction in a*  
 23        *State in the same manner as a police officer employed*  
 24        *by a State or local authority of that State who is cer-*  
 25        *tified or commissioned under the laws of that State;*



1           “(2) use any radio, data link, or warning system  
 2           of the Federal Government and of any jurisdiction in  
 3           a State that provides information about wanted per-  
 4           sons, be-on-the-lookout notices, or warrant status or  
 5           other officer safety information to which a police offi-  
 6           cer employed by a State or local authority in that  
 7           State who is certified or commissioned under the laws  
 8           of that State has access and in the same manner as  
 9           such police officer; or

10           “(3) receive Federal, State, or local government  
 11           communications with a police officer employed by a  
 12           State or local authority in that State in the same  
 13           manner as a police officer employed by a State or  
 14           local authority in that State who is commissioned  
 15           under the laws of that State.

16           “(c) *SYSTEM OF DOCUMENTED CRIMINAL JUSTICE IN-*  
 17           *FORMATION DEFINED.*—In this section the term ‘system of  
 18           documented criminal justice information’ means any law  
 19           enforcement databases, systems, or communications con-  
 20           taining information concerning identification, criminal  
 21           history, arrests, convictions, arrest warrants, or wanted or  
 22           missing persons, including the National Crime Information  
 23           Center and its incorporated criminal history databases and  
 24           the National Law Enforcement Telecommunications Sys-  
 25           tem.”.

1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 2 *for chapter 401 is amended by inserting after the item relat-*  
 3 *ing to section 40129 the following:*

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

4   **SEC. 506. FLIGHT CREW FATIGUE.**

5       (a) *IN GENERAL.*—*Within 3 months after the date of*  
 6 *enactment of this Act the Administrator of the Federal*  
 7 *Aviation Administration shall conclude arrangements with*  
 8 *the National Academy of Sciences for a study of pilot fa-*  
 9 *tigue.*

10      (b) *STUDY.*—*The study shall include consideration*  
 11 *of—*

12           (1) *research on fatigue, sleep, and circadian*  
 13 *rhythms;*

14           (2) *sleep and rest requirements recommended by*  
 15 *the National Transportation Safety Board; and*

16           (3) *international standards.*

17      (c) *REPORT.*—*Within 18 months after initiating the*  
 18 *study, the National Academy shall submit a report to the*  
 19 *Administrator containing its findings and recommenda-*  
 20 *tions, including recommendations with respect to Federal*  
 21 *Aviation Regulations governing flight limitation and rest*  
 22 *requirements.*

23      (d) *RULEMAKING.*—*After the Administrator receives*  
 24 *the National Academy’s report, the Federal Aviation Ad-*  
 25 *ministration shall consider the findings of the National*

1 *Academy in its rulemaking proceeding on flight time limi-*  
 2 *tations and rest requirements.*

3       (e) *IMPLEMENTATION OF FLIGHT ATTENDANT FA-*  
 4 *TIGUE STUDY RECOMMENDATIONS.*—*Within 60 days after*  
 5 *the date of enactment of this Act, the Administrator of the*  
 6 *Federal Aviation Administration shall initiate a process to*  
 7 *carry out the recommendations of the Civil Aerospace Med-*  
 8 *ical Institute study on flight attendant fatigue.*

9 **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**  
 10 **FIXED WING EMERGENCY MEDICAL SERVICE**  
 11 **OPERATORS AND PATIENTS.**

12       (a) *COMPLIANCE REGULATIONS.*—

13           (1) *IN GENERAL.*—*Except as provided in para-*  
 14 *graph (2), not later than 18 months after the date of*  
 15 *enactment of this Act, helicopter and fixed wing air-*  
 16 *craft certificate holders providing emergency medical*  
 17 *services shall comply with part 135 of title 14, Code*  
 18 *of Federal Regulations, if there is a medical crew on*  
 19 *board, without regard to whether there are patients on*  
 20 *board.*

21           (2) *EXCEPTION.*—*If a certificate holder described*  
 22 *in paragraph (1) is operating under instrument flight*  
 23 *rules or is carrying out training therefor—*

1           (A) the weather minimums and duty and  
2           rest time regulations under such part 135 of such  
3           title shall apply; and

4           (B) the weather reporting requirement at  
5           the destination shall not apply until such time  
6           as the Administrator of the Federal Aviation Ad-  
7           ministration determines that portable, reliable,  
8           and accurate ground-based weather measuring  
9           and reporting systems are available.

10       (b) *IMPLEMENTATION OF FLIGHT RISK EVALUATION*  
11       *PROGRAM.*—

12           (1) *INITIATION.*—Not later than 60 days after  
13           the date of enactment of this Act, the Administrator  
14           of the Federal Aviation Administration shall initiate  
15           a rulemaking—

16           (A) to create a standardized checklist of risk  
17           evaluation factors based on Notice 8000.301,  
18           which was issued by the Administration on Au-  
19           gust 1, 2005; and

20           (B) to require helicopter and fixed wing  
21           aircraft emergency medical service operators to  
22           use the checklist created under subparagraph (A)  
23           to determine whether a mission should be accept-  
24           ed.

1           (2) *COMPLETION.*—*The rulemaking initiated*  
2           *under paragraph (1) shall be completed not later than*  
3           *18 months after it is initiated.*

4           (c) *COMPREHENSIVE CONSISTENT FLIGHT DISPATCH*  
5           *PROCEDURES.*—

6           (1) *INITIATION.*—*Not later than 60 days after*  
7           *the date of enactment of this Act, the Administrator*  
8           *of the Federal Aviation Administration shall initiate*  
9           *a rulemaking—*

10                   (A) *to require that helicopter and fixed*  
11                   *wing emergency medical service operators for-*  
12                   *malize and implement performance based flight*  
13                   *dispatch and flight-following procedures; and*

14                   (B) *to develop a method to assess and en-*  
15                   *sure that such operators comply with the require-*  
16                   *ments described in subparagraph (A).*

17           (2) *COMPLETION.*—*The rulemaking initiated*  
18           *under paragraph (1) shall be completed not later than*  
19           *18 months after it is initiated.*

20           (d) *IMPROVING SITUATIONAL AWARENESS.*—*Within 1*  
21           *year after the date of enactment of this Act, any helicopter*  
22           *or fixed-wing aircraft used for emergency medical service*  
23           *shall have on board a device that performs the function of*  
24           *a terrain awareness and warning system and a means of*  
25           *displaying that information that meets the requirements of*

1 *the applicable Federal Aviation Administration Technical*  
2 *Standard Order or other guidance prescribed by the Admin-*  
3 *istrator.*

4 *(e) IMPROVING THE DATA AVAILABLE ON AIR MED-*  
5 *ICAL OPERATIONS.—*

6 *(1) IN GENERAL.—The Administrator of the Fed-*  
7 *eral Aviation Administration shall require each cer-*  
8 *tificate holder for helicopters and fixed-wing aircraft*  
9 *used for emergency medical service operations to re-*  
10 *port not later than 1 year after the date of enactment*  
11 *of this Act and annually thereafter on—*

12 *(A) the number of aircraft and helicopters*  
13 *used to provide air ambulance services, the reg-*  
14 *istration number of each of these aircraft or heli-*  
15 *copters, and the base location of each of these*  
16 *aircraft or helicopters;*

17 *(B) the number of flights and hours flown*  
18 *by each such aircraft or helicopter used by the*  
19 *certificate holder to provide such services during*  
20 *the reporting period;*

21 *(C) the number of flights and the purpose of*  
22 *each flight for each aircraft or helicopter used by*  
23 *the certificate holder to provide such services*  
24 *during the reporting period;*

1           (D) the number of flight requests for a heli-  
2           copter providing helicopter air ambulance serv-  
3           ices that were accepted or declined by the certifi-  
4           cate holder and the type of each such flight re-  
5           quest (such as scene response, inter-facility  
6           transport, organ transport, or ferry or repo-  
7           sitioning flight);

8           (E) the number of accidents involving heli-  
9           copters operated by the certificate holder while  
10          providing helicopter air ambulance services and  
11          a description of the accidents;

12          (F) the number of flights and hours flown  
13          under instrument flight rules by helicopters oper-  
14          ated by the certificate holder while providing heli-  
15          copter air ambulance services;

16          (G) the time of day of each flight flown by  
17          helicopters operated by the certificate holder  
18          while providing helicopter air ambulance serv-  
19          ices; and

20          (H) The number of incidents where more  
21          helicopters arrive to transport patients than is  
22          needed in a flight request or scene response.

23          (2) REPORT TO CONGRESS.—The Administrator  
24          of the Federal Aviation Administration shall report to  
25          Congress on the information received pursuant to

1        *paragraph (1) of this subsection no later than 18*  
 2        *months after the date of enactment of this Act.*

3        *(f) IMPROVING THE DATA AVAILABLE TO NTSB IN-*  
 4        *VESTIGATORS AT CRASH SITES.—*

5                *(1) STUDY.—Not later than 120 days after the*  
 6        *date of enactment of this Act, the Administrator of the*  
 7        *Federal Aviation Administration shall issue a report*  
 8        *that indicates the availability, survivability, size,*  
 9        *weight, and cost of devices that perform the function*  
 10       *of recording voice communications and flight data in-*  
 11       *formation on existing and new helicopters and exist-*  
 12       *ing and new fixed wing aircraft used for emergency*  
 13       *medical service operations.*

14               *(2) RULEMAKING.—Not later than 1 year after*  
 15       *the date of enactment of this Act, the Administrator*  
 16       *of the Federal Aviation Administration shall issue*  
 17       *regulations that require devices that perform the func-*  
 18       *tion of recording voice communications and flight*  
 19       *data information on board aircraft described in para-*  
 20       *graph (1).*

21       **SEC. 508. CABIN CREW COMMUNICATION.**

22       *(a) IN GENERAL.—Section 44728 is amended—*

23               *(1) by redesignating subsection (f) as subsection*  
 24       *(g); and*

25               *(2) by inserting after subsection (e) the following:*



1       “(f) *MINIMUM LANGUAGE SKILLS.*—

2               “(1) *IN GENERAL.*—No certificate holder may use  
3       any person to serve, nor may any person serve, as a  
4       flight attendant under this part, unless that person  
5       has demonstrated to an individual qualified to deter-  
6       mine proficiency the ability to read, speak, and write  
7       English well enough to—

8               “(A) read material written in English and  
9       comprehend the information;

10              “(B) speak and understand English suffi-  
11       ciently to provide direction to, and understand  
12       and answer questions from, English-speaking in-  
13       dividuals;

14              “(C) write incident reports and statements  
15       and log entries and statements; and

16              “(D) carry out written and oral instruc-  
17       tions regarding the proper performance of their  
18       duties.

19              “(2) *FOREIGN FLIGHTS.*—The requirements of  
20       paragraph (1) do not apply to service as a flight at-  
21       tendant serving solely between points outside the  
22       United States.”.

23       (b) *ADMINISTRATION.*—The Administrator of the Fed-  
24       eral Aviation Administration shall work with certificate  
25       holders to which section 44728(f) of title 49, United States

1 *Code, applies to facilitate compliance with the requirements*  
 2 *of section 44728(f)(1) of that title.*

3 **SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDER-**  
 4 **STANDING WITH OSHA.**

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

8 *(1) establish milestones, in consultation with the*  
 9 *Occupational Safety and Health Administration,*  
 10 *through a report to Congress for the completion of*  
 11 *work begun under the August 2000 memorandum of*  
 12 *understanding between the 2 Administrations and to*  
 13 *address issues needing further action in the Adminis-*  
 14 *trations' joint report in December 2000; and*

15 *(2) initiate development of a policy statement to*  
 16 *set forth the circumstances in which Occupational*  
 17 *Safety and Health Administration requirements may*  
 18 *be applied to crewmembers while working in the air-*  
 19 *craft.*

20 *(b) POLICY STATEMENT.—The policy statement to be*  
 21 *developed under subsection (a)(2) shall be completed within*  
 22 *18 months after the date of enactment of this Act and shall*  
 23 *satisfy the following principles:*

24 *(1) The establishment of a coordinating body*  
 25 *similar to the Aviation Safety and Health Joint*

1       *Team established by the August 2000 memorandum of*  
2       *understanding that includes representatives des-*  
3       *ignated by both Administrations—*

4               *(A) to examine the applicability of current*  
5               *and future Occupational Safety and Health Ad-*  
6               *ministration regulations;*

7               *(B) to recommend policies for facilitating*  
8               *the training of Federal Aviation Administration*  
9               *inspectors; and*

10              *(C) to make recommendations that will gov-*  
11              *ern the inspection and enforcement of safety and*  
12              *health standards on board aircraft in operation*  
13              *and all work-related environments.*

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

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

19              *(B) the measures required of an employer*  
20              *under the standard; and*

21              *(C) the compliance obligations of an em-*  
22              *ployer under the standard.*

1 **SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLE-**  
2 **MENTATION OF REQUIRED NAVIGATION PER-**  
3 **FORMANCE APPROACH PROCEDURES.**

4 (a) *IN GENERAL.*—

5 (1) *ANNUAL MINIMUM REQUIRED NAVIGATION*  
6 *PERFORMANCE PROCEDURES.*—*The Administrator*  
7 *shall set a target of achieving a minimum of 200 Re-*  
8 *quired Navigation Performance procedures each fiscal*  
9 *year through fiscal year 2012, with 25 percent of that*  
10 *target number meeting the low visibility approach*  
11 *criteria consistent with the NextGen Implementation*  
12 *Plan.*

13 (2) *USE OF THIRD PARTIES.*—*The Adminis-*  
14 *trator is authorized to provide third parties the abil-*  
15 *ity to design, flight check, and implement Required*  
16 *Navigation Performance approach procedures.*

17 (b) *DOT INSPECTOR GENERAL REVIEW OF OPER-*  
18 *ATIONAL AND APPROACH PROCEDURES BY A THIRD*  
19 *PARTY.*—

20 (1) *REVIEW.*—*The Inspector General of the De-*  
21 *partment of Transportation shall conduct a review re-*  
22 *garding the effectiveness of the oversight activities*  
23 *conducted by the Administration in connection with*  
24 *any agreement with or delegation of authority to a*  
25 *third party for the development of flight procedures,*

1       including public use procedures, for the National Air-  
2       space System.

3           (2) *ASSESSMENTS.*—*The Inspector General shall*  
4       *include, at a minimum, in the review—*

5           (A) *an assessment of the extent to which the*  
6       *Administration is relying or intends to rely on*  
7       *a third party for the development of new proce-*  
8       *dures and a determination of whether the Ad-*  
9       *ministration has established sufficient mecha-*  
10      *nisms and staffing to provide safety oversight*  
11      *functions, which may include quality assurance*  
12      *processes, flight checks, integration of procedures*  
13      *into the National Aviation System, and oper-*  
14      *ational assessments of procedures developed by*  
15      *third parties; and*

16          (B) *an assessment regarding whether the*  
17      *Administration has sufficient existing personnel*  
18      *and technical resources or mechanisms to develop*  
19      *such flight procedures in a safe and efficient*  
20      *manner to meet the demands of the National*  
21      *Airspace System without the use of third party*  
22      *resources.*

23          (c) *REPORT.*—*No later than 1 year after the date of*  
24      *enactment of this Act, the Inspector General shall submit*  
25      *to the Senate Committee on Commerce, Science, and Trans-*

1 *portation and the House of Representatives Committee on*  
 2 *Transportation and Infrastructure a report on the results*  
 3 *of the review conducted under this section.*

4 **SEC. 511. IMPROVED SAFETY INFORMATION.**

5 *Not later than December 31, 2009, the Administrator*  
 6 *of the Federal Aviation Administration shall issue a final*  
 7 *rule in docket No. FAA–2008–0188, Re-registration and*  
 8 *Renewal of Aircraft Registration. The final rule shall in-*  
 9 *clude—*

10 *(1) provision for the expiration of a certificate*  
 11 *for an aircraft registered as of the date of enactment*  
 12 *of this Act, with re-registration requirements for those*  
 13 *aircraft that remain eligible for registration;*

14 *(2) provision for the periodic expiration of all*  
 15 *certificates issued after the effective date of the rule*  
 16 *with a registration renewal process; and*

17 *(3) other measures to promote the accuracy and*  
 18 *efficient operation and value of the Administration’s*  
 19 *aircraft registry.*

20 **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**  
 21 **IMPROVEMENTS.**

22 *(a) IN GENERAL.—Within 180 days after the date of*  
 23 *enactment of this Act, the Administrator of the Federal*  
 24 *Aviation Administration shall—*

1           (1) *take such action as may be necessary to en-*  
2           *sure that the Voluntary Disclosure Reporting Process*  
3           *requires inspectors—*

4                   (A) *to evaluate corrective action proposed*  
5                   *by an air carrier with respect to a matter dis-*  
6                   *closed by that air carrier is sufficiently com-*  
7                   *prehensive in scope and application and applies*  
8                   *to all affected aircraft operated by that air car-*  
9                   *rier before accepting the proposed voluntary dis-*  
10                  *closure;*

11                  (B) *to verify that corrective action so iden-*  
12                  *tified by an air carrier is completed within the*  
13                  *timeframe proposed; and*

14                  (C) *to verify by inspection that the carrier's*  
15                  *corrective action adequately corrects the problem*  
16                  *that was disclosed; and*

17           (2) *establish a second level supervisory review of*  
18           *disclosures under the Voluntary Disclosure Reporting*  
19           *Process before any proposed disclosure is accepted and*  
20           *closed that will ensure that a matter disclosed by an*  
21           *air carrier—*

22                   (A) *has not been previously identified by a*  
23                   *Federal Aviation Administration inspector; and*

24                   (B) *has not been previously disclosed by the*  
25                   *carrier in the preceding 5 years.*

1       **(b) GAO STUDY.—**

2               **(1) IN GENERAL.—***The Comptroller General shall*  
3       *conduct a study of the Voluntary Disclosure Report-*  
4       *ing Program.*

5               **(2) REVIEW.—***In conducting the study, the*  
6       *Comptroller General shall examine, at a minimum,*  
7       *whether—*

8                       **(A)** *there is evidence that voluntary disclo-*  
9                       *sure is resulting in regulated entities discovering*  
10                      *and correcting violations to a greater extent than*  
11                      *would otherwise occur if there was no program*  
12                      *for immunity from enforcement action;*

13                     **(B)** *the voluntary disclosure program makes*  
14                     *the Federal Aviation Administration aware of*  
15                     *violations that it would not have discovered if*  
16                     *there was not a program, and if a violation is*  
17                     *disclosed voluntarily, whether the Administra-*  
18                     *tion insists on stronger corrective actions than*  
19                     *would have occurred if the regulated entity knew*  
20                     *of a violation, but the Administration did not;*

21                     **(C)** *the information the Administration gets*  
22                     *under the program leads to fewer violations by*  
23                     *other entities, either because the information*  
24                     *leads other entities to look for similar violations*  
25                     *or because the information leads Administration*



1           investigators to look for similar violations at  
2           other entities; and

3           (D) there is any evidence that voluntary  
4           disclosure has improved compliance with regula-  
5           tions, either for the entities making disclosures or  
6           for the industry generally.

7           (3) *REPORT*.—Not later than one year after the  
8           date of enactment of this Act, the Comptroller General  
9           shall submit a report to the Senate Committee on  
10          Commerce, Science, and Transportation and the  
11          House of Representatives Committee on Transpor-  
12          tation and Infrastructure on the results of the study  
13          conducted under this subsection.

14   **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.**

15          (a) *IN GENERAL*.—Section 44711 is amended by add-  
16          ing at the end the following:

17          “(d) *POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT*  
18          *STANDARDS INSPECTORS*.—

19                 “(1) *PROHIBITION*.—A person holding an oper-  
20          ating certificate issued under title 14, Code of Federal  
21          Regulations, may not knowingly employ, or make a  
22          contractual arrangement which permits, an indi-  
23          vidual to act as an agent or representative of the cer-  
24          tificate holder in any matter before the Federal Avia-

1        *tion Administration if the individual, in the pre-*  
2        *ceding 3-year period—*

3                *“(A) served as, or was responsible for over-*  
4                *sight of, a flight standards inspector of the Ad-*  
5                *ministration; and*

6                *“(B) had responsibility to inspect, or over-*  
7                *see inspection of, the operations of the certificate*  
8                *holder.*

9                *“(2) WRITTEN AND ORAL COMMUNICATIONS.—*  
10        *For purposes of paragraph (1), an individual shall be*  
11        *considered to be acting as an agent or representative*  
12        *of a certificate holder in a matter before the Federal*  
13        *Aviation Administration if the individual makes any*  
14        *written or oral communication on behalf of the cer-*  
15        *tificate holder to the Administration (or any of its of-*  
16        *ficers or employees) in connection with a particular*  
17        *matter, whether or not involving a specific party and*  
18        *without regard to whether the individual has partici-*  
19        *pated in, or had responsibility for, the particular*  
20        *matter while serving as a flight standards inspector*  
21        *of the Administration.”.*

22        *(b) APPLICABILITY.—The amendment made by sub-*  
23        *section (a) shall not apply to an individual employed by*  
24        *a certificate holder as of the date of enactment of this Act.*

1 **SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.**

2       *Within 30 days after the date of enactment of this Act,*  
3 *the Comptroller General shall initiate a review and inves-*  
4 *tigation of air safety issues identified by Federal Aviation*  
5 *Administration employees and reported to the Adminis-*  
6 *trator. The Comptroller General shall report the Govern-*  
7 *ment Accountability Office's findings and recommendations*  
8 *to the Administrator, the Senate Committee on Commerce,*  
9 *Science, and Transportation, and the House of Representa-*  
10 *tives Committee on Transportation and Infrastructure on*  
11 *an annual basis.*

12 **SEC. 515. NATIONAL REVIEW TEAM.**

13       *(a) IN GENERAL.—Within 180 days after the date of*  
14 *enactment of this Act, the Administrator of the Federal*  
15 *Aviation Administration shall establish a national review*  
16 *team within the Administration to conduct periodic, unan-*  
17 *nounced, and random reviews of the Administration's over-*  
18 *sight of air carriers and report annually its findings and*  
19 *recommendations to the Administrator, the Senate Com-*  
20 *merce, Science, and Transportation Committee, and the*  
21 *House of Representatives Committee on Transportation and*  
22 *Infrastructure.*

23       *(b) LIMITATION.—The Administrator shall prohibit a*  
24 *member of the National Review Team from participating*  
25 *in any review or audit of an air carrier under subsection*  
26 *(a) if the member has previously had responsibility for in-*

1 *specting, or overseeing the inspection of, the operations of*  
 2 *that air carrier.*

3 (c) *INSPECTOR GENERAL REPORTS.—The Inspector*  
 4 *General of the Department of Transportation shall provide*  
 5 *progress reports to the Senate Committee on Commerce,*  
 6 *Science, and Transportation and the House of Representa-*  
 7 *tives Committee on Transportation and Infrastructure on*  
 8 *the review teams and their effectiveness.*

9 (d) *ADDITIONAL SAFETY INSPECTORS.—From*  
 10 *amounts appropriated pursuant to section 106(k)(1) of title*  
 11 *49, United States Code, the Administrator of the Federal*  
 12 *Aviation Administration may hire a net increase of 200*  
 13 *additional safety inspectors.*

14 **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

15 (a) *REVIEW.—Within 1 year after the date of enact-*  
 16 *ment of this Act, the Administrator of the Federal Aviation*  
 17 *Administration shall conduct a comprehensive review and*  
 18 *evaluation of its Academy and facility training efforts.*

19 (b) *FACILITY TRAINING PROGRAM.—The Adminis-*  
 20 *trator shall—*

21 (1) *clarify responsibility for oversight and direc-*  
 22 *tion of the Academy’s facility training program at*  
 23 *the national level;*

24 (2) *communicate information concerning that re-*  
 25 *sponsibility to facility managers; and*

1           (3) *establish standards to identify the number of*  
 2           *developmental controllers that can be accommodated*  
 3           *at each facility, based on—*

4                   (A) *the number of available on-the-job-*  
 5                   *training instructors;*

6                   (B) *available classroom space;*

7                   (C) *the number of available simulators;*

8                   (D) *training requirements; and*

9                   (E) *the number of recently placed new per-*  
 10           *sonnel already in training.*

11   **SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPER-**  
 12           **ATIONAL ERRORS.**

13           (a) *PLAN.—The Administrator of the Federal Aviation*  
 14           *Administration shall develop a plan for the reduction of*  
 15           *runway incursions by reviewing every commercial service*  
 16           *airport (as defined in section 47102 of title 49, United*  
 17           *States Code) in the United States and initiating action to*  
 18           *improve airport lighting, provide better signage, and im-*  
 19           *prove runway and taxiway markings.*

20           (b) *PROCESS.—Within 1 year after the date of enact-*  
 21           *ment of this Act, the Administrator of the Federal Aviation*  
 22           *Administration shall develop a process for tracking and in-*  
 23           *vestigating operational errors and runway incursions that*  
 24           *includes—*

1           (1) *identifying the office responsible for estab-*  
 2           *lishing regulations regarding operational errors and*  
 3           *runway incursions;*

4           (2) *identifying who is responsible for tracking*  
 5           *and investigating operational errors and runway in-*  
 6           *cursions and taking remedial actions;*

7           (3) *identifying who is responsible for tracking*  
 8           *operational errors and runway incursions, including*  
 9           *a process for lower level employees to report to higher*  
 10          *supervisory levels; and*

11          (4) *periodic random audits of the oversight proc-*  
 12          *ess.*

13   **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**  
 14                   **TION OFFICE.**

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

17          “(s) *AVIATION SAFETY WHISTLEBLOWER INVESTIGA-*  
 18          *TION OFFICE.*—

19               “(1) *ESTABLISHMENT.*—*There is established in*  
 20               *the Administration an Aviation Safety Whistleblower*  
 21               *Investigation Office.*

22               “(2) *DIRECTOR.*—

23                   “(A) *APPOINTMENT.*—*The head of the Office*  
 24                   *shall be the Director, who shall be appointed by*  
 25                   *the Secretary of Transportation.*

1           “(B) *QUALIFICATIONS.*—*The Director shall*  
 2           *have a demonstrated ability in investigations*  
 3           *and knowledge of or experience in aviation.*

4           “(C) *TERM.*—*The Director shall be ap-*  
 5           *pointed for a term of 5 years.*

6           “(D) *VACANCY.*—*Any individual appointed*  
 7           *to fill a vacancy in the position of the Director*  
 8           *occurring before the expiration of the term for*  
 9           *which the individual’s predecessor was appointed*  
 10          *shall be appointed for the remainder of that*  
 11          *term.*

12          “(3) *COMPLAINTS AND INVESTIGATIONS.*—

13               “(A) *AUTHORITY OF DIRECTOR.*—*The Di-*  
 14               *rector shall—*

15                       “(i) *receive complaints and informa-*  
 16                       *tion submitted by employees of persons*  
 17                       *holding certificates issued under title 14,*  
 18                       *Code of Federal Regulations, and employees*  
 19                       *of the Administration concerning the pos-*  
 20                       *sible existence of an activity relating to a*  
 21                       *violation of an order, regulation, or stand-*  
 22                       *ard of the Administration or any other pro-*  
 23                       *vision of Federal law relating to aviation*  
 24                       *safety;*

1           “(ii) assess complaints and informa-  
 2           tion submitted under clause (i) and deter-  
 3           mine whether a substantial likelihood exists  
 4           that a violation of an order, regulation, or  
 5           standard of the Administration or any  
 6           other provision of Federal law relating to  
 7           aviation safety may have occurred; and

8           “(iii) based on findings of the assess-  
 9           ment conducted under clause (ii), make rec-  
 10          ommendations to the Administrator in  
 11          writing for further investigation or correc-  
 12          tive actions.

13          “(B) *DISCLOSURE OF IDENTITIES.*—The Di-  
 14          rector shall not disclose the identity of an indi-  
 15          vidual who submits a complaint or information  
 16          under subparagraph (A)(i) unless—

17               “(i) the individual consents to the dis-  
 18               closure in writing; or

19               “(ii) the Director determines, in the  
 20               course of an investigation, that the disclo-  
 21               sure is unavoidable.

22          “(C) *INDEPENDENCE OF DIRECTOR.*—The  
 23          Secretary, the Administrator, or any officer or  
 24          employee of the Administration may not prevent  
 25          or prohibit the Director from initiating, car-



1        *rying out, or completing any assessment of a*  
2        *complaint or information submitted subpara-*  
3        *graph (A)(i) or from reporting to Congress on*  
4        *any such assessment.*

5                “(D) *ACCESS TO INFORMATION.*—*In con-*  
6        *ducting an assessment of a complaint or infor-*  
7        *mation submitted under subparagraph (A)(i),*  
8        *the Director shall have access to all records, re-*  
9        *ports, audits, reviews, documents, papers, rec-*  
10       *ommendations, and other material necessary to*  
11       *determine whether a substantial likelihood exists*  
12       *that a violation of an order, regulation, or*  
13       *standard of the Administration or any other pro-*  
14       *vision of Federal law relating to aviation safety*  
15       *may have occurred.*

16               “(4) *RESPONSES TO RECOMMENDATIONS.*—  
17       *The Administrator shall respond to a rec-*  
18       *ommendation made by the Director under sub-*  
19       *paragraph (A)(iii) in writing and retain records*  
20       *related to any further investigations or corrective*  
21       *actions taken in response to the recommendation.*

22               “(5) *INCIDENT REPORTS.*—*If the Director deter-*  
23       *mines there is a substantial likelihood that a viola-*  
24       *tion of an order, regulation, or standard of the Ad-*  
25       *ministration or any other provision of Federal law*

1        *relating to aviation safety may have occurred that re-*  
 2        *quires immediate corrective action, the Director shall*  
 3        *report the potential violation expeditiously to the Ad-*  
 4        *ministrator and the Inspector General of the Depart-*  
 5        *ment of Transportation.*

6            “(6) *REPORTING OF CRIMINAL VIOLATIONS TO*  
 7        *INSPECTOR GENERAL.—If the Director has reasonable*  
 8        *grounds to believe that there has been a violation of*  
 9        *Federal criminal law, the Director shall report the*  
 10       *violation expeditiously to the Inspector General.*

11           “(7) *ANNUAL REPORTS TO CONGRESS.—Not later*  
 12       *than October 1 of each year, the Director shall submit*  
 13       *to Congress a report containing—*

14           “(A) *information on the number of submis-*  
 15       *sions of complaints and information received by*  
 16       *the Director under paragraph (3)(A)(i) in the*  
 17       *preceding 12-month period;*

18           “(B) *summaries of those submissions;*

19           “(C) *summaries of further investigations*  
 20       *and corrective actions recommended in response*  
 21       *to the submissions; and*

22           “(D) *summaries of the responses of the Ad-*  
 23       *ministrator to such recommendations.”.*

1 **SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIA-**  
2 **TIVE.**

3 (a) *MODIFICATION OF INITIATIVE.*—Not later than 90  
4 days after the date of enactment of this Act, the Adminis-  
5 trator of the Federal Aviation Administration shall modify  
6 the customer service initiative, mission and vision state-  
7 ments, and other statements of policy of the Administra-  
8 tion—

9 (1) to remove any reference to air carriers or  
10 other entities regulated by the Administration as  
11 “customers”;

12 (2) to clarify that in regulating safety the only  
13 customers of the Administration are members of the  
14 traveling public; and

15 (3) to clarify that air carriers and other entities  
16 regulated by the Administration do not have the right  
17 to select the employees of the Administration who will  
18 inspect their operations.

19 (b) *SAFETY PRIORITY.*—In carrying out the Adminis-  
20 trator’s responsibilities, the Administrator shall ensure that  
21 safety is given a higher priority than preventing the dis-  
22 satisfaction of an air carrier or other entity regulated by  
23 the Administration with an employee of the Administra-  
24 tion.

1 **SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
2 **TATION OVERSIGHT SYSTEM DATABASE.**

3 (a) *REVIEWS.*—*The Administrator of the Federal*  
4 *Aviation Administration shall establish a process by which*  
5 *the air transportation oversight system database of the Ad-*  
6 *ministration is reviewed by a team of employees of the*  
7 *Agency on a monthly basis to ensure that—*

8 (1) *any trends in regulatory compliance are*  
9 *identified; and*

10 (2) *appropriate corrective actions are taken in*  
11 *accordance with Agency regulations, advisory direc-*  
12 *tives, policies, and procedures.*

13 (b) *MONTHLY TEAM REPORTS.*—

14 (1) *IN GENERAL.*—*The team of employees con-*  
15 *ducting a monthly review of the air transportation*  
16 *oversight system database under subsection (a) shall*  
17 *submit to the Administrator, the Associate Adminis-*  
18 *trator for Aviation Safety, and the Director of Flight*  
19 *Standards a report on the results of the review.*

20 (2) *CONTENTS.*—*A report submitted under para-*  
21 *graph (1) shall identify—*

22 (A) *any trends in regulatory compliance*  
23 *discovered by the team of employees in con-*  
24 *ducting the monthly review; and*

25 (B) *any corrective actions taken or proposed*  
26 *to be taken in response to the trends.*

1       (c) *QUARTERLY REPORTS TO CONGRESS.*—*The Ad-*  
 2 *ministrator, on a quarterly basis, shall submit a report to*  
 3 *the Senate Committee on Commerce, Science, and Trans-*  
 4 *portation and the House of Representatives Committee on*  
 5 *Transportation and Infrastructure on the results of reviews*  
 6 *of the air transportation oversight system database con-*  
 7 *ducted under this section, including copies of reports re-*  
 8 *ceived under subsection (b).*

9       **SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.**

10       (a) *IN GENERAL.*—*Chapter 447 is amended by adding*  
 11 *at the end the following:*

12       **“§ 44730. Inspection of foreign repair stations**

13       “(a) *IN GENERAL.*—*Within 1 year after the date of*  
 14 *enactment of the FAA Air Transportation Modernization*  
 15 *and Safety Improvement Act the Administrator of the Fed-*  
 16 *eral Aviation Administration shall establish and implement*  
 17 *a safety assessment system for all part 145 repair stations*  
 18 *based on the type, scope, and complexity of work being per-*  
 19 *formed. The system shall—*

20               “(1) *ensure that repair stations outside the*  
 21 *United States are subject to appropriate inspections*  
 22 *based on identified risk and consistent with existing*  
 23 *United States requirements;*

24               “(2) *consider inspection results and findings*  
 25 *submitted by foreign civil aviation authorities oper-*

1        *ating under a maintenance safety or maintenance*  
 2        *implementation agreement with the United States in*  
 3        *meeting the requirements of the safety assessment sys-*  
 4        *tem; and*

5            *“(3) require all maintenance safety or mainte-*  
 6        *nance implementation agreements to provide an op-*  
 7        *portunity for the Federal Aviation Administration to*  
 8        *conduct independent inspections of covered part 145*  
 9        *repair stations when safety concerns warrant such in-*  
 10       *spections.*

11        *“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The*  
 12       *Administrator shall notify the Senate Committee on Com-*  
 13       *merce, Science, and Transportation and the House of Rep-*  
 14       *resentatives Committee on Transportation and Infrastruc-*  
 15       *ture within 30 days after initiating formal negotiations*  
 16       *with foreign aviation authorities or other appropriate for-*  
 17       *ign government agencies on a new maintenance safety or*  
 18       *maintenance implementation agreement.*

19        *“(c) ANNUAL REPORT.—The Administrator shall pub-*  
 20       *lish an annual report on the Federal Aviation Administra-*  
 21       *tion’s oversight of part 145 repair stations and implemen-*  
 22       *tation of the safety assessment system required by subsection*  
 23       *(a). The report shall—*

24            *“(1) describe in detail any improvements in the*  
 25        *Federal Aviation Administration’s ability to identify*

1       *and track where part 121 air carrier repair work is*  
 2       *performed;*

3               “(2) *include a staffing model to determine the*  
 4       *best placement of inspectors and the number of in-*  
 5       *spectors needed;*

6               “(3) *describe the training provided to inspectors;*  
 7       *and*

8               “(4) *include an assessment of the quality of mon-*  
 9       *itoring and surveillance by the Federal Aviation Ad-*  
 10       *ministration of work provided by its inspectors and*  
 11       *the inspectors of foreign authorities operating under*  
 12       *a maintenance safety or implementation agreement.*

13       “(d) *ALCOHOL AND CONTROLLED SUBSTANCE TEST-*  
 14       *ING PROGRAM REQUIREMENTS.—*

15               “(1) *IN GENERAL.—The Secretaries of State and*  
 16       *Transportation jointly shall request the governments*  
 17       *of foreign countries that are members of the Inter-*  
 18       *national Civil Aviation Organization to establish*  
 19       *international standards for alcohol and controlled*  
 20       *substances testing of persons that perform safety sen-*  
 21       *sitive maintenance functions upon commercial air*  
 22       *carrier aircraft.*

23               “(2) *APPLICATION TO PART 121 AIRCRAFT*  
 24       *WORK.—Within 1 year after the date of enactment of*  
 25       *the FAA Air Transportation Modernization and Safe-*

1        *ty Improvement Act the Administrator shall promul-*  
 2        *gate a proposed rule requiring that all part 145 re-*  
 3        *pair station employees responsible for safety-sensitive*  
 4        *functions on part 121 air carrier aircraft are subject*  
 5        *to an alcohol and controlled substance testing pro-*  
 6        *gram determined acceptable by the Administrator and*  
 7        *consistent with the applicable laws of the country in*  
 8        *which the repair station is located.*

9        “(e) *BIANNUAL INSPECTIONS.*—*The Administrator*  
 10        *shall require part 145 repair stations to be inspected twice*  
 11        *each year by Federal Aviation Administration safety in-*  
 12        *spectors, regardless of where the station is located, in a*  
 13        *manner consistent with United States obligations under*  
 14        *international agreements.*

15        “(f) *DEFINITIONS.*—*In this section:*

16                “(1) *PART 121 AIR CARRIER.*—*The term ‘part*  
 17                *121 air carrier’ means an air carrier that holds a*  
 18                *certificate issued under part 121 of title 14, Code of*  
 19                *Federal Regulations.*

20                “(2) *PART 145 REPAIR STATION.*—*The term*  
 21                *‘part 145 repair station’ means a repair station that*  
 22                *holds a certificate issued under part 145 of title 14,*  
 23                *Code of Federal Regulations.’.*



1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 2 *for chapter 447 is amended by adding at the end thereof*  
 3 *the following:*

*“44730. Inspection of foreign repair stations.”.*

4   **SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.**

5       (a) *REGULATIONS.*—*Not later than 3 years after the*  
 6 *date of enactment of this Act, the Administrator of the Fed-*  
 7 *eral Aviation Administration shall issue regulations requir-*  
 8 *ing that all covered maintenance work on aircraft used to*  
 9 *provide air transportation under part 121 of title 14, Code*  
 10 *of Federal Regulations, be performed by individuals in ac-*  
 11 *cordance with subsection (b).*

12       (b) *PERSONS AUTHORIZED TO PERFORM CERTAIN*  
 13 *WORK.*—*No individual may perform covered maintenance*  
 14 *work on aircraft used to provide air transportation under*  
 15 *part 121 of title 14, Code of Federal Regulations unless that*  
 16 *individual is employed by—*

17               (1) *a part 121 air carrier;*

18               (2) *a part 145 repair station;*

19               (3) *a person that provides contract maintenance*  
 20 *workers or services to a part 145 repair station or*  
 21 *part 121 air carrier, and the individual—*

22                       (A) *meets the requirements of the part 121*  
 23 *air carrier or the part 145 repair station;*

24                       (B) *performs the work under the direct su-*  
 25 *pervision and control of the part 121 air carrier*

1           *or the part 145 repair station directly in charge*  
 2           *of the maintenance services; and*

3           *(C) carries out the work in accordance with*  
 4           *the part 121 air carrier’s maintenance manual;*  
 5           *(4) by the holder of a type certificate, production*  
 6           *certificate, or other production approval issued under*  
 7           *part 21 of title 14, Code of Federal Regulations, and*  
 8           *the holder of such certificate or approval—*

9           *(A) originally produced, and continues to*  
 10          *produce, the article upon which the work is to be*  
 11          *performed; and*

12          *(B) is acting in conjunction with a part*  
 13          *121 air carrier or a part 145 repair station.*

14          *(d) DEFINITIONS.—In this section:*

15          *(1) COVERED MAINTENANCE WORK.—The term*  
 16          *“covered maintenance work” means maintenance*  
 17          *work that is essential maintenance, regularly sched-*  
 18          *uled maintenance, or a required inspection item, as*  
 19          *determined by the Administrator.*

20          *(2) PART 121 AIR CARRIER.—The term “part*  
 21          *121 air carrier” has the meaning given that term in*  
 22          *section 44730(f)(1) of title 49, United States Code.*

23          *(3) PART 145 REPAIR STATION.—The term “part*  
 24          *145 repair station” has the meaning given that term*  
 25          *in section 44730(f)(2) of title 49, United States Code.*

1     ***SUBTITLE B—FLIGHT SAFETY***

2     ***SEC. 551. PILOT APPLICANT EMPLOYMENT RECORDS.***

3         *(a) IN GENERAL.—Section 44703(h) is amended to*  
 4     *read as follows:*

5         *“(h) RECORDS OF EMPLOYMENT, TRAINING, AND*  
 6     *TESTING.—*

7             *“(1) IN GENERAL.—The Administrator of the*  
 8     *Federal Aviation Administration shall establish and*  
 9     *maintain a pilot employment, training, and testing*  
 10    *database and shall publish notice in the Federal Reg-*  
 11    *ister when the database is operational. The database*  
 12    *shall include the following information:*

13             *“(A) FAA RECORDS.—From the Federal*  
 14    *Aviation Administration, records pertaining to*  
 15    *the individual that are maintained by the Ad-*  
 16    *ministration concerning—*

17             *“(i) current airman certificates (in-*  
 18    *cluding airman medical certificates) and*  
 19    *associated type ratings, including any limi-*  
 20    *tations to those certificates and ratings;*

21             *“(ii) any failed attempt of the indi-*  
 22    *vidual to pass a practical test required to*  
 23    *obtain a certificate or type rating under*  
 24    *part 61 of title 14, Code of Federal Regula-*  
 25    *tions; and*

1           “(iii) summaries of legal enforcement  
 2           actions resulting in a finding by the Ad-  
 3           ministrators of a violation of this title or a  
 4           regulation prescribed or order issued under  
 5           this title that was not subsequently over-  
 6           turned.

7           “(B) AIR CARRIER AND OTHER RECORDS.—  
 8           From any air carrier or other person (except a  
 9           branch of the United States Armed Forces, the  
 10          National Guard, or a reserve component of the  
 11          United States Armed Forces) that has employed  
 12          the individual as a pilot of a civil or public air-  
 13          craft, or from the trustee in bankruptcy for such  
 14          air carrier or person—

15           “(i) records pertaining to the indi-  
 16          vidual that are maintained by an air car-  
 17          rier (other than records relating to flight  
 18          time, duty time, or rest time) under regula-  
 19          tions set forth in—

20           “(I) section 121.683 of title 14,  
 21          Code of Federal Regulations;

22           “(II) paragraph (A) of section VI,  
 23          appendix I, part 121 of such title;

24           “(III) paragraph (A) of section  
 25          IV, appendix J, part 121 of such title;

1 “(IV) *section 125.401 of such title;*

2 *and*

3 “(V) *section 135.63(a)(4) of such*

4 *title; and*

5 “(ii) *other records pertaining to the in-*

6 *dividual’s performance as a pilot that are*

7 *maintained by the air carrier or person*

8 *concerning—*

9 “(I) *the training, qualifications,*

10 *proficiency, or professional competence*

11 *of the individual, including comments*

12 *and evaluations made by a check air-*

13 *man designated in accordance with*

14 *section 121.411, 125.295, or 135.337 of*

15 *such title;*

16 “(II) *any disciplinary action*

17 *taken with respect to the individual*

18 *that was not subsequently overturned;*

19 *and*

20 “(III) *any release from employ-*

21 *ment or resignation, termination, or*

22 *disqualification with respect to em-*

23 *ployment.*

24 “(C) *NATIONAL DRIVER REGISTER*

25 *RECORDS.—In accordance with section*

1           30305(b)(8), from the chief driver licensing offi-  
2           cial of a State, information concerning the motor  
3           vehicle driving record of the individual.

4           “(2) *RECORDS OF CURRENT EMPLOYEES.*—Each  
5           air carrier shall submit to the Administrator, for in-  
6           clusion in the database established under paragraph  
7           (1)—

8                   “(A) not later than 180 days after the date  
9                   on which notice of the establishment of the data-  
10                  base is published, the records described in para-  
11                  graph (1)(B) concerning any pilot employed by  
12                  the air carrier; and

13                   “(B) after such date, not later than 30 days  
14                   after the generation of any new records described  
15                   in paragraph (1)(B), such new records.

16           “(3) *RIGHT OF PILOT TO REVIEW.*—Notwith-  
17           standing any other provision of law or agreement, the  
18           Administrator, upon written request from a pilot,  
19           shall make available to the pilot for review and cor-  
20           rection, within a reasonable time, but not later than  
21           30 days after the date of the request, a copy of all  
22           records referred to in paragraph (1) pertaining to the  
23           pilot.

24           “(4) *RIGHT TO RECEIVE NOTICE AND COPY OF*  
25           *ANY RECORD FURNISHED.*—A person who receives a

1        *request for records described in paragraph (1) shall*  
2        *provide to the individual who is the subject of the*  
3        *records—*

4                *“(A) on or before the 20th day following the*  
5                *date of receipt of the request, written notice of*  
6                *the request and of the individual’s right to re-*  
7                *ceive a copy of such records; and*

8                *“(B) in accordance with paragraph (3), a*  
9                *copy of such records, if requested by the indi-*  
10               *vidual.*

11               *“(5) RIGHT TO CORRECT INACCURACIES.—An*  
12               *air carrier that maintains or requests and receives*  
13               *the records of an individual under paragraph (1)*  
14               *shall provide the individual with a reasonable oppor-*  
15               *tunity to submit written comments to correct any in-*  
16               *accuracies contained in the records before making a*  
17               *final hiring decision with respect to the individual.*  
18               *After the database established under paragraph (1) is*  
19               *operational, the air carrier shall submit any correc-*  
20               *tions made or accepted by the air carrier to the Ad-*  
21               *ministration for inclusion in the database within 30*  
22               *days after the corrections are made or accepted by the*  
23               *air carrier.*

24               *“(6) PRIVACY PROTECTIONS.—An air carrier*  
25               *that maintains, or requests and receives, the records*

1       *described in paragraph (1) of an individual may use*  
 2       *such records only to assess the qualifications of the in-*  
 3       *dividual in deciding whether or not to hire the indi-*  
 4       *vidual as a pilot. The air carrier shall take such ac-*  
 5       *tions as may be necessary to protect the privacy of the*  
 6       *pilot and the confidentiality of the records, including*  
 7       *ensuring that information contained in the records is*  
 8       *not divulged to any individual that is not directly in-*  
 9       *volved in the hiring decision.*

10       “(7) *PERIODIC REVIEW.*—*Not later than 18*  
 11       *months after the date of the enactment of the FAA Air*  
 12       *Transportation Modernization and Safety Improve-*  
 13       *ment Act, and at least once every 3 years thereafter,*  
 14       *the Administrator shall submit to Congress a state-*  
 15       *ment that contains, taking into account recent devel-*  
 16       *opments in the aviation industry—*

17               “(A) *recommendations by the Administrator*  
 18               *concerning proposed changes to Administration*  
 19               *records, air carrier records, and other records re-*  
 20               *quired to be furnished under paragraph (1); or*

21               “(B) *reasons why the Administrator does*  
 22               *not recommend any proposed changes to the*  
 23               *records referred to in paragraph (1).*

24       “(8) *RULEMAKING.*—*The Administrator shall*  
 25       *prescribe such regulations as may be necessary—*



1           “(A) to protect—

2                   “(i) the personal privacy of any indi-  
3                   vidual whose records are included in the  
4                   database established under paragraph (1);  
5                   and

6                   “(ii) the confidentiality of those  
7                   records;

8           “(B) to preclude the further dissemination  
9           of records received under paragraph (1) by the  
10          person who requested those records; and

11          “(C) to ensure prompt compliance with any  
12          request made under this subsection.

13          “(9) *SPECIAL RULES WITH RESPECT TO CERTAIN*  
14          *PILOTS.—*

15               “(A) *PILOTS OF CERTAIN SMALL AIR-*  
16               *CRAFT.—*Notwithstanding paragraph (1), an air  
17               carrier, before receiving information requested  
18               about an individual under this subsection, may  
19               allow the individual to begin service for a period  
20               not to exceed 90 days as a pilot of an aircraft  
21               with a maximum payload capacity (as defined  
22               in section 119.3 of title 14, Code of Federal Reg-  
23               ulations) of 7,500 pounds or less, or a helicopter,  
24               on a flight that is not a scheduled operation (as  
25               defined in such section). Before the end of the 90-

1        *day period, the air carrier shall obtain and*  
2        *evaluate such information. The contract between*  
3        *the carrier and the individual shall contain a*  
4        *term that provides that the continuation of the*  
5        *individual's employment, after the last day of*  
6        *the 90-day period, depends on a satisfactory*  
7        *evaluation.*

8                *“(B) GOOD FAITH EXCEPTION.—Until the*  
9        *database required by paragraph (1) is estab-*  
10       *lished, an air carrier, without obtaining infor-*  
11       *mation about an individual under paragraph*  
12       *(1) from an air carrier or other person that no*  
13       *longer exists or from a foreign government or en-*  
14       *tity that employed the individual, may allow the*  
15       *individual to begin service as a pilot if the air*  
16       *carrier required to request the information has*  
17       *made a documented good faith attempt to obtain*  
18       *such information.*

19                *“(10) REVIEW OF PROSPECTIVE PILOTS’*  
20       *RECORDS.—Except as provided in paragraph (9), be-*  
21       *fore allowing an individual to begin service as a pilot*  
22       *an air carrier shall request a copy of all the records*  
23       *described in paragraph (1) pertaining to the pilot*  
24       *and review the records.*

1           “(11) *ELECTRONIC ACCESS TO FAA RECORDS.*—  
2       *For the purpose of increasing timely and efficient ac-*  
3       *cess to Federal Aviation Administration records de-*  
4       *scribed in paragraph (1), the Administrator may*  
5       *allow, under terms established by the Administrator,*  
6       *an individual designated by the air carrier to have*  
7       *electronic access to a specified database containing*  
8       *information about such records. The terms shall limit*  
9       *such access to instances in which information in the*  
10       *database is required by the designated individual in*  
11       *making a hiring decision concerning a pilot appli-*  
12       *cant and shall require that the designated individual*  
13       *provide assurances satisfactory to the Administrator*  
14       *that information obtained using such access will not*  
15       *be used for any purpose other than making the hiring*  
16       *decision.”.*

17       (b) *LIMITATION ON LIABILITY.*—Section 44703(i)(1) is  
18       *amended—*

19           (1) *in the matter preceding subparagraph (A),*  
20       *by striking “pilot and who has signed a release from*  
21       *liability,” and inserting “pilot,”; and*

22           (2) *in subparagraph (B), by striking “complied*  
23       *with such request;” and inserting “furnished records*  
24       *to the Administrator in accordance with subsection*  
25       *(h)(1);”.*

1       (c) *TRANSITION RULE.*—Until the date on which the  
 2 Administrator publishes notice in the Federal Register that  
 3 the database required by section 44703(h)(1) of title 49,  
 4 United States Code (as amended by subsection (a)) is oper-  
 5 ational, the provisions of section 44703(h) of such title, as  
 6 that section was in effect on the day before the date of enact-  
 7 ment of this Act, shall remain in effect, except that such  
 8 provisions shall be applied—

9               (1) without regard to the phrase “during the 5-  
 10 year period” in paragraph (1)(B); and

11              (2) without regard to paragraph (3).

12 **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

13       (a) *IN GENERAL.*—Within 60 days after the date of  
 14 enactment of this Act, the Administrator shall initiate and  
 15 complete a rulemaking to require part 121 air carriers—

16              (1) to implement, as part of their safety manage-  
 17 ment systems—

18                       (A) an Aviation Safety Action Program;

19                       (B) a Flight Operations Quality Assurance  
 20 Program;

21                       (C) a Line Operational Safety Audit Pro-  
 22 gram; and

23                       (D) a Flight Crew Fatigue Risk Manage-  
 24 ment Program;

1           (2) to implement appropriate privacy protection  
 2           safeguards with respect to data included in such pro-  
 3           grams; and

4           (3) to provide appropriate collaboration and  
 5           operational oversight of regional/commuter air car-  
 6           riers by affiliated major air carriers that include—

7                   (A) periodic safety audits of flight oper-  
 8                   ations;

9                   (B) training, maintenance, and inspection  
 10                  programs; and

11                  (C) provisions for the exchange of safety in-  
 12                  formation.

13       (b) *LIMITATIONS ON DISCIPLINE AND ENFORCE-*  
 14 *MENT.—The Administrator shall require that each of the*  
 15 *programs described in subsection (a)(1)(A) and (B) estab-*  
 16 *lish protections for an air carrier or employee submitting*  
 17 *data or reports against disciplinary or enforcement actions*  
 18 *by any Federal agency or employer. The protections shall*  
 19 *not be less than the protections provided under Federal*  
 20 *Aviation Administration Advisory Circulars governing*  
 21 *those programs, including Advisory Circular AC No. 120–*  
 22 *66 and AC No. 120–82.*

23       (c) *CVR DATA.—The Administrator, acting in collabo-*  
 24 *ration with aviation industry interested parties, shall con-*

1 *sider the merits and feasibility of incorporating cockpit*  
2 *voice recorder data in safety oversight practices.*

3 (d) *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. IMPLEMENTATION OF NTSB RECOMMENDATIONS.**

13 (a) *IN GENERAL.—*

14 (1) *NOTIFICATION.—Within 30 days after the*  
15 *end of each calendar year, the Administrator shall*  
16 *submit a notification to the Senate Committee on*  
17 *Commerce, Science, and Transportation and the*  
18 *House of Representatives Committee on Transpor-*  
19 *tation and Infrastructure indicating whether the Ad-*  
20 *ministrator has determined to implement the safety*  
21 *recommendations made to the FAA by the National*  
22 *Transportation Safety Board during the preceding*  
23 *year.*

24 (2) *IMPLEMENTATION PLANS.—If the Adminis-*  
25 *trator has determined to implement such a rec-*

1       ommendation, the notification shall describe the ac-  
 2       tion the Administrator plans to take to implement the  
 3       recommendation.

4               (3) *EXPLANATION OF NON-IMPLEMENTATION.*—If  
 5       the Administrator has determined not to implement  
 6       such a recommendation, the notification shall describe  
 7       the reason for the determination.

8               (b) *PENDING RECOMMENDATIONS.*—Within 180 days  
 9       after the date of enactment of this Act, the Administrator  
 10      shall submit a notification to those Committees with respect  
 11      to each safety recommendation made to the FAA by the Na-  
 12      tional Transportation Safety Board that was made before  
 13      the date of enactment of this Act that was not implemented  
 14      before that date containing the implementation plans, or  
 15      an explanation of non-implementation, for each such rec-  
 16      ommendation.

17   **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**  
 18                           **SURANCE, AVIATION SAFETY ACTION, AND**  
 19                           **LINE OPERATIONAL SAFETY AUDIT PRO-**  
 20                           **GRAMS.**

21               (a) *LIMITATION ON DISCLOSURE AND USE OF INFOR-*  
 22      *MATION.*—

23               (1) *IN GENERAL.*—Except as provided by this  
 24      section, a party in a judicial proceeding may not use  
 25      discovery to obtain—

1                   (A) *an Aviation Safety Action Program re-*  
 2                   *port;*

3                   (B) *Flight Operational Quality Assurance*  
 4                   *Program data; or*

5                   (C) *a Line Operations Safety Audit Pro-*  
 6                   *gram report.*

7                   (2) *FOIA NOT APPLICABLE.—Section 522 of title*  
 8                   *5, United States Code, shall not apply to reports or*  
 9                   *data described in paragraph (1).*

10                  (3) *EXCEPTIONS.—Nothing in paragraph (1) or*  
 11                  *(2) prohibits the FAA from disclosing information*  
 12                  *contained in reports or data described in paragraph*  
 13                  *(1) if withholding the information would not be con-*  
 14                  *sistent with the FAA’s safety responsibilities, includ-*  
 15                  *ing—*

16                         (A) *a summary of information, with identi-*  
 17                         *fying information redacted, to explain the need*  
 18                         *for changes in policies or regulations;*

19                         (B) *information provided to correct a con-*  
 20                         *dition that compromises safety, if that condition*  
 21                         *continues uncorrected; or*

22                         (C) *information provided to carry out a*  
 23                         *criminal investigation or prosecution.*

24                  (b) *PERMISSIBLE DISCOVERY FOR SUCH REPORTS*  
 25                  *AND DATA.—Except as provided in subsection (c), a court*



1 *may allow discovery by a party of an Aviation Safety Ac-*  
 2 *tion Program report, Flight Operational Quality Assurance*  
 3 *Program data, or a Line Operations Safety Audit Program*  
 4 *report if, after an in camera review of the information, the*  
 5 *court determines that a party to a claim or defense in the*  
 6 *proceeding shows a particularized need for the report or*  
 7 *data that outweighs the need for confidentiality of the report*  
 8 *or data, considering the confidential nature of the report*  
 9 *or data, and upon a showing that the report or data is*  
 10 *both relevant to the preparation of a claim or defense and*  
 11 *not otherwise known or available.*

12 *(c) PROTECTIVE ORDER.—When a court allows dis-*  
 13 *covery, in a judicial proceeding, of an Aviation Safety Ac-*  
 14 *tion Program report, Flight Operational Quality Assurance*  
 15 *Program data, or a Line Operations Safety Audit Program*  
 16 *report, the court shall issue a protective order—*

17 *(1) to limit the use of the information contained*  
 18 *in the report or data to the judicial proceeding;*

19 *(2) to prohibit dissemination of the report or*  
 20 *data to any person that does not need access to the*  
 21 *report for the proceeding; and*

22 *(3) to limit the use of the report or data in the*  
 23 *proceeding to the uses permitted for privileged self-*  
 24 *analysis information as defined under the Federal*  
 25 *Rules of Evidence.*

1       (d) *SEALED INFORMATION*.—A court may allow an  
 2   *Aviation Safety Action Program* report, *Flight Operational*  
 3   *Quality Assurance Program* data, or a *Line Operations*  
 4   *Safety Audit Program* report to be admitted into evidence  
 5   in a judicial proceeding only if the court places the report  
 6   or data under seal to prevent the use of the report or data  
 7   for purposes other than for the proceeding.

8       (e) *SAFETY RECOMMENDATIONS*.—This section does  
 9   not prevent the National Transportation Safety Board from  
 10   referring at any time to information contained in an *Avia-*  
 11   *tion Safety Action Program* report, *Flight Operational*  
 12   *Quality Assurance Program* data, or a *Line Operations*  
 13   *Safety Audit Program* report in making safety rec-  
 14   ommendations.

15       (f) *WAIVER*.—Any waiver of the privilege for self-anal-  
 16   ysis information by a protected party, unless occasioned by  
 17   the party's own use of the information in presenting a  
 18   claim or defense, must be in writing.

19   **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**  
 20                   **TESTING, AND CERTIFICATION REQUIRE-**  
 21                   **MENTS.**

22       (a) *TRAINING AND TESTING*.—The Administrator shall  
 23   develop and implement a plan for reevaluation of flight  
 24   crew training regulations in effect on the date of enactment  
 25   of this Act, including regulations for—

1           (1) *classroom instruction requirements governing*  
 2           *curriculum content and hours of instruction;*

3           (2) *crew leadership training; and*

4           (3) *initial and recurrent testing requirements for*  
 5           *pilots, including the rigor and consistency of testing*  
 6           *programs such as check rides.*

7           (b) *BEST PRACTICES.*—*The plan shall incorporate best*  
 8           *practices in the aviation industry with respect to training*  
 9           *protocols, methods, and procedures.*

10          (c) *CERTIFICATION.*—*The Administrator shall initiate*  
 11          *a rulemaking to re-evaluate FAA regulations governing the*  
 12          *minimum requirements—*

13               (1) *to become a commercial pilot;*

14               (2) *to receive an Air Transport Pilot Certificate*  
 15               *to become a captain; and*

16               (3) *to transition to a new type of aircraft.*

17       **SEC. 556. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**  
 18               **RIERS.**

19           *The Administrator shall, not less frequently than once*  
 20           *each year, perform random, unannounced, on-site inspec-*  
 21           *tions of air carriers that provide air transportation pursu-*  
 22           *ant to a contract with a part 121 air carrier to ensure*  
 23           *that such air carriers are complying with all applicable*  
 24           *safety standards of the Administration.*

1 **SEC. 557. ESTABLISHMENT OF SAFETY STANDARDS WITH**  
 2 **RESPECT TO THE TRAINING, HIRING, AND OP-**  
 3 **ERATION OF AIRCRAFT BY PILOTS.**

4 *Not later than 180 days after the date of enactment*  
 5 *of this Act, the Administrator shall issue a final rule with*  
 6 *respect to the Notice of Proposed Rulemaking published in*  
 7 *the Federal Register on January 12, 2009 (74 Fed. Reg.*  
 8 *1280), relating to training programs for flight crew mem-*  
 9 *bers and aircraft dispatchers.*

10 **SEC. 558. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

11 *Not later than 1 year after the date of the enactment*  
 12 *of this Act, the Administrator shall submit to Congress a*  
 13 *plan for overseeing pilot schools certified under part 141*  
 14 *of title 14, Code of Federal Regulations, that includes—*

15 *(1) ensuring that the curriculum and course out-*  
 16 *line requirements for such schools under subpart C of*  
 17 *such part are being met; and*

18 *(2) conducting on-site inspections of each such*  
 19 *school not less frequently than once every 2 years.*

20 **SEC. 559. ENHANCED TRAINING FOR FLIGHT ATTENDANTS**  
 21 **AND GATE AGENTS.**

22 *(a) IN GENERAL.—Chapter 447, as amended by sec-*  
 23 *tion 521 of this Act, is further amended by adding at the*  
 24 *end the following:*

1   **“§44731. 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’ means*  
 25 *an individual working at an airport whose respon-*

1        *sibilities include facilitating passenger access to com-*  
 2        *mercial 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 sections for*  
 10       *chapter 447 of title 49, United States Code, is amended by*  
 11       *adding at the end the following:*

*“44731. 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 Transpor-*  
 14       *tation shall issue regulations to carry out section 44730 of*  
 15       *title 49, United States Code, as added by subsection (a).*

16       **SEC. 560. DEFINITIONS.**

17        *In this subtitle:*

18                (1) *AVIATION SAFETY ACTION PROGRAM.*—*The*  
 19        *term “Aviation Safety Action Program” means the*  
 20        *program described under Federal Aviation Adminis-*  
 21        *tration Advisory Circular No. 120–66B that permits*  
 22        *employees of participating air carriers and repair*  
 23        *station certificate holders to identify and report safety*  
 24        *issues to management and to the Administration for*  
 25        *resolution.*

1           (2) *ADMINISTRATOR.*—The term “Adminis-  
2           trator” means the Administrator.

3           (3) *AIR CARRIER.*—The term “air carrier” has  
4           the meaning given that term by section 40102(2) of  
5           title 49, United States Code.

6           (4) *FAA.*—The term “FAA” means the Federal  
7           Aviation Administration.

8           (5) *FLIGHT OPERATIONAL QUALITY ASSURANCE*  
9           *PROGRAM.*—The term “Flight Operational Quality  
10          Assurance Program” means the voluntary safety pro-  
11          gram authorized under section 13.401 of title 14,  
12          Code of Federal Regulations, that permits commercial  
13          air carriers and pilots to share confidential aggregate  
14          information with the Administration to permit the  
15          Administration to target resources to address oper-  
16          ational risk issues.

17          (6) *LINE OPERATIONS SAFETY AUDIT PRO-*  
18          *GRAM.*—The term “Line Operations Safety Audit  
19          Program” has the meaning given that term by Fed-  
20          eral Aviation Administration Advisory Circular  
21          Number 120–90.

22          (7) *PART 121 AIR CARRIER.*—The term “part  
23          121 air carrier” has the meaning given that term by  
24          section 41719(d)(1) of title 49, United States Code.

# 1 **TITLE VI—AVIATION RESEARCH**

## 2 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

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

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

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

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

12 (b) *AIRPORT COOPERATIVE RESEARCH PROGRAM.*—

13 *Not more than \$15,000,000 per year for fiscal years 2010*

14 *and 2011 may be appropriated to the Secretary of Trans-*

15 *portation from the amounts made available each year under*

16 *subsection (a) for the Airport Cooperative Research Pro-*

17 *gram under section 44511 of this title, of which not less*

18 *than \$5,000,000 per year shall be for research activities re-*

19 *lated to the airport environment, including reduction of*

20 *community exposure to civil aircraft noise, reduction of*

21 *civil aviation emissions, or addressing water quality issues.*

## 22 **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**

### 23 **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

24 (a) *ESTABLISHMENT OF RESEARCH PROGRAM.*—From

25 *amounts made available under section 48102(a) of title 49,*



1 *United States Code, the Administrator of the Federal Avia-*  
 2 *tion Administration shall establish a research program re-*  
 3 *lated to reducing civilian aircraft energy use, emissions,*  
 4 *and source noise with equivalent safety through grants or*  
 5 *other measures, which may include cost-sharing, authorized*  
 6 *under section 106(l)(6) of such title, including reimbursable*  
 7 *agreements with other Federal agencies.*

8 *(b) ESTABLISHMENT OF CONSORTIUM.—*

9 *(1) DESIGNATION AS CONSORTIUM.—Not later*  
 10 *than 180 days after the date of the enactment of this*  
 11 *Act, the Administrator shall designate, using a com-*  
 12 *petitive process, one or more institutions or entities*  
 13 *described in paragraph (2) as a Consortium for Con-*  
 14 *tinuous Low Energy, Emissions, and Noise (CLEEN)*  
 15 *to perform research in accordance with this section.*

16 *(2) PARTICIPATION.—The Administrator shall*  
 17 *include educational and research institutions or pri-*  
 18 *vate sector entities that have existing facilities and*  
 19 *experience for developing and testing noise, emissions*  
 20 *and energy reduction engine and aircraft technology,*  
 21 *and developing alternative fuels in the research pro-*  
 22 *gram required by subsection (a).*

23 *(3) COORDINATION MECHANISMS.—In conducting*  
 24 *the research program, the Consortium designated*  
 25 *under paragraph (1) shall—*

1           (A) coordinate its activities with the De-  
2           partment of Agriculture, the Department of En-  
3           ergy, the National Aeronautics and space Ad-  
4           ministration, and other relevant Federal agen-  
5           cies; and

6           (B) consult on a regular basis with the  
7           Commercial Aviation Alternative Fuels Initia-  
8           tive.

9           (c) *PERFORMANCE OBJECTIVES.*—Not later than Jan-  
10          uary 1, 2016, the research program shall accomplish the  
11          following objectives:

12           (1) *Certifiable aircraft technology that reduces*  
13          *fuel burn 33 percent compared to current technology,*  
14          *reducing energy consumption and carbon dioxide*  
15          *emissions.*

16           (2) *Certifiable engine technology that reduces*  
17          *landing and takeoff cycle nitrogen oxide emissions by*  
18          *60 percent, at a pressure ratio of 30 over the Inter-*  
19          *national Civil Aviation Organization standard*  
20          *adopted at the 6th Meeting of the Committee on Avia-*  
21          *tion Environmental Protection, with commensurate*  
22          *reductions over the full pressure ratio range, while*  
23          *limiting or reducing other gaseous or particle emis-*  
24          *sions.*

1           (3) *Certifiable aircraft technology that reduces*  
 2           *noise levels by 32 Effective Perceived Noise in decibels*  
 3           *(EPNdb) cumulative, relative to Stage 4 standards.*

4           (4) *Advance qualification and environmental as-*  
 5           *surance of alternative aviation fuels to support a goal*  
 6           *of having 20 percent of the jet fuel available for pur-*  
 7           *chase by United States commercial airlines and cargo*  
 8           *carriers be alternative fuels.*

9           (5) *Determination of the extent to which new en-*  
 10          *gine and aircraft technologies may be used to retrofit*  
 11          *or re-engine aircraft so as to increase the level of pen-*  
 12          *etration into the commercial fleet.*

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

15          (a) *IN GENERAL.*—*From amounts made available*  
 16          *under section 48102(a) of title 49, United States Code, the*  
 17          *Secretary of Transportation shall establish a research pro-*  
 18          *gram related to developing jet fuel from natural gas, bio-*  
 19          *mass and other renewable sources through grants or other*  
 20          *measures authorized under section 106(l)(6) of such title,*  
 21          *including reimbursable agreements with other Federal agen-*  
 22          *cies.*

23          (b) *PARTICIPATION IN PROGRAM.*—*The Secretary*  
 24          *shall—*

1           (1) *include educational and research institutions*  
 2           *that have existing facilities and experience in the re-*  
 3           *search, small-scale development, testing, or evaluation*  
 4           *of technologies related to the creation, processing, and*  
 5           *production of a variety of feedstocks into aviation fuel*  
 6           *under the program required by subsection (a); and*

7           (2) *consider utilizing the existing capacity in*  
 8           *Aeronautics research at Langley Research Center of*  
 9           *the National Aeronautics and Space Administration*  
 10          *to carry out the program required by subsection (a).*

11          (c) *DESIGNATION OF INSTITUTION AS A CENTER OF*  
 12          *EXCELLENCE.—Not later than 180 days after the date of*  
 13          *the enactment of this Act, the Administrator of the Federal*  
 14          *Aviation Administration shall designate an institution de-*  
 15          *scribed in subsection (b) as a Center of Excellence for Alter-*  
 16          *native Jet-Fuel Research in Civil Aircraft. The Center of*  
 17          *Excellence shall be a member of the CLEEN Consortium*  
 18          *established under section 602(b), and shall be part of a*  
 19          *Joint Center of Excellence with the Partnership for Air*  
 20          *Transportation Noise and Emission Reduction FAA Center*  
 21          *of Excellence.*

22          **SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECH-**  
 23          **NOLOGY FOR CIVILIAN AIRCRAFT.**

24          (a) *ESTABLISHMENT OF RESEARCH PROGRAM.—From*  
 25          *amounts made available under section 48102(a) of title 49,*

1 *United States Code, the Secretary of Transportation shall*  
 2 *establish a research program related to developing jet fuel*  
 3 *from clean coal through grants or other measures authorized*  
 4 *under section 106(l)(6) of such title, including reimbursable*  
 5 *agreements with other Federal agencies. The program shall*  
 6 *include participation by educational and research institu-*  
 7 *tions that have existing facilities and experience in the de-*  
 8 *velopment and deployment of technology that processes coal*  
 9 *to aviation fuel.*

10 *(b) DESIGNATION OF INSTITUTION AS A CENTER OF*  
 11 *EXCELLENCE.—Within 6 months after the date of enact-*  
 12 *ment of this Act, the Administrator of the Federal Aviation*  
 13 *Administration shall designate an institution described in*  
 14 *subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel*  
 15 *Research.*

16 **SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERO-**  
 17 **NAUTICS.**

18 *(a) ESTABLISHMENT.—There is established an advi-*  
 19 *sory committee to be know as the “Advisory Committee on*  
 20 *the Future of Aeronautics”.*

21 *(b) MEMBERSHIP.—The Advisory Committee shall*  
 22 *consist of 7 members appointed by the President from a*  
 23 *list of 15 candidates proposed by the Director of the Na-*  
 24 *tional Academy of Sciences.*

1       (c) *CHAIRPERSON.*—*The Advisory Committee members*  
2 *shall elect 1 member to serve as chairperson of the Advisory*  
3 *Committee.*

4       (d) *FUNCTIONS.*—*The Advisory Committee shall exam-*  
5 *ine the best governmental and organizational structures for*  
6 *the conduct of civil aeronautics research and development,*  
7 *including options and recommendations for consolidating*  
8 *such research to ensure continued United States leadership*  
9 *in civil aeronautics. The Committee shall consider transfer-*  
10 *ring responsibility for civil aeronautics research and devel-*  
11 *opment from the National Aeronautics and Space Adminis-*  
12 *tration to other existing departments or agencies of the Fed-*  
13 *eral Government or to a non-governmental organization*  
14 *such as academic consortia or not-for-profit organizations.*  
15 *In developing its recommendations, the Advisory Committee*  
16 *shall consider, as appropriate, the aeronautics research*  
17 *policies developed pursuant to section 101(d) of Public Law*  
18 *109–155 and the requirements and priorities for aero-*  
19 *navitics research established by title IV of Public Law 109–*  
20 *155.*

21       (e) *REPORT.*—*Not later than 12 months after the date*  
22 *on which the full membership of the Advisory Committee*  
23 *is appointed, the Advisory Committee shall submit a report*  
24 *to the Senate Committee on Commerce, Science, and Trans-*  
25 *portation and the House Committees on Science and Tech-*

1 *nology and on Transportation and Infrastructure on its*  
 2 *findings and recommendations. The report may recommend*  
 3 *a rank ordered list of acceptable solutions.*

4 (f) *TERMINATION.*—*The Advisory Committee shall ter-*  
 5 *minate 60 days after the date on which it submits the report*  
 6 *to the Congress.*

7 **SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
 8 **PAVEMENTS.**

9 (a) *CONTINUATION OF PROGRAM.*—*The Administrator*  
 10 *of the Federal Aviation Administration shall continue the*  
 11 *program to consider awards to nonprofit concrete and as-*  
 12 *phalt pavement research foundations to improve the design,*  
 13 *construction, rehabilitation, and repair of airfield pave-*  
 14 *ments to aid in the development of safer, more cost effective,*  
 15 *and more durable airfield pavements.*

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

19 **SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
 20 **ER RESEARCH.**

21 *Within 60 days after the date of enactment of this Act,*  
 22 *the Administrator of the Federal Aviation Administration*  
 23 *shall—*

24 (1) *initiate evaluation of proposals that would*  
 25 *increase capacity throughout the air transportation*

1        *system by reducing existing spacing requirements be-*  
 2        *tween aircraft of all sizes, including research on the*  
 3        *nature of wake vortices;*

4            *(2) begin implementation of a system to improve*  
 5        *volcanic ash avoidance options for aircraft, including*  
 6        *the development of a volcanic ash warning and notifi-*  
 7        *cation system for aviation; and*

8            *(3) establish research projects on—*

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

11           *(B) oceanic weather, including convective*  
 12        *weather;*

13           *(C) en route turbulence prediction and de-*  
 14        *tection; and*

15           *(D) all hazards during oceanic operations,*  
 16        *where commercial traffic is high and only rudi-*  
 17        *mentary satellite sensing is available, to reduce*  
 18        *the hazards presented to commercial aviation.*

19    **SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYS-**  
 20        **TEMS INTO FAA PLANS AND POLICIES.**

21        *(a) RESEARCH.—*

22           *(1) EQUIPMENT.—Section 44504, as amended by*  
 23        *sectin 216 of this Act, is further amended—*

24           *(A) by inserting “unmanned and manned”*  
 25        *in subsection (a) after “improve”;*



1                   (B) by striking “and” after the semicolon in  
2                   subsection (b)(7);

3                   (C) by striking “emitted.” in subsection  
4                   (b)(8) and inserting “emitted; and”; and

5                   (D) by adding at the end of subsection (b)  
6                   the following:

7                   “(9) in conjunction with other Federal agencies  
8                   as appropriate, to develop technologies and methods to  
9                   assess the risk of and prevent defects, failures, and  
10                  malfunctions of products, parts, and processes, for use  
11                  in all classes of unmanned aircraft systems that could  
12                  result in a catastrophic failure.”.

13                  (2) *HUMAN FACTORS; SIMULATIONS*.—Section  
14                  44505(b) is amended—

15                   (A) by striking “and” after the semicolon in  
16                   paragraph (4);

17                   (B) by striking “programs.” in paragraph  
18                   (5)(C) and inserting “programs; and”; and

19                   (C) by adding at the end thereof the fol-  
20                   lowing:

21                   “(6) to develop a better understanding of the re-  
22                   lationship between human factors and unmanned air-  
23                   craft systems air safety; and

1           “(7) to develop dynamic simulation models of in-  
 2           tegrating all classes of unmanned aircraft systems  
 3           into the National Airspace System.”.

4           (b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

5           (1) IN GENERAL.—Within 3 months after the  
 6           date of enactment of this Act, the Administrator of the  
 7           Federal Aviation Administration shall enter into an  
 8           arrangement with the National Academy of Sciences  
 9           for an assessment of unmanned aircraft systems that  
 10          may include consideration of—

11                   (A) human factors regarding unmanned  
 12                   aircraft systems operation;

13                   (B) “detect, sense and avoid technologies”  
 14                   with respect to both cooperative and non-cooper-  
 15                   ative aircraft;

16                   (C) spectrum issues and bandwidth require-  
 17                   ments;

18                   (D) operation in suboptimal winds and ad-  
 19                   verse weather conditions;

20                   (E) mechanisms such as the use of tran-  
 21                   sponders for letting other entities know where the  
 22                   unmanned aircraft system is flying;

23                   (F) airworthiness and system redundancy;

24                   (G) flight termination systems for safety  
 25                   and security;

1                   (H) privacy issues;

2                   (I) technologies for unmanned aircraft sys-  
3                   tems flight control;

4                   (J) technologies for unmanned aircraft sys-  
5                   tems propulsion;

6                   (K) unmanned aircraft systems operator  
7                   qualifications, medical standards, and training  
8                   requirements;

9                   (L) unmanned aircraft systems mainte-  
10                  nance requirements and training requirements;  
11                  and

12                  (M) any other unmanned aircraft systems-  
13                  related issue the Administrator believes should be  
14                  addressed.

15               (2) *REPORT.*—Within 12 months after initiating  
16               the study, the National Academy shall submit its re-  
17               port to the Administrator, the Senate Committee on  
18               Commerce, Science, and Transportation, and the  
19               House of Representatives Committee on Transpor-  
20               tation and Infrastructure containing its findings and  
21               recommendations.

22               (c) *PILOT PROJECTS.*—

23                   (1) *IN GENERAL.*—Not later than 6 months after  
24                   the date of enactment of this Act, the Administrator  
25                   of the Federal Aviation Administration shall establish

1       3 2-year cost-shared pilot projects in sparsely popu-  
2       lated, low-density Class G air traffic airspace new  
3       test sites to conduct experiments and collect data in  
4       order to accelerate the safe integration of unmanned  
5       aircraft systems into the National Airspace System as  
6       follows:

7               (A) 1 project shall address operational  
8       issues required for integration of Category 1 un-  
9       manned aircraft systems defined as analogous to  
10      RC models covered in the FAA Advisory Cir-  
11      cular AC 91-57.

12              (B) 1 project shall address operational  
13      issues required for integration of Category 2 un-  
14      manned aircraft systems defined as non-stand-  
15      ard aircraft that perform special purpose oper-  
16      ations. Operators must provide evidence of air-  
17      worthiness and operator qualifications.

18              (C) 1 project shall address operational  
19      issues required for integration of Category 3 un-  
20      manned aircraft systems defined as capable of  
21      flying throughout all categories of airspace and  
22      conforming to part 91 of title 14, Code of Fed-  
23      eral Regulations.

24              (D) All 3 pilot projects shall be operational  
25      no later than 6 months after being established.

1           (2) *USE OF CONSORTIA.*—*In conducting the pilot*  
 2           *projects, the Administrator shall encourage the forma-*  
 3           *tion of participating consortia from the public and*  
 4           *private sectors, educational institutions, and non-*  
 5           *profit organization.*

6           (3) *REPORT.*—*Within 90 days after completing*  
 7           *the pilot projects, the Administrator shall transmit a*  
 8           *report to the Senate Committee on Commerce,*  
 9           *Science, and Transportation and the House of Rep-*  
 10          *resentatives Committee on Transportation and Infra-*  
 11          *structure setting forth the Administrator’s findings*  
 12          *and conclusions concerning the projects.*

13          (4) *AUTHORIZATION OF APPROPRIATIONS.*—  
 14          *There are authorized to be appropriated to the Ad-*  
 15          *ministrator for fiscal years 2010 and 2011 such sums*  
 16          *as may be necessary to conduct the pilot projects.*

17          (d) *UNMANNED AIRCRAFT SYSTEMS ROADMAP.*—*With-*  
 18          *in 30 days after the date of enactment of this Act, the Ad-*  
 19          *ministrator of the Federal Aviation Administration shall*  
 20          *approve and make available in print and on the Adminis-*  
 21          *tration’s website a 5-year “roadmap” for the introduction*  
 22          *of unmanned aircraft systems into the National Airspace*  
 23          *System being coordinated by its Unmanned Aircraft Pro-*  
 24          *gram Office. The Administrator shall update the “road-*  
 25          *map” annually.*

1       (e) *UPDATED POLICY STATEMENT.*—Not later than 90  
 2   days after the date of enactment of this Act, the Adminis-  
 3   trator shall issue a notice of proposed rulemaking to update  
 4   the Administration’s most recent policy statement on un-  
 5   manned aircraft systems, Docket No. FAA-2006-25714.

6       (f) *EXPANDING THE USE OF UAS IN THE ARCTIC.*—  
 7   Within 6 months after the date of enactment of this Act,  
 8   the Administrator, in consultation with the National Oce-  
 9   anic and Atmospheric Administration, the Coast Guard,  
 10   and other Federal agencies as appropriate, shall identify  
 11   permanent areas in the Arctic where small unmanned air-  
 12   craft may operate 24 hours per day from 2000 feet to the  
 13   surface and beyond line-of-sight for research and commer-  
 14   cial purposes. Within 12 months after the date of enactment  
 15   of this Act, the Administrator shall have established and  
 16   implemented a single process for approving unmanned air-  
 17   craft use in the designated arctic regions regardless of  
 18   whether the unmanned aircraft is used as a public aircraft,  
 19   a civil aircraft, or as a model aircraft.

20       (g) *DEFINITIONS.*—In this section:

21           (1) *ARCTIC.*—The term “Arctic” means the  
 22   United States zone of the Chukchi, Beaufort, and Ber-  
 23   ing Sea north of the Aleutian chain.

24           (2) *PERMANENT AREAS.*—The term “permanent  
 25   areas” means areas on land or water that provide for

1       *terrestrial launch and recovery of small unmanned*  
 2       *aircraft.*

3   **SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
 4               **IN APPLIED RESEARCH AND TRAINING IN**  
 5               **THE USE OF ADVANCED MATERIALS IN**  
 6               **TRANSPORT AIRCRAFT.**

7       *Section 708(b) of the Vision 100—Century of Aviation*  
 8       *Reauthorization Act (49 U.S.C. 44504 note) is amended by*  
 9       *striking “\$500,000 for fiscal year 2004” and inserting*  
 10      *“\$1,000,000 for each of fiscal years 2008 through 2012”.*

11   **SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**  
 12               **VEHICLES.**

13       *(a) IN GENERAL.—Subchapter I of chapter 471 is*  
 14       *amended by inserting after section 47136 the following:*

15   **“§47136A. Zero emission airport vehicles and infra-**  
 16               **structure**

17       *“(a) IN GENERAL.—The Secretary of Transportation*  
 18       *shall establish a pilot program under which the sponsor of*  
 19       *a public-use airport may use funds made available under*  
 20       *section 47117 or section 48103 for use at such airports or*  
 21       *passenger facility revenue (as defined in section*  
 22       *40117(a)(6)) to carry out activities associated with the ac-*  
 23       *quisition and operation of zero emission vehicles (as defined*  
 24       *in section 88.120–94 of title 40, Code of Federal Regula-*  
 25       *tions), including the construction or modification of infra-*

1 *structure to facilitate the delivery of fuel and services nec-*  
 2 *essary for the use of such vehicles. Any use of funds author-*  
 3 *ized by the preceding sentence shall be considered to be an*  
 4 *authorized use of funds under section 47117 or section*  
 5 *48103, or an authorized use of passenger facility revenue*  
 6 *(as defined in section 40117(a)(6)), as the case may be.*

7       “(b) *LOCATION IN AIR QUALITY NONATTAINMENT*  
 8 *AREAS.*—

9               “(1) *IN GENERAL.*—*A public-use airport shall be*  
 10 *eligible for participation in the pilot program only if*  
 11 *the airport is located in an air quality nonattain-*  
 12 *ment area (as defined in section 171(2) of the Clean*  
 13 *Air Act (42 U.S.C. 7501(2))).*

14               “(2) *SHORTAGE OF CANDIDATES.*—*If the Sec-*  
 15 *retary receives an insufficient number of applications*  
 16 *from public-use airports located in such areas, then*  
 17 *the Secretary may consider applications from public-*  
 18 *use airports that are not located in such areas.*

19               “(c) *SELECTION CRITERIA.*—*In selecting from among*  
 20 *applicants for participation in the program, the Secretary*  
 21 *shall give priority consideration to applicants that will*  
 22 *achieve the greatest air quality benefits measured by the*  
 23 *amount of emissions reduced per dollar of funds expended*  
 24 *under the program.*



1       “(d) *FEDERAL SHARE.*—Notwithstanding any other  
 2       provision of this subchapter, the Federal share of the costs  
 3       of a project carried out under the program shall be 50 per-  
 4       cent.

5       “(e) *TECHNICAL ASSISTANCE.*—

6               “(1) *IN GENERAL.*—The sponsor of a public-use  
 7       airport carrying out activities funded under the pro-  
 8       gram may not use more than 10 percent of the  
 9       amounts made available under the program in any  
 10      fiscal year for technical assistance in carrying out  
 11      such activities.

12              “(2) *ELIGIBLE CONSORTIUM.*—To the maximum  
 13      extent practicable, participants in the program shall  
 14      use an eligible consortium (as defined in section 5506  
 15      of this title) in the region of the airport to receive  
 16      technical assistance described in paragraph (1).

17       “(f) *MATERIALS IDENTIFYING BEST PRACTICES.*—The  
 18      Secretary may develop and make available materials iden-  
 19      tifying best practices for carrying out activities funded  
 20      under the program based on projects carried out under sec-  
 21      tion 47136 and other sources.”.

22       “(b) *REPORT ON EFFECTIVENESS OF PROGRAM.*—Not  
 23      later than 18 months after the date of enactment of this  
 24      section, the Secretary of Transportation shall transmit a  
 25      report to the Senate Committee on Commerce, Science, and

1 *Transportation the House of Representatives Committee on*  
 2 *Transportation and Infrastructure containing—*

3           (1) *an evaluation of the effectiveness of the pilot*  
 4     *program;*

5           (2) *an identification of all public-use airports*  
 6     *that expressed an interest in participating in the pro-*  
 7     *gram; and*

8           (3) *a description of the mechanisms used by the*  
 9     *Secretary to ensure that the information and know-*  
 10    *how gained by participants in the program is trans-*  
 11    *ferred among the participants and to other interested*  
 12    *parties, including other public-use airports.*

13       (c) *CONFORMING AMENDMENT.—The table of contents*  
 14 *for chapter 471 is amended by inserting after the item relat-*  
 15 *ing to section 47136 the following:*

*“47136A. Zero emission airport vehicles and infrastructure.”.*

16 **SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT**  
 17 **POWER SOURCES.**

18       (a) *IN GENERAL.—Subchapter I of chapter 471 is*  
 19 *amended by inserting after section 47140 the following:*

20 **“§47140A. Reduction of emissions from airport power**  
 21 **sources**

22       “(a) *IN GENERAL.—The Secretary of Transportation*  
 23 *shall establish a program under which the sponsor of each*  
 24 *airport eligible to receive grants under section 48103 is en-*  
 25 *couraged to assess the airport’s energy requirements, includ-*

1 *ing heating and cooling, base load, back-up power, and*  
 2 *power for on-road airport vehicles and ground support*  
 3 *equipment, in order to identify opportunities to reduce*  
 4 *harmful emissions and increase energy efficiency at the air-*  
 5 *port.*

6 “(b) *GRANTS.*—*The Secretary may make grants under*  
 7 *section 48103 to assist airport sponsors that have completed*  
 8 *the assessment described in subsection (a) to acquire or con-*  
 9 *struct equipment, including hydrogen equipment and re-*  
 10 *lated infrastructure, that will reduce harmful emissions and*  
 11 *increase energy efficiency at the airport. To be eligible for*  
 12 *such a grant, the sponsor of such an airport shall submit*  
 13 *an application to the Secretary, at such time, in such man-*  
 14 *ner, and containing such information as the Secretary may*  
 15 *require.”.*

16 (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 17 *for chapter 471 is amended by inserting after the item relat-*  
 18 *ing to section 47140 the following:*

*“47140A. Reduction of emissions from airport power sources.”.*

19 **SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL**  
 20 **AIDES AND OTHER ASSETS.**

21 (a) *SURVEY AND ASSESSMENT.*—

22 (1) *IN GENERAL.*—*In order to address safety and*  
 23 *operational concerns associated with the construction,*  
 24 *alteration, establishment, or expansion of wind farms*  
 25 *in proximity to critical FAA facilities, the Adminis-*

1        *trator shall, within 60 days after the date of enact-*  
2        *ment of this Act, complete a survey and assessment of*  
3        *leases for critical FAA facility sites, including—*

4                *(A) an inventory of the leases that describes,*  
5        *for each such lease—*

6                    *(i) the periodic cost, location, site,*  
7                    *terms, number of years remaining, and les-*  
8                    *sor;*

9                    *(ii) other Administration facilities that*  
10                  *share the leasehold, including surveillance*  
11                  *and communications equipment; and*

12                  *(iii) the type of transmission services*  
13                  *supported, including the terms of service,*  
14                  *cost, and support contract obligations for*  
15                  *the services; and*

16                *(B) a list of those leases for facilities located*  
17                *in or near areas suitable for the construction*  
18                *and operation of wind farms, as determined by*  
19                *the Administrator in consultation with the Sec-*  
20                *retary of Energy.*

21                *(2) REPORT.—Upon completion of the survey*  
22                *and assessment, the Administrator shall submit a re-*  
23                *port to the Senate Committee on Commerce, Science,*  
24                *and Transportation, the House of Representatives*  
25                *Committee on Transportation and Infrastructure,*

1       *and the Comptroller General containing the Adminis-*  
2       *trator's findings, conclusions, and recommendations.*

3       ***(b) GAO ASSESSMENT.—***

4               ***(1) IN GENERAL.—****Within 180 days after receiv-*  
5       *ing the Administrator's report under subsection*  
6       ***(a)(2), the Comptroller General, in consultation with***  
7       *the Administrator, shall—*

8               ***(A)*** *complete an assessment of the current*  
9       *and potential impact of wind farms on the na-*  
10       *tional airspace system;*

11              ***(B)*** *complete an assessment of the extent to*  
12       *which Federal policies and laws that encourage*  
13       *or facilitate the development of wind farms have*  
14       *an impact on implementation of the Next Gen-*  
15       *eration air traffic control system, including the*  
16       *installation of navigational aides associated with*  
17       *that system;*

18              ***(C)*** *determine what resources the Federal*  
19       *Aviation Administration would need to mitigate*  
20       *any obstruction to navigation attributable to*  
21       *wind farms under the existing air traffic control*  
22       *system or the Next Generation air traffic control*  
23       *system;*

24              ***(D)*** *recommend a new procedure, or im-*  
25       *provements to the current procedure, to the Ad-*

1        *ministration for mitigation of potential conflicts*  
 2        *between navigational aides and wind farms,*  
 3        *with an emphasis on early involvement of the*  
 4        *Administration in the planning stages for wind*  
 5        *farms; and*

6                *(E) develop a matrix that will indicate how*  
 7        *close to navigational aides wind farms can be lo-*  
 8        *cated and how many turbines can reasonably be*  
 9        *placed in the vicinity of such aides.*

10        *(2) REPORT.—Upon completion of the assess-*  
 11        *ments, the Comptroller General shall submit a report*  
 12        *to the Senate Committee on Commerce, Science, and*  
 13        *Transportation, the House of Representatives Com-*  
 14        *mittee on Transportation and Infrastructure, and the*  
 15        *Administrator containing the Comptroller General’s*  
 16        *findings, conclusions, and recommendations.*

17        *(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMA-*  
 18        *TION.—*

19                *(1) GUIDANCE.—Within 60 days after the Ad-*  
 20        *ministrator receives the Comptroller’s recommenda-*  
 21        *tions, the Administrator shall publish guidelines for*  
 22        *the construction and operation of wind farms to be lo-*  
 23        *cated in proximity to critical Federal Aviation Ad-*  
 24        *ministration facilities. The guidelines may include—*

1           (A) the establishment of a zone system for  
2           wind farms based on proximity to critical FAA  
3           assets;

4           (B) the establishment of turbine height and  
5           density limitations on such wind farms;

6           (C) requirements for notice to the Adminis-  
7           tration under section 44718(a) of title 49,  
8           United States Code, before the construction, al-  
9           teration, establishment, or expansion of a such a  
10          wind farm; and

11          (D) any other requirements or recommenda-  
12          tions designed to address Administration safety  
13          or operational concerns related to the construc-  
14          tion, alteration, establishment, or expansion of  
15          such wind farms.

16          (2) *PUBLIC ACCESS TO INFORMATION.*—To the  
17          extent feasible, taking into consideration security,  
18          operational, and public safety concerns (as deter-  
19          mined by the Administrator), the Administrator shall  
20          provide public access to information regarding the  
21          planning, construction, and operation of wind farms  
22          in proximity to critical FAA facilities on, or by link-  
23          age from, the homepage of the Federal Aviation Ad-  
24          ministration’s public website.

1       (d) *CONSULTATION WITH OTHER FEDERAL AGEN-*  
 2 *CIES.—In carrying out this section, the Administrator and*  
 3 *the Comptroller General shall consult, as appropriate, with*  
 4 *the Secretaries of the Army, the Navy, the Air Force, Home-*  
 5 *land Security, and Energy—*

6           (1) *to coordinate the requirements of each de-*  
 7 *partment for future air space needs;*

8           (2) *to determine what the acceptable risks are to*  
 9 *the existing infrastructure of each department; and*

10          (3) *to define the different levels of risk for such*  
 11 *infrastructure.*

12       (e) *REPORTS.—The Administrator and the Comp-*  
 13 *troller General shall provide a copy of reports under sub-*  
 14 *sections (a) and (b), respectively, to the Senate Committee*  
 15 *on Homeland Security and Governmental Affairs, the Sen-*  
 16 *ate Committee on Armed Services, the House of Representa-*  
 17 *tives Committee on Homeland Security, the House of Rep-*  
 18 *resentatives Committee on Armed Services, and the House*  
 19 *of Representatives Committee on Science and Technology,*  
 20 *as appropriate.*

21       (f) *DEFINITIONS.—In this section:*

22           (1) *ADMINISTRATION.—The term “Administra-*  
 23 *tion” means the Federal Aviation Administration.*



1           (2) *ADMINISTRATOR.*—The term “Adminis-  
 2           trator” means the Administrator of the Federal Avia-  
 3           tion Administration.

4           (3) *CRITICAL FAA FACILITIES.*—The term “crit-  
 5           ical FAA facilities” means facilities on which are lo-  
 6           cated navigational aides, surveillance systems, or  
 7           communications systems used by the Administration  
 8           in administration of the national airspace system.

9           (4) *WIND FARM.*—The term “wind farm” means  
 10          an installation of 1 or more wind turbines used for  
 11          the generation of electricity.

12 **SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT**  
 13                           **TO CLEAN AND MONITOR THE ENGINE AND**  
 14                           **APU BLEED AIR SUPPLIED ON PRESSURIZED**  
 15                           **AIRCRAFT.**

16          (a) *IN GENERAL.*—Not later than 60 days after the  
 17          date of enactment of this Act, the Administrator of the Fed-  
 18          eral Aviation Administration shall, to the degree prac-  
 19          ticable, implement a research program for the identification  
 20          or development of appropriate and effective air cleaning  
 21          technology and sensor technology for the engine and auxil-  
 22          iary power unit (APU) bleed air supplied to the passenger  
 23          cabin and flight deck of all pressurized aircraft.

1       (b) *TECHNOLOGY REQUIREMENTS.*—*The technology re-*  
 2 *ferred to in subsection (a) should, at a minimum, have the*  
 3 *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 of*  
 11 *enactment of this Act, the Administrator shall submit to*  
 12 *the Committee on Commerce, Science, and Transportation*  
 13 *of the Senate and the Committee on Transportation and*  
 14 *Infrastructure of the House of Representatives a report on*  
 15 *the results of the research and development work carried*  
 16 *out under this section.*

17       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 18 *authorized to be appropriated such sums as are necessary*  
 19 *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 insert-  
 8       ing “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 Administra-  
 12   tion 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 disadvantaged  
 23       business enterprise initiative.

1 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

2 (a) *MARSHALL ISLANDS, FEDERATED STATES OF MI-*  
 3 *CRONESIA, AND PALAU.*—Section 47115(j) is amended by  
 4 striking “2009,” and inserting “2011,”.

5 (b) *MIDWAY ISLAND AIRPORT.*—Section 186(d) of the  
 6 *Vision 100—Century of Aviation Reauthorization Act* (117  
 7 *Stat. 2518)* is amended by striking “2009,” and inserting  
 8 “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 the  
 18 fees required by subsection (a) are reasonably related  
 19 to the Administration’s costs, as determined by the  
 20 Administrator, of providing the services rendered.  
 21 Services for which costs may be recovered include the  
 22 costs of air traffic control, navigation, weather serv-  
 23 ices, training, and emergency services which are  
 24 available to facilitate safe transportation over the  
 25 United States, and other services provided by the Ad-  
 26 ministrator or by programs financed by the Adminis-

1 *trator to flights that neither take off nor land in the*  
 2 *United States. The determination of such costs by the*  
 3 *Administrator is not subject to judicial review.*

4 “(2) *ADJUSTMENT OF FEES.*—*The Administrator*  
 5 *shall adjust the overflight fees established by sub-*  
 6 *section (a)(1) by expedited rulemaking and begin col-*  
 7 *lections under the adjusted fees by October 1, 2010. In*  
 8 *developing the adjusted overflight fees, the Adminis-*  
 9 *trator shall seek and consider the recommendations, if*  
 10 *any, offered by the Aviation Rulemaking Committee*  
 11 *for Overflight Fees that are intended to ensure that*  
 12 *overflight fees are reasonably related to the Adminis-*  
 13 *trator’s costs of providing air traffic control and re-*  
 14 *lated services to overflights. In addition, the Adminis-*  
 15 *trator may periodically modify the fees established*  
 16 *under this section either on the Administrator’s own*  
 17 *initiative or on a recommendation from the Air Traf-*  
 18 *fic Control Modernization Board.*

19 “(3) *COST DATA.*—*The adjustment of overflight*  
 20 *fees under paragraph (2) shall be based on the costs*  
 21 *to the Administration of providing the air traffic con-*  
 22 *trol and related activities, services, facilities, and*  
 23 *equipment using the available data derived from the*  
 24 *Administration’s cost accounting system and cost al-*

1        *location system to users, as well as budget and oper-*  
 2        *ational data.*

3                “(4) *AIRCRAFT ALTITUDE.*—*Nothing in this sec-*  
 4        *tion shall require the Administrator to take into ac-*  
 5        *count aircraft altitude in establishing any fee for air-*  
 6        *craft operations in en route or oceanic airspace.*

7                “(5) *COSTS DEFINED.*—*In this subsection, the*  
 8        *term ‘costs’ means those costs associated with the op-*  
 9        *eration, maintenance, debt service, and overhead ex-*  
 10       *penses of the services provided and the facilities and*  
 11       *equipment used in such services, including the pro-*  
 12       *jected costs for the period during which the services*  
 13       *will be provided.*

14               “(6) *PUBLICATION; COMMENT.*—*The Adminis-*  
 15       *trator shall publish in the Federal Register any fee*  
 16       *schedule under this section, including any adjusted*  
 17       *overflight fee schedule, and the associated collection*  
 18       *process as a proposed rule, pursuant to which public*  
 19       *comment will be sought and a final rule issued.”.*

20        (b) *ADMINISTRATIVE PROVISION.*—*Section 45303(c)(2)*  
 21       *is amended to read as follows:*

22               “(2) *shall be available to the Administrator for*  
 23       *expenditure for purposes authorized by Congress for*  
 24       *the Federal Aviation Administration, however, fees es-*  
 25       *tablished by section 45301(a)(1) of title 49 of the*

1        *United States Code shall be available only to pay the*  
 2        *cost of activities and services for which the fee is im-*  
 3        *posed, including the costs to determine, assess, review,*  
 4        *and collect the fee; and”.*

5    **SEC. 707. TECHNICAL CORRECTIONS.**

6        *Section 40122(g), as amended by section 307 of this*  
 7    *Act, is further amended—*

8            (1) *by striking “section 2302(b), relating to*  
 9        *whistleblower protection,” in paragraph (2)(A) and*  
 10        *inserting “sections 2301 and 2302,”;*

11            (2) *by striking “and” after the semicolon in*  
 12        *paragraph (2)(H);*

13            (3) *by striking “Plan.” in paragraph (2)(I)(iii)*  
 14        *and inserting “Plan;”;*

15            (4) *by adding at the end of paragraph (2) the*  
 16        *following:*

17                    *“(J) section 5596, relating to back pay; and*

18                    *“(K) sections 6381 through 6387, relating to*  
 19        *Family and Medical Leave.”; and*

20            (5) *by adding at the end of paragraph (3) “Not-*  
 21        *withstanding any other provision of law, retroactive*  
 22        *to April 1, 1996, the Board shall have the same reme-*  
 23        *dial authority over such employee appeals that it had*  
 24        *as of March 31, 1996.”.*

1 **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

2 (a) *STUDY.*—

3 (1) *IN GENERAL.*—*The Comptroller General shall*  
4 *conduct a study of the training of airway transpor-*  
5 *tation systems specialists of the Federal Aviation Ad-*  
6 *ministration that includes—*

7 (A) *an analysis of the type of training pro-*  
8 *vided to such specialists;*

9 (B) *an analysis of the type of training that*  
10 *such specialists need to be proficient in the*  
11 *maintenance of the latest technologies;*

12 (C) *actions that the Administration has un-*  
13 *dertaken to ensure that such specialists receive*  
14 *up-to-date training on such technologies;*

15 (D) *the amount and cost of training pro-*  
16 *vided by vendors for such specialists;*

17 (E) *the amount and cost of training pro-*  
18 *vided by the Administration after developing in-*  
19 *house training courses for such specialists;*

20 (F) *the amount and cost of travel required*  
21 *of such specialists in receiving training; and*

22 (G) *a recommendation regarding the most*  
23 *cost-effective approach to providing such train-*  
24 *ing.*

25 (2) *REPORT.*—*Within 1 year after the date of*  
26 *enactment of this Act, the Comptroller General shall*



1        *transmit a report on the study containing the Comp-*  
 2        *troller General's findings and recommendations to the*  
 3        *Senate Committee on Commerce, Science, and Trans-*  
 4        *portation and the House of Representatives Com-*  
 5        *mittee on Transportation and Infrastructure.*

6        *(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—*

7            *(1) IN GENERAL.—Not later than 90 days after*  
 8        *the date of enactment of this Act, the Administrator*  
 9        *of the Federal Aviation Administration shall contract*  
 10       *with the National Academy of Sciences to conduct a*  
 11       *study of the assumptions and methods used by the*  
 12       *Federal Aviation Administration to estimate staffing*  
 13       *needs for Federal Aviation Administration air traffic*  
 14       *controllers, system specialists, and engineers to ensure*  
 15       *proper maintenance, certification, and operation of*  
 16       *the National Airspace System. The National Academy*  
 17       *of Sciences shall consult with the Exclusive Bar-*  
 18       *gaining Representative certified under section 7111 of*  
 19       *title 5, United States Code, and the Administration*  
 20       *(including the Civil Aeronautical Medical Institute)*  
 21       *and examine data entailing human factors, traffic ac-*  
 22       *tivity, and the technology at each facility.*

23            *(2) CONTENTS.—The study shall include—*

1           (A) *recommendations for objective staffing*  
2           *standards that maintain the safety of the Na-*  
3           *tional Airspace System; and*

4           (B) *the approximate length of time for de-*  
5           *veloping such standards.*

6           (3) *REPORT.*—*Not later than 24 months after*  
7           *executing a contract under subsection (a), the Na-*  
8           *tional Academy of Sciences shall transmit a report*  
9           *containing its findings and recommendations to the*  
10          *Congress.*

11          (c) *AVIATION SAFETY INSPECTORS.*—

12           (1) *SAFETY STAFFING MODEL.*—*Within 12*  
13           *months after the date of enactment of this Act, the*  
14           *Administrator of the Federal Aviation Administra-*  
15           *tion shall develop a staffing model for aviation safety*  
16           *inspectors. In developing the model, the Adminis-*  
17           *trator shall consult with representatives of the avia-*  
18           *tion safety inspectors and other interested parties.*

19           (2) *SAFETY INSPECTOR STAFFING.*—*The Federal*  
20           *Aviation Administration aviation safety inspector*  
21           *staffing requirement shall be no less than the staffing*  
22           *levels indicated as necessary in the staffing model de-*  
23           *scribed under subsection (a).*

1 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
2 **TIONAL PARKS.**

3 (a) *SECRETARY OF THE INTERIOR AND OVERFLIGHTS*  
4 *OF NATIONAL PARKS.*—

5 (1) *Section 40128 is amended—*

6 (A) *by striking paragraph (8) of subsection*  
7 *(f);*

8 (B) *by striking “Director” each place it ap-*  
9 *pears and inserting “Secretary of the Interior”;*

10 (C) *by striking “National Park Service” in*  
11 *subsection (a)(2)(B)(vi) and inserting “Depart-*  
12 *ment of the Interior”; and*

13 (D) *by striking “National Park Service” in*  
14 *subsection (b)(4)(C) and inserting “Department*  
15 *of the Interior”.*

16 (2) *The National Parks Air Tour Management*  
17 *Act of 2000 (49 U.S.C. 40128 note) is amended—*

18 (A) *by striking “Director” in section 804(b)*  
19 *and inserting “Secretary of the Interior”;*

20 (B) *in section 805—*

21 (i) *by striking “Director of the Na-*  
22 *tional Park Service” in subsection (a) and*  
23 *inserting “Secretary of the Interior”;*

24 (ii) *by striking “Director” each place*  
25 *it appears and inserting “Secretary of the*  
26 *Interior”;*

1                   (iii) by striking “National Park Serv-  
 2                   ice” each place it appears in subsection (b)  
 3                   and inserting “Department of the Interior”;  
 4                   (iv) by striking “National Park Serv-  
 5                   ice” in subsection (d)(2) and inserting “De-  
 6                   partment of the Interior”; and  
 7                   (C) in section 807—

8                   (i) by striking “National Park Serv-  
 9                   ice” in subsection (a)(1) and inserting “De-  
 10                  partment of the Interior”; and

11                  (ii) by striking “Director of the Na-  
 12                  tional Park Service” in subsection (b) and  
 13                  inserting “Secretary of the Interior”.

14       (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-  
 15       MENT.—Paragraph (1) of subsection (a) of section 40128  
 16       is amended—

17               (1) by striking “and” after the semicolon in sub-  
 18       paragraph (B);

19               (2) by striking “lands.” in subparagraph (C)  
 20       and inserting “lands; and”; and

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

22                       “(D) in accordance with a voluntary agree-  
 23                       ment between the commercial air tour operator  
 24                       and appropriate representatives of the national  
 25                       park or tribal lands, as the case may be.”.

1       (c) *MODIFICATION OF INTERIM OPERATING AUTHOR-*  
 2 *ITY.—Section 40128(c)(2)(I) is amended to read as follows:*

3               “(I) *may allow for modifications of the in-*  
 4 *terim operating authority without further envi-*  
 5 *ronmental process, if—*

6               “(i) *adequate information on the exist-*  
 7 *ing and proposed operations of the commer-*  
 8 *cial air tour operator is provided to the Ad-*  
 9 *ministrator and the Secretary by the oper-*  
 10 *ator seeking operating authority;*

11              “(ii) *the Administrator determines that*  
 12 *the modifications would not adversely affect*  
 13 *aviation safety or the management of the*  
 14 *national airspace system; and*

15              “(iii) *the Secretary agrees that the*  
 16 *modifications would not adversely affect*  
 17 *park resources and visitor experiences.”.*

18       (d) *REPORTING REQUIREMENTS FOR COMMERCIAL*  
 19 *AIR TOUR OPERATORS.—*

20              (1) *IN GENERAL.—Not later than 90 days after*  
 21 *the date of the enactment of this Act, and annually*  
 22 *thereafter, each commercial air tour conducting com-*  
 23 *mercial air tour operations over a national park shall*  
 24 *report to the Administrator of the Federal Aviation*

1     *Administration and the Secretary of the Interior*  
2     *on—*

3             *(A) the number of commercial air tour op-*  
4             *erations conducted by such operator over the na-*  
5             *tional park each day;*

6             *(B) any relevant characteristics of commer-*  
7             *cial air tour operations, including the routes, al-*  
8             *titudes, duration, and time of day of flights; and*

9             *(C) such other information as the Adminis-*  
10            *trator and the Secretary may determine nec-*  
11            *essary to administer the provisions of the Na-*  
12            *tional Parks Air Tour Management Act of 2000*  
13            *(49 U.S.C. 40128 note).*

14            *(2) FORMAT.—The report required by paragraph*  
15            *(1) shall be submitted in such form as the Adminis-*  
16            *trator and the Secretary determine to be appropriate.*

17            *(3) EFFECT OF FAILURE TO REPORT.—The Ad-*  
18            *ministrator shall rescind the operating authority of a*  
19            *commercial air tour operator that fails to file a re-*  
20            *port not later than 180 days after the date for the*  
21            *submittal of the report described in paragraph (1).*

22            *(4) AUDIT OF REPORTS.—Not later than 2 years*  
23            *after the date of the enactment of this Act, and at*  
24            *such times thereafter as the Inspector General of the*  
25            *Department of Transportation determines necessary,*

1        *the Inspector General shall audit the reports required*  
 2        *by paragraph (1).*

3        *(e) COLLECTION OF FEES FROM AIR TOUR OPER-*  
 4        *ATIONS.—*

5                *(1) IN GENERAL.—The Secretary of the Interior*  
 6        *may assess a fee in an amount determined by the Sec-*  
 7        *retary under paragraph (2) on a commercial air tour*  
 8        *operator conducting commercial air tour operations*  
 9        *over a national park.*

10               *(2) AMOUNT OF FEE.—In determining the*  
 11        *amount of the fee assessed under paragraph (1), the*  
 12        *Secretary shall consider the cost of developing air*  
 13        *tour management plans for each national park.*

14               *(3) EFFECT OF FAILURE TO PAY FEE.—The Ad-*  
 15        *ministrator of the Federal Aviation Administration*  
 16        *shall revoke the operating authority of a commercial*  
 17        *air tour operator conducting commercial air tour op-*  
 18        *erations over any national park, including the Grand*  
 19        *Canyon National Park, that has not paid the fee as-*  
 20        *essed by the Secretary under paragraph (1) by the*  
 21        *date that is 180 days after the date on which the Sec-*  
 22        *retary determines the fee shall be paid.*

23        *(f) AUTHORIZATION OF APPROPRIATIONS FOR AIR*  
 24        *TOUR MANAGEMENT PLANS.—*

1           (1) *IN GENERAL.*—*There are authorized to be ap-*  
 2           *propriated \$10,000,000 to the Secretary of the Inte-*  
 3           *rior for the development of air tour management*  
 4           *plans under section 40128(b) of title 49, United*  
 5           *States Code.*

6           (2) *USE OF FUNDS.*—*The funds authorized to be*  
 7           *appropriated by paragraph (1) shall be used to de-*  
 8           *velop air tour management plans for the national*  
 9           *parks the Secretary determines would most benefit*  
 10          *from such a plan.*

11          (g) *GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL*  
 12          *AIR TOUR OPERATORS.*—*The Administrator of the Federal*  
 13          *Aviation Administration shall provide to the Administra-*  
 14          *tion's district offices clear guidance on the ability of com-*  
 15          *mercial air tour operators to obtain—*

16                 (1) *increased safety certifications;*

17                 (2) *exemptions from regulations requiring safety*  
 18                 *certifications; and*

19                 (3) *other information regarding compliance with*  
 20                 *the requirements of this Act and other Federal and*  
 21                 *State laws and regulations.*

22          (h) *OPERATING AUTHORITY OF COMMERCIAL AIR*  
 23          *TOUR OPERATORS.*—

24                 (1) *TRANSFER OF OPERATING AUTHORITY.*—



1           (A) *IN GENERAL.*—Subject to subparagraph  
 2           (B), a commercial air tour operator that obtains  
 3           operating authority from the Administrator  
 4           under section 40128 of title 49, United States  
 5           Code, to conduct commercial air tour operations  
 6           may transfer such authority to another commer-  
 7           cial air tour operator at any time.

8           (B) *NOTICE.*—Not later than 30 days before  
 9           the date on which a commercial air tour oper-  
 10          ator transfers operating authority under sub-  
 11          paragraph (A), the operator shall notify the Ad-  
 12          ministrator and the Secretary of the intent of the  
 13          operator to transfer such authority.

14          (C) *REGULATIONS.*—Not later than 180  
 15          days after the date of the enactment of this Act,  
 16          the Administrator shall prescribe regulations to  
 17          allow transfers of operating authority described  
 18          in subparagraph (A).

19          (2) *TIME FOR DETERMINATION REGARDING OP-*  
 20          *ERATING AUTHORITY.*—Notwithstanding any other  
 21          provision of law, the Administrator shall determine  
 22          whether to grant a commercial air tour operator oper-  
 23          ating authority under section 40128 of title 49,  
 24          United States Code, not later than 180 days after the  
 25          earlier of the date on which—

1                   (A) the operator submits an application; or

2                   (B) an air tour management plan is com-  
3                   pleted for the national park over which the oper-  
4                   ator seeks to conduct commercial air tour oper-  
5                   ations.

6                   (3) *INCREASE IN INTERIM OPERATING AUTHOR-*  
7                   *ITY.*—The Administrator and the Secretary may in-  
8                   crease the interim operating authority while an air  
9                   tour management plan is being developed for a park  
10                  if—

11                   (A) the Secretary determines that such an  
12                   increase does not adversely impact park re-  
13                   sources or visitor experiences; and

14                   (B) the Administrator determines that  
15                   granting interim operating authority does not  
16                   adversely affect aviation safety or the manage-  
17                   ment of the national airspace system.

18                   (4) *ENFORCEMENT OF OPERATING AUTHORITY.*—  
19                   The Administrator is authorized and directed to en-  
20                   force the requirements of this Act and any agency  
21                   rules or regulations related to operating authority.

22 **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

23                   (a) *IN GENERAL.*—Subchapter II of chapter 475 is  
24                   amended by adding at the end the following:

1 **“§47534. Prohibition on operating certain aircraft**  
 2 **weighing 75,000 pounds or less not com-**  
 3 **plying with Stage 3 noise levels**

4 “(a) *PROHIBITION.*—Except as provided in subsection  
 5 (b), (c), or (d), a person may not operate a civil subsonic  
 6 turbojet with a maximum weight of 75,000 pounds or less  
 7 to or from an airport in the United States unless the Sec-  
 8 retary of Transportation finds that the aircraft complies  
 9 with stage 3 noise levels.

10 “(b) *EXCEPTION.*—Subsection (a) shall not apply to  
 11 aircraft operated only outside the 48 contiguous States.

12 “(c) *OPT-OUT.*—Subsection (a) shall not apply at an  
 13 airport where the airport operator has notified the Sec-  
 14 retary that it wants to continue to permit the operation  
 15 of civil subsonic turbojets with a maximum weight of 75,000  
 16 pounds or less that do not comply with stage 3 noise levels.  
 17 The Secretary shall post the notices received under this sub-  
 18 section on its website or in another place easily accessible  
 19 to the public.

20 “(d) *LIMITATION.*—The Secretary shall permit a per-  
 21 son to operate Stage 1 and Stage 2 aircraft with a max-  
 22 imum weight of 75,000 pounds or less to or from an airport  
 23 in the contiguous 48 States in order—

24 “(1) to sell, lease, or use the aircraft outside the  
 25 48 contiguous States;

26 “(2) to scrap the aircraft;

1           “(3) to obtain modifications to the aircraft to  
2       *meet stage 3 noise levels;*

3           “(4) to perform scheduled heavy maintenance or  
4       *significant modifications on the aircraft at a mainte-*  
5       *nance facility located in the contiguous 48 states;*

6           “(5) to deliver the aircraft to an operator leasing  
7       *the aircraft from the owner or return the aircraft to*  
8       *the lessor;*

9           “(6) to prepare or park or store the aircraft in  
10       *anticipation of any of the activities described in*  
11       *paragraphs (1) through (5); or*

12           “(7) to divert the aircraft to an alternative air-  
13       *port in the 48 contiguous States on account of weath-*  
14       *er, mechanical, fuel air traffic control or other safety*  
15       *reasons while conducting a flight in order to perform*  
16       *any of the activities described in paragraphs (1)*  
17       *through (6).*

18       “(e) *STATUTORY CONSTRUCTION.—Nothing in the sec-*  
19       *tion may be construed as interfering with, nullifying, or*  
20       *otherwise affecting determinations made by the Federal*  
21       *Aviation Administration, or to be made by the Administra-*  
22       *tion, with respect to applications under part 161 of title*  
23       *14, Code of Federal Regulations, that were pending on the*  
24       *date of enactment of the Aircraft Noise Reduction Act of*  
25       *2006.”.*

1       (b) *CONFORMING AMENDMENTS.*—

2           (1) *Section 47531 is amended by striking*  
 3       *“47529, or 47530” and inserting “47529, 47530, or*  
 4       *47534”.*

5           (2) *Section 47532 is amended by striking*  
 6       *“47528–47531” and inserting “47528 through 47531*  
 7       *or 47534”.*

8           (3) *The table of contents for chapter 475 is*  
 9       *amended by inserting after the item relating to sec-*  
 10      *tion 47533 the following:*

*“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less  
not complying with Stage 3 noise levels.”.*

11       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 12      *section shall take effect 5 years after the date of enactment*  
 13      *of this Act.*

14      **SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

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

21      **SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
 22                                      **PORT PROPERTIES.**

23       (a) *IN GENERAL.*—*Within 1 year after the date of en-*  
 24      *actment of this Act, the Administrator of the Federal Avia-*

1 *tion Administration shall establish a pilot program at up*  
 2 *to 4 public-use airports for local airport operators that have*  
 3 *submitted a noise compatibility program approved by the*  
 4 *Federal Aviation Administration under section 47504 of*  
 5 *title 49, United States Code, under which such airport oper-*  
 6 *ators may use funds made available under section 47117(e)*  
 7 *of that title, or passenger facility revenue collected under*  
 8 *section 40117 of that title, in partnership with affected*  
 9 *neighboring local jurisdictions, to support joint planning,*  
 10 *engineering design, and environmental permitting for the*  
 11 *assembly and redevelopment of property purchased with*  
 12 *noise mitigation funds or passenger facility charge funds,*  
 13 *to encourage airport-compatible land uses and generate eco-*  
 14 *nomie benefits to the local airport authority and adjacent*  
 15 *community.*

16 (b) *NOISE COMPATIBILITY MEASURES.*—Section  
 17 47504(a)(2) is amended—

18 (1) *by striking “and” after the semicolon in sub-*  
 19 *paragraph (D);*

20 (2) *by striking “operations.” in subparagraph*  
 21 *(E) and inserting “operations; and”; and*

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

23 “(F) *joint comprehensive land use planning in-*  
 24 *cluding master plans, traffic studies, environmental*  
 25 *evaluation and economic and feasibility studies, with*

1     *neighboring local jurisdictions undertaking commu-*  
2     *nity redevelopment in the area where the land or*  
3     *other property interest acquired by the airport oper-*  
4     *ator pursuant to this subsection is located, to encour-*  
5     *age and enhance redevelopment opportunities that re-*  
6     *fect zoning and uses that will prevent the introduc-*  
7     *tion of additional incompatible uses and enhance re-*  
8     *development potential.”.*

9     (c) *GRANT REQUIREMENTS.—The Administrator may*  
10    *not make a grant under subsection (a) unless the grant is*  
11    *made—*

12           (1) *to enable the airport operator and local juris-*  
13           *dictions undertaking the community redevelopment*  
14           *effort to expedite redevelopment efforts;*

15           (2) *subject to a requirement that the local juris-*  
16           *dition governing the property interests in question*  
17           *has adopted zoning regulations that permit airport*  
18           *compatible redevelopment; and*

19           (3) *subject to a requirement that, in determining*  
20           *the part of the proceeds from disposing of the land*  
21           *that is subject to repayment or reinvestment under*  
22           *section 47107(c)(2)(A) of title 49, United States Code,*  
23           *the total amount of the grant issued under this section*  
24           *shall be added to the amount of any grants issued for*  
25           *acquisition of land.*

1       (d) *DEMONSTRATION GRANTS.*—

2               (1) *IN GENERAL.*—*The Administrator shall pro-*  
3       *vide grants for up to 4 pilot property redevelopment*  
4       *projects distributed geographically and targeted to*  
5       *airports that demonstrate—*

6               (A) *a readiness to implement cooperative*  
7       *land use management and redevelopment plans*  
8       *with the adjacent community; and*

9               (B) *the probability of clear economic benefit*  
10       *to the local community and financial return to*  
11       *the airport through the implementation of the re-*  
12       *development plan.*

13       (2) *FEDERAL SHARE.*—

14               (A) *Notwithstanding any other provision of*  
15       *law, the Federal share of the allowable costs of a*  
16       *project carried out under the pilot program shall*  
17       *be 80 percent.*

18               (B) *In determining the allowable costs, the*  
19       *Administrator shall deduct from the total costs of*  
20       *the activities described in subsection (a) that*  
21       *portion of the costs which is equal to that por-*  
22       *tion of the total property to be redeveloped under*  
23       *this section that is not owned or to be acquired*  
24       *by the airport operator pursuant to the noise*  
25       *compatibility program or that is not owned by*



1           *the affected neighboring local jurisdictions or*  
 2           *other public entities.*

3           (3) *MAXIMUM AMOUNT.*—*Not more than*  
 4           *\$5,000,000 in funds made available under section*  
 5           *47117(e) of title 49, United States Code, may be ex-*  
 6           *pended under the pilot program at any single public-*  
 7           *use airport.*

8           (4) *EXCEPTION.*—*Amounts paid to the Adminis-*  
 9           *trator under subsection (c)(3)—*

10                   *(A) shall be in addition to amounts author-*  
 11                   *ized under section 48203 of title 49, United*  
 12                   *States Code;*

13                   *(B) shall not be subject to any limitation on*  
 14                   *grant obligations for any fiscal year; and*

15                   *(C) shall remain available until expended.*

16           (e) *USE OF PASSENGER REVENUE.*—*An airport spon-*  
 17           *sor that owns or operates an airport participating in the*  
 18           *pilot program may use passenger facility revenue collected*  
 19           *under section 40117 of title 49, United States Code, to pay*  
 20           *any project cost described in subsection (a) that is not fi-*  
 21           *nanced by a grant under the program.*

22           (f) *SUNSET.*—*This section, other than the amendments*  
 23           *made by subsections (b), shall not be in effect after Sep-*  
 24           *tember 30, 2011.*

1       (g) *REPORT TO CONGRESS.*—*The Administrator shall*  
 2 *report to Congress within 18 months after making the first*  
 3 *grant under this section on the effectiveness of this program*  
 4 *on returning part 150 lands to productive use.*

5 **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

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

8 **“§ 41724. Musical instruments**

9       “(a) *IN GENERAL.*—

10           “(1) *SMALL INSTRUMENTS AS CARRY-ON BAG-*  
 11 *GAGE.*—*An air carrier providing air transportation*  
 12 *shall permit a passenger to carry a violin, guitar, or*  
 13 *other musical instrument in the aircraft cabin with-*  
 14 *out charge if—*

15           “(A) *the instrument can be stowed safely in*  
 16 *a suitable baggage compartment in the aircraft*  
 17 *cabin or under a passenger seat; and*

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

20           “(2) *LARGER INSTRUMENTS AS CARRY-ON BAG-*  
 21 *GAGE.*—*An air carrier providing air transportation*  
 22 *shall permit a passenger to carry a musical instru-*  
 23 *ment that is too large to meet the requirements of*  
 24 *paragraph (1) in the aircraft cabin without charge*  
 25 *if—*

1           “(A) *the instrument is contained in a case*  
 2           *or covered so as to avoid injury to other pas-*  
 3           *sengers;*

4           “(B) *the weight of the instrument, including*  
 5           *the case or covering, does not exceed 165 pounds;*

6           “(C) *the instrument can be secured by a*  
 7           *seat belt to avoid shifting during flight;*

8           “(D) *the instrument does not restrict access*  
 9           *to, or use of, any required emergency exit, reg-*  
 10          *ular exit, or aisle;*

11          “(E) *the instrument does not obscure any*  
 12          *passenger’s view of any illuminated exit, warn-*  
 13          *ing, or other informational sign;*

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

18          “(G) *the passenger wishing to carry the in-*  
 19          *strument in the aircraft cabin has purchased an*  
 20          *additional seat to accommodate the instrument.*

21          “(3) *LARGE INSTRUMENTS AS CHECKED BAG-*  
 22          *GAGE.—An air carrier shall transport as baggage,*  
 23          *without charge, a musical instrument that is the*  
 24          *property of a passenger traveling in air transpor-*

1        *tation that may not be carried in the aircraft cabin*  
 2        *if—*

3                *“(A) the sum of the length, width, and*  
 4                *height measured in inches of the outside linear*  
 5                *dimensions of the instrument (including the*  
 6                *case) does not exceed 150 inches; and*

7                *“(B) the weight of the instrument does not*  
 8                *exceed 165 pounds.*

9        *“(b) REGULATIONS.—The Secretary may prescribe*  
 10        *such regulations as may be necessary or appropriate to im-*  
 11        *plement subsection (a).”.*

12        *(b) CONFORMING AMENDMENT.—The table of contents*  
 13        *for chapter 417 is amended by inserting after the item relat-*  
 14        *ing to section 41723 the following:*

*“41724. Musical instruments.”.*

15        *(c) EFFECTIVE DATE.—The amendments made by this*  
 16        *section shall take effect 30 days after the date of enactment*  
 17        *of this Act.*

18        **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

19        *(a) AIRPORT PLANNING.—Section 47102(5) is amend-*  
 20        *ed by striking “planning.” and inserting “planning and*  
 21        *a plan for recycling and minimizing the generation of air-*  
 22        *port solid waste, consistent with applicable State and local*  
 23        *recycling laws, including the cost of a waste audit.”.*

24        *(b) MASTER PLAN.—Section 47106(a) is amended—*  
 25                *(1) by striking “and” in paragraph (4);*

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

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

4           “(6) if the project is for an airport that has an  
 5           airport master plan, the master plan addresses—

6                   “(A) the feasibility of solid waste recycling  
 7                   at the airport;

8                   “(B) minimizing the generation of solid  
 9                   waste at the airport;

10                   “(C) operation and maintenance require-  
 11                   ments;

12                   “(D) the review of waste management con-  
 13                   tracts;

14                   “(E) the potential for cost savings or the  
 15                   generation of revenue; and

16                   “(F) training and education require-  
 17                   ments.”.

18   **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**  
 19           **GRAM ADJUSTMENTS.**

20           (a) *PURPOSE.*—It is the purpose of the airport dis-  
 21           advantaged business enterprise program (49 U.S.C.  
 22           47107(e) and 47113) to ensure that minority- and women-  
 23           owned businesses do not face barriers because of their race  
 24           or gender and so that they have a fair opportunity to com-  
 25           pete in federally assisted airport contracts and concessions.

1       **(b) FINDINGS.**—*The Congress finds the following:*

2               (1) *While significant progress has occurred due*  
3 *to the enactment of the airport disadvantaged busi-*  
4 *ness enterprise program (49 U.S.C. 47107(e) and*  
5 *47113), discrimination continues to be a barrier for*  
6 *minority- and women-owned businesses seeking to do*  
7 *business in airport-related markets. This continuing*  
8 *barrier merits the continuation of the airport dis-*  
9 *advantaged business enterprise program.*

10              (2) *The Congress has received recent evidence of*  
11 *discrimination from numerous sources, including con-*  
12 *gressional hearings and roundtables, scientific reports,*  
13 *reports issued by public and private agencies, news*  
14 *stories, reports of discrimination by organizations*  
15 *and individuals, and discrimination lawsuits. This*  
16 *evidence also shows that race- and gender-neutral ef-*  
17 *forts alone are insufficient to address the problem.*

18              (3) *This evidence demonstrates that discrimina-*  
19 *tion across the nation poses a barrier to full and fair*  
20 *participation in airport related businesses of women*  
21 *business owners and minority business owners in the*  
22 *racial groups detailed in parts 23 and 26 of title 49,*  
23 *Code of Federal Regulations, and has impacted firm*  
24 *development and many aspects of airport related*  
25 *business in the public and private markets.*

1           (4) *This evidence provides a strong basis for the*  
 2           *continuation of the airport disadvantaged business*  
 3           *enterprise program and the airport concessions dis-*  
 4           *advantaged business enterprise program.*

5           (c) *IN GENERAL.—Section 47107(e) is amended—*

6                     (1) *by redesignating paragraph (8) as para-*  
 7                     *graph (9); and*

8                     (2) *by inserting after paragraph (7) the fol-*  
 9                     *lowing:*

10                    “(8) *MANDATORY TRAINING PROGRAM FOR*  
 11                    *AIRPORT CONCESSIONS.—*

12                             “(A) *IN GENERAL.—Not later than one*  
 13                             *year after the date of enactment of the FAA*  
 14                             *Air Transportation Modernization and*  
 15                             *Safety Improvement Act, the Secretary shall*  
 16                             *establish a mandatory training program for*  
 17                             *persons described in subparagraph (C) on*  
 18                             *the certification of whether a small business*  
 19                             *concern in airport concessions qualifies as a*  
 20                             *small business concern owned and controlled*  
 21                             *by a socially and economically disadvan-*  
 22                             *tagged individual for purposes of paragraph*  
 23                             *(1).*

24                             “(B) *IMPLEMENTATION.—The training*  
 25                             *program may be implemented by one or*

1           *more private entities approved by the Sec-*  
2           *retary.*

3           “(C) *PARTICIPANTS.—A person re-*  
4           *ferred to in paragraph (1) is an official or*  
5           *agent of an airport owner or operator who*  
6           *is required to provide a written assurance*  
7           *under paragraph (1) that the airport owner*  
8           *or operator will meet the percentage goal of*  
9           *paragraph (1) or who is responsible for de-*  
10          *termining whether or not a small business*  
11          *concern in airport concessions qualifies as a*  
12          *small business concern owned and controlled*  
13          *by a socially and economically disadvan-*  
14          *tagged individual for purposes of paragraph*  
15          *(1).*

16          “(D) *AUTHORIZATION OF APPROPRIA-*  
17          *TIONS.—There are authorized to be appro-*  
18          *priated to the Secretary such sums as may*  
19          *be necessary to carry out this paragraph.”.*

20          “(d) *REPORT.—Not later than 24 months after the date*  
21          *of enactment of this Act, the Secretary shall submit a report*  
22          *to the Senate Committee on Commerce, Science, and Trans-*  
23          *portation, the House of Representatives Committee on*  
24          *Transportation and Infrastructure, and other appropriate*  
25          *committees of Congress on the results of the training pro-*



1 *gram conducted under section 47107(e)(8) of title 49,*  
 2 *United States Code, as added by subsection (a).*

3       *(e) DISADVANTAGED BUSINESS ENTERPRISE PER-*  
 4 *SONAL NET WORTH CAP; BONDING REQUIREMENTS.—Sec-*  
 5 *tion 47113 is amended by adding at the end the following:*  
 6       *“(e) PERSONAL NET WORTH CAP.—Not later than 180*  
 7 *days after the date of enactment of the FAA Air Transpor-*  
 8 *tation Modernization and Safety Improvement Act, the Sec-*  
 9 *retary shall issue final regulations to adjust the personal*  
 10 *net worth cap used in determining whether an individual*  
 11 *is economically disadvantaged for purposes of qualifying*  
 12 *under the definition contained in subsection (a)(2) and*  
 13 *under section 47107(e). The regulations shall correct for the*  
 14 *impact of inflation since the Small Business Administra-*  
 15 *tion established the personal net worth cap at \$750,000 in*  
 16 *1989.*

17       *“(f) EXCLUSION OF RETIREMENT BENEFITS.—*

18           *“(1) IN GENERAL.—In calculating a business*  
 19 *owner’s personal net worth, any funds held in a*  
 20 *qualified retirement account owned by the business*  
 21 *owner shall be excluded, subject to regulations to be*  
 22 *issued by the Secretary.*

23           *“(2) REGULATIONS.—Not later than one year*  
 24 *after the date of enactment of the FAA Air Transpor-*  
 25 *tation Modernization and Safety Improvement Act,*

1        *the Secretary shall issue final regulations to imple-*  
 2        *ment paragraph (1), including consideration of ap-*  
 3        *propriate safeguards, such as a limit on the amount*  
 4        *of such accounts, to prevent circumvention of personal*  
 5        *net worth requirements.*

6        *“(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY*  
 7        *BONDING REQUIREMENTS.—*

8                *“(1) IN GENERAL.—The Secretary shall establish*  
 9        *a program to eliminate barriers to small business*  
 10        *participation in airport-related contracts and conces-*  
 11        *sions by prohibiting excessive, unreasonable, or dis-*  
 12        *criminatory bonding requirements for any project*  
 13        *funded under this chapter or using passenger facility*  
 14        *revenues under section 40117.*

15                *“(2) REGULATIONS.—Not later than one year*  
 16        *after the date of enactment of the FAA Air Transpor-*  
 17        *tation Modernization and Safety Improvement Act,*  
 18        *the Secretary shall issue a final rule to establish the*  
 19        *program under paragraph (1).”.*

20        **SEC. 716. FRONT LINE MANAGER STAFFING.**

21        *(a) STUDY.—Not later than 45 days after the date of*  
 22        *enactment of this Act, the Administrator of the Federal*  
 23        *Aviation Administration shall initiate a study on front line*  
 24        *manager staffing requirements in air traffic control facili-*  
 25        *ties.*

1       (b) *CONSIDERATIONS.*—*In conducting the study, the*  
 2 *Administrator may take into consideration—*

3               (1) *the number of supervisory positions of oper-*  
 4 *ation requiring watch coverage in each air traffic*  
 5 *control facility;*

6               (2) *coverage requirements in relation to traffic*  
 7 *demand;*

8               (3) *facility type;*

9               (4) *complexity of traffic and managerial respon-*  
 10 *sibilities;*

11              (5) *proficiency and training requirements; and*

12              (6) *such other factors as the Administrator con-*  
 13 *siders appropriate.*

14       (c) *DETERMINATIONS.*—*The Administrator shall*  
 15 *transmit any determinations made as a result of the study*  
 16 *to the Chief Operating Officer for the air traffic control sys-*  
 17 *tem.*

18       (d) *REPORT.*—*Not later than 180 days after the date*  
 19 *of enactment of this Act, the Administrator shall submit*  
 20 *to the Senate Committee on Commerce, Science, and Trans-*  
 21 *portation and the House of Representatives Committee on*  
 22 *Transportation and Infrastructure a report on the results*  
 23 *of the study and a description of any determinations sub-*  
 24 *mitted to the Chief Operating Officer under subsection (c).*

1 **SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AM-**  
2 **BULANCE SERVICES.**

3 (a) *IN GENERAL.*— *The Comptroller General shall con-*  
4 *duct a study of the helicopter and fixed-wing air ambulance*  
5 *industry. The study shall include information, analysis,*  
6 *and recommendations pertinent to ensuring a safe air am-*  
7 *bulance 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 indus-*  
11 *try:*

12 (1) *A review of the industry, for part 135 certifi-*  
13 *cate holders and indirect carriers providing helicopter*  
14 *and fixed-wing air ambulance services, including—*

15 (A) *a listing of the number, size, and loca-*  
16 *tion of helicopter and fixed-wing aircraft and*  
17 *their flight bases;*

18 (B) *affiliations of certificate holders and in-*  
19 *direct carriers with hospitals, governments, and*  
20 *other entities;*

21 (C) *coordination of air ambulance services,*  
22 *with each other, State and local emergency med-*  
23 *ical services systems, referring entities, and re-*  
24 *ceiving hospitals;*

25 (D) *nature of services contracts, sources of*  
26 *payment, financial relationships between certifi-*

1        *cate holders and indirect carriers providing air*  
2        *ambulance services and referring entities, and*  
3        *costs of operations; and*

4                *(E) a survey of business models for air am-*  
5        *bulance operations, including expenses, structure,*  
6        *and sources of income.*

7        *(2) Air ambulance request and dispatch prac-*  
8        *tices, including the various types of protocols, models,*  
9        *training, certifications, and air medical communica-*  
10       *tions centers relating to part 135 certificate holders*  
11       *and indirect carriers providing helicopter and fixed-*  
12       *wing air ambulance services, including—*

13                *(A) the practices that emergency and med-*  
14        *ical officials use to request an air ambulance;*

15                *(B) information on whether economic or*  
16        *other nonmedical factors lead to air ambulance*  
17        *transport when it is not medically needed, ap-*  
18        *propriate, or safe; and*

19                *(C) the cause, occurrence, and extent of*  
20        *delays in air ambulance transport.*

21        *(3) Economic and medical issues relating to the*  
22        *air ambulance industry, including—*

23                *(A) licensing;*

24                *(B) certificates of need;*

1                   (C) public convenience and necessity re-  
2                   quirements;

3                   (D) assignment of geographic coverage  
4                   areas;

5                   (E) accreditation requirements;

6                   (F) compliance with dispatch procedures;

7                   and

8                   (G) requirements for medical equipment  
9                   and personnel onboard the aircraft.

10                  (4) Such other matters as the Comptroller Gen-  
11                  eral considers relevant to the purpose of the study.

12                  (c) ANALYSIS AND RECOMMENDATIONS.—Based on in-  
13                  formation obtained under subsection (b) and other informa-  
14                  tion the Comptroller General considers appropriate, the re-  
15                  port shall also include an analysis and specific rec-  
16                  ommendations, as appropriate, related to—

17                   (1) the relationship between State regulation and  
18                   Federal preemption of rates, routes, and services of  
19                   air ambulances;

20                   (2) the extent to which Federal law may impact  
21                   existing State regulation of air ambulances and the  
22                   potential effect of greater State regulation—

23                   (A) in the air ambulance industry, on the  
24                   economic viability of air ambulance services, the  
25                   availability and coordination of service, and

1           *costs of operations both in rural and highly pop-*  
 2           *ulated areas;*

3           *(B) on the quality of patient care and out-*  
 4           *comes; and*

5           *(C) on competition and safety; and*

6           *(3) whether systemic or other problems exist on*  
 7           *a statewide, regional, or national basis with the cur-*  
 8           *rent system governing air ambulances.*

9           *(d) REPORT.—Not later than June 1, 2010, the Comp-*  
 10          *troller General shall submit a report to the Secretary of*  
 11          *Transportation, the Senate Committee on Commerce,*  
 12          *Science, and Transportation, and the House of Representa-*  
 13          *tives Committee on Transportation and Infrastructure con-*  
 14          *taining the Government Accountability Office’s findings*  
 15          *and recommendations regarding the study under this sec-*  
 16          *tion.*

17          *(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—*  
 18          *Not later than 60 days after the date of receipt of the report*  
 19          *under subsection (d), the Secretary shall issue a report to*  
 20          *the Senate Committee on Commerce, Science, and Trans-*  
 21          *portation, and the House of Representatives Committee on*  
 22          *Transportation and Infrastructure that—*

23                 *(1) specifies which, if any, policy changes rec-*  
 24                 *ommended by the Comptroller General and any other*

1        *policy changes with respect to air ambulances the*  
 2        *Secretary will adopt and implement; and*

3            (2) *includes recommendations for legislative*  
 4        *change, if appropriate.*

5        (f) *PART 135 CERTIFICATE HOLDER DEFINED.—In*  
 6        *this section, the term “part 135 certificate holder” means*  
 7        *a person holding a certificate issued under part 135 of title*  
 8        *14, Code of Federal Regulations.*

9        **SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METRO-**  
 10                    **POLITAN WASHINGTON AIRPORTS AUTHOR-**  
 11                    **ITY.**

12        (a) *IN GENERAL.—Section 49108 of title 49, United*  
 13        *States Code, is repealed.*

14        (b) *CONFORMING REPEAL.—The table of sections for*  
 15        *chapter 491 of such title is amended by striking the item*  
 16        *relating to section 49108.*

17        **SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.**

18        *Not later than 180 days after the date of enactment*  
 19        *of this Act, the Administrator of the Federal Aviation Ad-*  
 20        *ministration, in consultation with other Federal agencies,*  
 21        *shall submit a report to the Senate Committee on Com-*  
 22        *merce, Science, and Transportation, the House of Rep-*  
 23        *resentatives Committee on Science and Technology, and the*  
 24        *House of Representatives Committee on Energy and Com-*  
 25        *merce that identifies—*



1           (1) *the current and anticipated need over the*  
2           *next decade by civil aviation, including equipment*  
3           *manufacturers, for aeronautical mobile telemetry serv-*  
4           *ices; and*

5           (2) *the potential impact to the aerospace indus-*  
6           *try of the introduction of a new radio service oper-*  
7           *ating in the same spectrum allocated to the aero-*  
8           *nautical mobile telemetry service.*

Calendar No. 168

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1451**

[Report No. 111-82]

**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.

SEPTEMBER 29, 2009

Reported with an amendment