

111TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

JULY —, 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 _____

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “FAA Air Transportation Modernization and Safety Im-
6 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. 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

19 “(B) \$9,620,000,000 for fiscal year
20 2011.”.

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

2 Section 48101(a) is amended by striking paragraphs
3 (1) through (4) 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 Air-
7 port 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 Air-
11 port 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 Trans-
18 portation out of the Airport and Airway Trust Fund es-
19 tablished under section 9502 of the Internal Revenue Code
20 of 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
3 Federal Aviation Administration shall establish a program
4 to utilize undergraduate and technical colleges, including
5 Historically Black Colleges and Universities, Hispanic
6 Serving Institutions, tribally controlled colleges and uni-
7 versities, and Alaska Native and Native Hawaiian serving
8 institutions in research on subjects of relevance to the
9 Federal Aviation Administration. Grants may be awarded
10 under 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 Fed-
17 eral Aviation Administration;

18 “(3) research on future training requirements
19 on projected changes in regulatory requirements for
20 aircraft 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,
24 and on training requirements for pilots and air traf-
25 fic 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 (4) 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 Pro-
11 gram, passenger facility charge approval and oversight,
12 national airport system planning, airport standards devel-
13 opment and enforcement, airport certification, airport-re-
14 lated environmental activities (including legal services),
15 and other airport-related activities (including airport tech-
16 nology research), 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 con-
20 tents for chapter 481 is amended by striking the item re-
21 lating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

1 **TITLE II—AIRPORT**
2 **IMPROVEMENTS**

3 **SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AU-**
4 **THORITY.**

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

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

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

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

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

23 “(C) the amount of expenditures with pro-
24 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

1 Secretary may require by regulation but, at a
2 minimum, must include copies of any comments
3 received by the agency during the comment pe-
4 riod described by subparagraph (C).

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

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

22 (b) CONFORMING AMENDMENTS.—

23 (1) REFERENCES.—

24 (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 (c) of this sec-
2 tion to finance a specific” and inserting “sub-
3 section (c)(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

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

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

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

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

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

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish and conduct a pilot program at not more than
23 6 airports under which an eligible agency may im-
24 pose a passenger facility charge under this section
25 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-

1 cluded in the ticket price. In the study, the Comp-
2 troller General shall consider, at a minimum—

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

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

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

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

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

20 Section 47107 is amended—

21 (1) by striking “made;” in subsection
22 (a)(16)(D)(ii) and inserting “made, except that, if
23 there is a change in airport design standards that
24 the Secretary determines is beyond the owner or op-
25 erator’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(c)(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 47103 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 47112(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;

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

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

22 (g) AIRPORT CAPACITY BENCHMARK REPORTS; DEF-
23 INITION OF JOINT USE AIRPORT.—Section 47175 is
24 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 “of—
20 ” and all that follows and inserting “of \$520,000,000. The
21 amount credited is exclusive of amounts that have been
22 apportioned in a prior fiscal year under section 47114 of
23 this title and that remain available for obligation.”.

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

25 Section 47128 is amended—

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

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

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

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

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

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

22 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
23 **IEWS.**

24 Section 47173(a) is amended by striking “project.”
25 and inserting “project, or to conduct special environmental

1 studies related to a federally funded airport project or for
2 special studies or reviews to support approved noise com-
3 patibility measures in a Part 150 program or environ-
4 mental mitigation in a Federal Aviation Administration
5 Record of Decision or Finding of No Significant Impact.”.

6 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
7 **PROCEDURES.**

8 Section 47504 is amended by adding at the end the
9 following:

10 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
11 DURES.—

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

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

1 plement flight procedures submitted and approved
2 for airport noise compatibility planning purposes in
3 accordance with this section. Funds received under
4 this authority shall not be subject to the procedures
5 applicable to the receipt of gifts by the Adminis-
6 trator.”.

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

8 Section 47118(c) is amended—

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

11 (2) by striking “delays.” in paragraph (2) and
12 inserting “delays; or”; and

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

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

17 **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**
18 **PILOT PROGRAM.**

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

21 **“§ 47143. Environmental mitigation demonstration**
22 **pilot program**

23 “(a) IN GENERAL.—The Secretary of Transportation
24 shall carry out a pilot program involving not more than
25 6 projects at public-use airports under which the Secretary

1 may make grants to sponsors of such airports from funds
2 apportioned under paragraph 47117(e)(1)(A) for use at
3 such airports for environmental mitigation demonstration
4 projects that will measurably reduce or mitigate aviation
5 impacts on noise, air quality or water quality in the vicin-
6 ity of the airport. Notwithstanding any other provision of
7 this subchapter, an environmental mitigation demonstra-
8 tion project approved under this section shall be treated
9 as eligible for assistance under this subchapter.

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

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

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

20 “(2) will be implemented by an eligible consor-
21 tium.

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

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

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

10 “(g) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE CONSORTIUM.—The term ‘eligi-
12 ble consortium’ means a consortium that comprises
13 2 or more of the following entities:

14 “(A) Businesses operating in the United
15 States.

16 “(B) Public or private educational or re-
17 search organizations located in the United
18 States.

19 “(C) Entities of State or local governments
20 in the United States.

21 “(D) Federal laboratories.

22 “(2) ENVIRONMENTAL MITIGATION DEM-
23 ONSTRATION PROJECT.—The term ‘environmental
24 mitigation demonstration project’ means a project
25 that—

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

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

4 **SEC. 215. GLYCOL RECOVERY VEHICLES.**

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

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

9 Section 44504(b) is amended—

10 (1) by striking “and” after the semicolon in
11 paragraph (6);

12 (2) by striking “aircraft.” in paragraph (7) and
13 inserting “aircraft; and”; and

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

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

17 **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**
18 **ANTEE.**

19 Section 47114(e) is amended—

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

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

24 “(5) UNITED STATES TERRITORY MINIMUM
25 GUARANTEE.—In any fiscal year in which the total

1 amount apportioned to airports in a United States
2 Territory under subsections (c) and (d) is less than
3 1.5 percent of the total amount apportioned to all
4 airports under those subsections, the Secretary may
5 apportion to the local authority in any United States
6 Territory responsible for airport development
7 projects in that fiscal year an amount equal to the
8 difference between 1.5 percent of the total amounts
9 apportioned under subsections (c) and (d) in that
10 fiscal year and the amount otherwise apportioned
11 under those subsections to airports in a United
12 States Territory in that fiscal year.”.

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

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

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

10 **TITLE III—AIR TRAFFIC CON-**
11 **TROL MODERNIZATION AND**
12 **FAA REFORM**

13 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**
14 **SIGHT BOARD.**

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

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

18 “(1) ESTABLISHMENT.—Within 90 days after
19 the date of enactment of the FAA Air Transpor-
20 tation Modernization and Safety Improvement Act,
21 the Secretary shall establish and appoint the mem-
22 bers of an advisory Board which shall be known as
23 the Air Traffic Control Modernization Oversight
24 Board.

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

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

9 “(B) 1 member who shall have a fiduciary
10 responsibility to represent the public interest;
11 and

12 “(C) 4 members representing aviation in-
13 terests, as follows:

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

16 “(ii) 1 representative that is the chief
17 executive officer of a passenger or cargo
18 air carrier.

19 “(iii) 1 representative of a labor orga-
20 nization representing employees at the
21 Federal Aviation Administration that are
22 involved with the operation, maintenance
23 or procurement of the air traffic control
24 system.

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

4 “(3) APPOINTMENT AND QUALIFICATIONS.—

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

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

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

19 “(ii) customer service;

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

22 “(iv) information and communications
23 technology;

24 “(v) organizational development; and

25 “(vi) labor relations.

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

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

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

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

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

11 “(4) FUNCTIONS.—

12 “(A) IN GENERAL.—The Board shall—

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

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

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

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

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

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

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

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

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

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

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

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

23 “(6) ADMINISTRATIVE MATTERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (4) oversee the Joint Planning and Develop-
13 ment Office’s facilitation of cooperation among all
14 Federal agencies whose operations and interests are
15 affected by implementation of the NextGen pro-
16 grams.

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 agree-
23 ment or transaction under paragraph (6) or under
24 section 44502, to permit non-government providers
25 of communications, navigation, surveillance or other

1 services to provide such services in the National Air-
2 space System, or to require the usage of such serv-
3 ices, the Administrator shall consider whether such
4 actions would—

5 “(A) promote the safety of life and prop-
6 erty;

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

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

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

18 **SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO**
19 **REIMBURSABLE AGREEMENTS.**

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

22 **SEC. 305. CLARIFICATION TO ACQUISITION REFORM AU-**
23 **THORITY.**

24 Section 40110(c) is amended—

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

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

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

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

7 Section 40113(e) is amended—

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

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

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

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

2 Section 40122(g)(2) is amended—

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

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

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

9 “(I) subsections (b), (c), and (d) of section
10 4507 (relating to Meritorious Executive or Dis-
11 tinguished Executive rank awards), and sub-
12 sections (b) and (c) of section 4507a (relating
13 to Meritorious Senior Professional or Distin-
14 guished Senior Professional rank awards), ex-
15 cept that—

16 “(i) for purposes of applying such
17 provisions to the personnel management
18 system—

19 “(I) the term ‘agency’ means the
20 Department of Transportation;

21 “(II) the term ‘senior executive’
22 means a Federal Aviation Administra-
23 tion executive;

24 “(III) the term ‘career appointee’
25 means a Federal Aviation Administra-
26 tion career executive; and

1 “(IV) the term ‘senior career em-
2 ployee’ means a Federal Aviation Ad-
3 ministration career senior profes-
4 sional;

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

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

1 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**
2 **MENT.**

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

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

22 (c) **STUDY BY BOARD.**—The Air Traffic Control
23 Modernization Oversight Board established by section
24 106(p) of title 49, United States Code, shall study the Ad-
25 ministrator’s recommendations for realignment and the
26 opportunities, risks, and benefits of realigning services and

1 facilities of the Administration to help reduce capital, op-
2 erating, maintenance, and administrative costs with no ad-
3 verse effect on safety.

4 (d) REVIEW AND RECOMMENDATIONS.—

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

14 (2) The Board shall explain and justify in its
15 report any recommendation made by the Board that
16 is different from the recommendations made by the
17 Administrator pursuant to subsection (b).

18 (3) The Administrator may not consolidate any
19 additional approach control facilities into the South-
20 ern California TRACON, or the Memphis TRACON
21 until the Board's recommendations are completed.

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

24 (1) means a relocation or reorganization of
25 functions, services, or personnel positions, including

1 a facility closure, consolidation, deconsolidation, col-
2 location, decombining, decoupling, split, or inter-fa-
3 cility or inter-regional reorganization that requires a
4 reassignment of employees; but

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

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

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

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

15 (2) by adding at the end of subsection (a)(1)
16 “The office shall be headed by a Director, who shall
17 report to the Chief NextGen Officer appointed or
18 designated under section 302(a) of the FAA Air
19 Transportation Modernization and Safety Improve-
20 ment Act.”;

21 (3) by inserting “(A)” after “(3)” in subsection
22 (a)(3);

23 (4) by inserting after subsection (a)(3) the fol-
24 lowing:

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

10 “(i) carrying out the Department or
11 agency’s Next Generation Air Transpor-
12 tation System implementation activities
13 with the Office; and

14 “(ii) liaison and coordination with
15 other Departments and agencies involved
16 in Next Generation Air Transportation
17 System activities; and

18 “(iii) managing all Next Generation
19 Air Transportation System programs for
20 the Department or agency, including nec-
21 essary budgetary and staff resources, in-
22 cluding, for the Federal Aviation Adminis-
23 tration, those projects described in section
24 44501(b)(5) of title 49, United States
25 Code).

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

3 “(i) the Department’s or agency’s
4 Next Generation Air Transportation Sys-
5 tem responsibilities are clearly commu-
6 nicated to the designated office; and

7 “(ii) the performance of supervisory
8 personnel in that office in carrying out the
9 Department’s or agency’s Next Generation
10 Air Transportation System responsibilities
11 is reflected in their annual performance
12 evaluations and compensation decisions.

13 “(D)(i) Within 6 months after the date of
14 enactment of the FAA Air Transportation Mod-
15 ernization and Safety Improvement Act, the
16 head of each such Department or agency shall
17 execute a memorandum of understanding with
18 the Office and with the other Departments and
19 agencies participating in the Next Generation
20 Air Transportation System project that—

21 “(I) describes the respective respon-
22 sibilities of each such Department and
23 agency, including budgetary commitments;
24 and

1 “(II) the budgetary and staff re-
2 sources committed to the project.

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

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

10 (6) by striking “research and development road-
11 map” in subsection (b)(3) and inserting “implemen-
12 tation plan”;

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

15 (8) by inserting after subsection (b)(3)(C) the
16 following:

17 “(D) a schedule of rulemakings required to
18 issue regulations and guidelines for implementa-
19 tion of the Next Generation Air Transportation
20 System within a timeframe consistent with the
21 integrated plan; and”;

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

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

1 (11) by adding at the end of subsection (b) the
2 following:

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

8 (12) by striking “2010.” in subsection (e) and
9 inserting “2011.”.

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

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

15 Section 40102(a)(4) is amended—

16 (1) by striking subparagraph (B) and inserting
17 the following:

18 “(B) runway lighting and airport surface
19 visual and other navigation aids;”;

20 (2) by striking “weather information, signaling,
21 radio-directional finding, or radio or other electro-
22 magnetic communication; and” in subparagraph (C)
23 and inserting “aeronautical and meteorological infor-
24 mation to air traffic control facilities or aircraft,
25 supplying communication, navigation or surveillance

1 equipment for air-to-ground or air-to-air applica-
2 tions;”;

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

6 (4) by striking “aircraft.” in subparagraph (D)
7 and inserting “aircraft; and”; and

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

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

11 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
12 **TORY.**

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

17 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

18 The Administrator shall make payments to the De-
19 partment of Defense for the education of dependent chil-
20 dren of those Administration employees in Puerto Rico
21 and Guam as they are subject to transfer by policy and
22 practice and meet the eligibility requirements of section
23 2164(c) of title 10, United States Code.

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

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

1 “(2) DISPUTE RESOLUTION.—

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

15 “(B) BINDING ARBITRATION.—If the serv-
16 ices of the Federal Mediation and Conciliation
17 Service under subparagraph (A) do not lead to
18 an agreement, the Administrator and the bar-
19 gaining representatives shall submit their issues
20 in controversy to the Federal Service Impasses
21 Panel in accordance with section 7119 of title
22 5. The Panel shall assist the parties in resolv-
23 ing the impasse by asserting jurisdiction and
24 ordering binding arbitration by a private arbi-
25 tration board consisting of 3 members in ac-

1 cordance with section 2471.6(a)(2)(ii) of title 5,
2 Code of Federal Regulations. The executive di-
3 rector of the Panel shall request a list of not
4 less than 15 names of arbitrators with Federal
5 sector experience from the director of the Fed-
6 eral Mediation and Conciliation Service to be
7 provided to the Administrator and the bar-
8 gaining representatives. Within 10 days after
9 receiving the list, the parties shall each select 1
10 person. The 2 arbitrators shall then select a
11 third person from the list within 7 days. If the
12 2 arbitrators are unable to agree on the third
13 person, the parties shall select the third person
14 by alternately striking names from the list until
15 only 1 name remains. If the parties do not
16 agree on the framing of the issues to be sub-
17 mitted, the arbitration board shall frame the
18 issues. The arbitration board shall give the par-
19 ties a full and fair hearing, including an oppor-
20 tunity to present evidence in support of their
21 claims, and an opportunity to present their case
22 in person, by counsel, or by other representative
23 as they may elect. Decisions of the arbitration
24 board shall be conclusive and binding upon the
25 parties. The arbitration board shall render its

1 decision within 90 days after its appointment.
2 The Administrator and the bargaining rep-
3 resentative shall share costs of the arbitration
4 equally. The arbitration board shall take into
5 consideration the effect of its arbitration deci-
6 sions on the Federal Aviation Administration's
7 ability to attract and retain a qualified work-
8 force and the Federal Aviation Administration's
9 budget.

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

19 “(D) ENFORCEMENT.—Enforcement of the
20 provisions of this paragraph shall be in the
21 United States District Court for the District of
22 Columbia.”.

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

24 (a) OEP AIRPORT PROCEDURES.—

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

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

16 (B) COORDINATION AND IMPLEMENTATION
17 ACTIVITIES.—A description of the activities and
18 operational changes and approvals required to
19 coordinate and utilize those procedures at those
20 airports.

21 (C) IMPLEMENTATION PLAN.—A plan for
22 implementing those procedures that estab-
23 lishes—

- 1 (i) clearly defined budget, schedule,
2 project organization, and leadership re-
3 quirements;
4 (ii) specific implementation and tran-
5 sition steps; and
6 (iii) baseline and performance metrics
7 for measuring the Administration's
8 progress in implementing the plan, includ-
9 ing the percentage utilization of required
10 navigation performance in the National
11 Airspace System.

12 (D) COST/BENEFIT ANALYSIS FOR THIRD-
13 PARTY USAGE.—An assessment of the costs and
14 benefits of using third parties to assist in the
15 development of the procedures.

16 (E) ADDITIONAL PROCEDURES.—A process
17 for the identification, certification, and publica-
18 tion of additional required navigation perform-
19 ance and area navigation procedures that may
20 be required at such airports in the future.

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

23 (A) 30 percent of the required procedures
24 within 18 months after the date of enactment
25 of this Act;

1 (B) 60 percent of the procedures within 36
2 months after the date of enactment of this Act;
3 and

4 (C) 100 percent of the procedures before
5 January 1, 2014.

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

7 (1) IN GENERAL.—No later than January 1,
8 2014, the Administrator shall publish a report, after
9 consultation with representatives of appropriate Ad-
10 ministration employee groups, airport operators, and
11 air carriers, that includes a plan for applying the
12 procedures, requirements, criteria, and metrics de-
13 scribed in subsection (a)(1) to other airports across
14 the Nation.

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

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

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

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

23 (D) 100 percent of the procedures before
24 January 1, 2018.

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

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

18 (e) DEPLOYMENT PLAN FOR NATIONWIDE DATA
19 COMMUNICATIONS SYSTEM.—Within 1 year after the date
20 of enactment of this Act, the Administrator shall submit
21 a plan for implementation of a nationwide communications
22 system to the Senate Committee on Commerce, Science,
23 and Transportation and the House of Representatives
24 Committee on Transportation and Infrastructure. The
25 plan shall include—

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

3 (2) specific implementation and transition
4 steps; and

5 (3) baseline and performance metrics for meas-
6 uring the Administration's progress in implementing
7 the plan.

8 (f) IMPROVED PERFORMANCE STANDARDS.—Within
9 90 days after the date of enactment of this Act, the Ad-
10 ministrators shall submit a report to the Senate committee
11 on commerce, Science, and Transportation and the House
12 of Representatives Committee on Transportation and In-
13 frastructure that—

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

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

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

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

5 (a) IN GENERAL.—

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

15 (A) a clearly defined budget, schedule,
16 project organization, leadership, and the spe-
17 cific implementation or transition steps required
18 to achieve these ADS-B ground station installa-
19 tion goals;

20 (B) a transition plan for ADS-B that in-
21 cludes date-specific milestones for the imple-
22 mentation of new capabilities into the National
23 Airspace System;

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

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

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

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

15 (b) RULEMAKINGS.—

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

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

24 (i) identify the ADS-B Out technology
25 that will be required under NextGen

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

4 (iii) identify—

5 (I) the type of such avionics re-
6 quired of aircraft for all classes of air-
7 space;

8 (II) the expected costs associated
9 with the avionics; and

10 (III) the expected uses and bene-
11 fits of the avionics; and

12 (B) initiate a rulemaking proceeding to
13 issue any additional guidelines and regulations
14 for ADS-B Out technology not addressed in the
15 initial rulemaking.

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

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

23 (B) subject to paragraph (3), require all
24 aircraft to be equipped with such technology by
25 2018; and

1 (C) identify—

2 (i) the type of such avionics required
3 of aircraft for all classes of airspace;

4 (ii) the expected costs associated with
5 the avionics; and

6 (iii) the expected uses and benefits of
7 the avionics.

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

14 (A) the necessary ground infrastructure is
15 installed and functioning properly;

16 (B) certification standards have been ap-
17 proved; and

18 (C) appropriate operational platforms
19 interface safely and efficiently.

20 (e) USES.—Within 18 months after the date of enact-
21 ment of this Act, the Administrator shall develop, in con-
22 sultation with appropriate employee groups, a plan for the
23 use of ADS-B technology for surveillance and active air
24 traffic control by 2015. The plans shall—

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

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

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

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

17 **SEC. 316. EQUIPAGE INCENTIVES.**

18 (a) IN GENERAL.—The Administrator shall issue a
19 report that—

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

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

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

5 (b) DEADLINE.—The Administrator shall issue the
6 report before the earlier of—

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

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

12 **SEC. 317. PERFORMANCE METRICS.**

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

16 (1) the allowable operations per hour on run-
17 ways;

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

19 (3) fuel burned between key city pairs;

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

22 (5) average distance flown between key city
23 pairs;

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

- 1 (7) uninterrupted climb or descent;
- 2 (8) average gate arrival delay for all arrivals;
- 3 (9) flown versus filed flight times for key city
- 4 pairs; and
- 5 (10) metrics to demonstrate reduced fuel burn
- 6 and reduced emissions.

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

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

16 (d) REPORTS.—

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

23 (A) a description of the metrics that will
24 be used to measure the Administration's
25 progress in implementing NextGen Air Trans-

1 portation System capabilities and operational
2 results; and

3 (B) information about how any additional
4 metrics were developed.

5 (2) Annual progress report.—The Adminis-
6 trator shall submit an annual progress report to
7 those committees on the Administration’s progress
8 in implementing NextGen Air Transportation Sys-
9 tem.

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

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

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

17 (2) identification of the specific activities need-
18 ed to certify core NextGen technologies, including
19 the establishment of NextGen technical requirements
20 for the manufacture of equipage, installation of equi-
21 page, airline operational procedures, pilot training
22 standards, air traffic control procedures, and air
23 traffic controller training;

24 (3) staffing requirements for the Air Certifi-
25 cation Service and the Flight Standards Service, and

1 measures addressing concerns expressed by the De-
2 partment of Transportation Inspector General and
3 the Comptroller General regarding staffing needs for
4 modernization;

5 (4) an assessment of the extent to which the
6 Administration will use third parties in the certifi-
7 cation process, and the cost and benefits of this ap-
8 proach; and

9 (5) performance metrics to measure the Admin-
10 istration's progress.

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

16 **SEC. 319. UNMANNED AERIAL SYSTEMS.**

17 (a) IN GENERAL.—Within 1 year after the date of
18 enactment of this Act, the Administrator shall develop a
19 plan to accelerate the integration of unmanned aerial sys-
20 tems into the National Airspace System that—

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

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

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

7 (4) dedicates funding for unmanned aerial sys-
8 tems research and development to certification,
9 flight standards, and air traffic requirements;

10 (5) encourages leveraging and coordination of
11 such research and development activities with the
12 National Aeronautics and Space Administration and
13 the Department of Defense;

14 (6) addresses both military and civilian un-
15 manned aerial system operations;

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

20 (8) provides for verification of the safety of the
21 vehicles and navigation procedures before their inte-
22 gration into the National Airspace System.

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

24 (a) IN GENERAL.—The Air Traffic Organization
25 shall—

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

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

9 (3) accelerate implementation of the program;
10 and

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

13 (b) EXPEDITED CERTIFICATION AND UTILIZA-
14 TION.—The Administrator shall—

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

18 (2) develop a plan to utilize such a system at
19 the 35 Operational Evolution Partnership airports
20 by September 30, 2012.

21 **SEC. 321. STAKEHOLDER COORDINATION.**

22 (a) IN GENERAL.—The Administrator shall establish
23 a process for including qualified employees selected by
24 each exclusive collective bargaining representative of em-
25 ployees of the Administration who are likely to be affected

1 by the planning, development, and deployment of air traf-
2 fic control modernization projects (including the Next
3 Generation Air Transportation System) in, and collabo-
4 rating with, such employees in the planning, development,
5 and deployment of those projects.

6 (b) PARTICIPATION.—

7 (1) BARGAINING OBLIGATIONS AND RIGHTS.—

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

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

17 (A) serve in a collaborative and advisory
18 capacity; and

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

23 (c) REPORT.—No later than 180 days after the date
24 of enactment of this Act, the Administrator shall submit
25 a report on the implementation of this section to the Sen-

1 ate Committee on Commerce, Science, and Transportation
2 and the House of Representatives Committee on Trans-
3 portation and Infrastructure.

4 **SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**
5 **CILITY CONDITIONS.**

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

9 (b) MEMBERSHIP.—

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

12 (A) 7 members shall be appointed by the
13 Administrator; and

14 (B) 4 members shall be appointed by labor
15 unions representing employees who work at
16 field facilities of the Administration.

17 (2) QUALIFICATIONS.—Of the members ap-
18 pointed by the Administrator under paragraph

19 (1)(A)—

20 (A) 4 members shall be specialists on toxic
21 mold abatement, “sick building syndrome,” and
22 other hazardous building conditions that can
23 lead to employee health concerns and shall be
24 appointed by the Administrator in consultation

1 with the Director of the National Institute for
2 Occupational Safety and Health; and

3 (B) 2 members shall be specialists on the
4 rehabilitation of aging buildings.

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

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

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

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

19 (d) TASK FORCE PERSONNEL MATTERS.—

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

23 (2) STAFF OF FEDERAL AGENCIES.—Upon re-
24 quest of the Chairperson of the Task Force, the
25 head of any department or agency of the United

1 States may detail, on a reimbursable basis, any of
2 the personnel of that department or agency to the
3 Task Force to assist it in carrying out its duties
4 under this section.

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

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

21 (f) DUTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the recommendations of the Task Force under subsection
2 (g).

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

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

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

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

19 (a) IN GENERAL.—

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

1 ties for projects eligible for assistance under this
2 section.

3 (b) FUNDING.—

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

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

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

24 (d) QUALIFYING PROJECTS.—Federal funds in the
25 ADS-B equipage account of an ADS-B equipage bank es-

1 tablished under this section may be used only to provide
2 assistance with respect to aircraft ADS-B and related avi-
3 onics equipage.

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

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

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

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

20 (A) credited to the account;

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

24 (C) invested in United States Treasury se-
25 curities, bank deposits, or such other financing

1 instruments as the Secretary may approve to
2 earn interest to enhance the leveraging of
3 projects assisted by the bank;

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

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

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

16 **SEC. 324. DEFINITIONS.**

17 In this title:

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

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

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

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

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

9 “(1) PROVISION OF ESSENTIAL SERVICES.—
10 Each air carrier shall provide for the essential needs
11 of passengers on board an aircraft at an airport in
12 any case in which the departure of a flight is de-
13 layed or disembarkation of passengers on an arriving
14 flight that has landed is substantially delayed, in-
15 cluding—

16 “(A) adequate food and potable water;

17 “(B) adequate restroom facilities;

18 “(C) cabin ventilation and comfortable
19 cabin temperatures; and

20 “(D) access to necessary medical treat-
21 ment.

22 “(2) RIGHT TO DEPLANE.—

23 “(A) IN GENERAL.—Each air carrier shall
24 submit a proposed contingency plan to the Sec-
25 retary of Transportation that identifies a clear

1 time frame under which passengers would be
2 permitted to deplane a delayed aircraft. After
3 the Secretary has reviewed and approved the
4 proposed plan, the air carrier shall make the
5 plan available to the public.

6 “(B) DELAYS.—

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

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

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

22 “(ii) FREQUENCY.—The option de-
23 scribed in clause (i) shall be offered to pas-
24 sengers at a minimum not less often than

1 once during each successive 3-hour period
2 that the plane remains on the ground.

3 “(iii) EXCEPTIONS.—This subpara-
4 graph shall not apply if—

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

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

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

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

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

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

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

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

13 “(g) APPROVAL.—

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

17 “(A) review the initial contingency plans
18 submitted under subsection (b); and

19 “(B) approve plans that closely adhere to
20 the standards described in subsections (d) or
21 (e), whichever is applicable.

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

1 “(A) review the plan; and

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

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

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

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

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

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

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

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

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

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents for chapter 417 is amended by adding at the end
10 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.”.

11 **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**
12 **FLIGHT DELAY HISTORY.**

13 (a) IN GENERAL.—Section 41722 is amended by
14 adding at the end the following:

15 “(f) CHRONICALLY DELAYED FLIGHTS.—

16 “(1) PUBLICATION OF LIST OF FLIGHTS.—
17 Each air carrier holding a certificate issued under
18 section 41102 that conducts scheduled passenger air
19 transportation shall, on a monthly basis—

20 “(A) publish and update on the Internet
21 website of the air carrier a list of chronically
22 delayed flights operated by such air carrier; and

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

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

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

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

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

22 “(A) CHRONICALLY DELAYED FLIGHT.—
23 The term ‘chronically delayed flight’ means a
24 regularly scheduled flight that has failed to ar-
25 rive on time (as such term is defined in section

1 234.2 of title 14, Code of Federal Regulations)
2 at least 40 percent of the time during the most
3 recent 3-month period for which data is avail-
4 able.

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

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

14 **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**
15 **PLAINT INVESTIGATIONS.**

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

- 19 (1) flight cancellations;
- 20 (2) compliance with Federal regulations con-
21 cerning overbooking seats flights;
- 22 (3) lost, damaged, or delayed baggage, and dif-
23 ficulties with related airline claims procedures;
- 24 (4) problems in obtaining refunds for unused or
25 lost tickets or fare adjustments;

1 (5) incorrect or incomplete information about
2 fares, discount fare conditions and availability, over-
3 charges, and fare increases;

4 (6) the rights of passengers who hold frequent
5 flier miles, or equivalent redeemable awards earned
6 through customer-loyalty programs; and

7 (7) deceptive or misleading advertising.

8 (b) BUDGET NEEDS REPORT.—The Secretary shall
9 provide, as an annex to its annual budget request, an esti-
10 mate of resources which would have been sufficient to in-
11 vestigate all such claims the Department of Transpor-
12 tation received in the previous fiscal year. The annex shall
13 be transmitted to the Congress when the President sub-
14 mits the budget of the United States to the Congress
15 under section 1105 of title 31, United States Code.

16 **SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**
17 **AVIATION CONSUMER PROTECTION.**

18 (a) IN GENERAL.—The Secretary of Transportation
19 shall establish an advisory committee for aviation con-
20 sumer protection to advise the Secretary in carrying out
21 airline customer service improvements, including those re-
22 quired by subchapter IV of chapter 417 of title 49, United
23 States Code.

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

4 (1) air carriers;

5 (2) airport operators;

6 (3) State or local governments who has exper-
7 tise in consumer protection matters; and

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

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

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

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

22 (f) DUTIES.—The duties of the advisory committee
23 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.

1 SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL
2 COMMUNITIES

3 **SEC. 411. EAS CONNECTIVITY PROGRAM.**

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

7 **SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING**
8 **MILEAGE ADJUSTMENT ELIGIBILITY.**

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

13 **SEC. 413. EAS CONTRACT GUIDELINES.**

14 Section 41737(a)(1) is amended—

15 (1) by striking “and” after the semicolon in
16 subparagraph (B);

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

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

20 “(D) include provisions under which the Sec-
21 retary may encourage carriers to improve air service
22 to small and rural communities by incorporating fi-
23 nancial incentives in essential air service contracts
24 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 “(c) 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 (c) 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(c) 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 II 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 II 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 periodi-
10 cally review the type and level of air service provided
11 under this section.

12 “(2) CONSULTATION—The Secretary may make
13 appropriate adjustments in the type and level of air
14 service to a place under this section based on the re-
15 view under paragraph (1) and consultation with the
16 affected community and the State or local govern-
17 ment or person agreeing to pay compensation under
18 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(c) 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 “(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 pro-
17 vide air transportation to an eligible place, the Secretary
18 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 periodi-
2 cally review the type and level of air service provided
3 under this section.

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

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 (b) 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(c) 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 car-
22 riers applying to provide essential air service, based
23 on the criteria described in paragraph (2).

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

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

3 (f) 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.”.

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

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.”.

8 **SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED**
9 **FORCES.**

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

11 (1) the Armed Forces is comprised of approxi-
12 mately 1,450,000 members who are stationed on ac-
13 tive duty at more than 6,000 military bases in 146
14 different countries;

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

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

24 (4) the unique demands of military service often
25 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(c) 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.

1 (2) EXCEPTION.—If a certificate holder de-
2 scribed in paragraph (1) is operating under instru-
3 ment flight rules or is carrying out training there-
4 for—

5 (A) the weather minimums and duty and
6 rest time regulations under such part 135 of
7 such title shall apply; and

8 (B) the weather reporting requirement at
9 the destination shall not apply until such time
10 as the Administrator of the Federal Aviation
11 Administration determines that portable, reli-
12 able, and accurate ground-based weather meas-
13 uring and reporting systems are available.

14 (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION
15 PROGRAM.—

16 (1) INITIATION.—Not later than 60 days after
17 the date of enactment of this Act, the Administrator
18 of the Federal Aviation Administration shall initiate
19 a rulemaking—

20 (A) to create a standardized checklist of
21 risk evaluation factors based on Notice
22 8000.301, which was issued by the Administra-
23 tion on August 1, 2005; and

24 (B) to require helicopter and fixed wing
25 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 (2) initiate development of a policy statement to
2 set forth the circumstances in which Occupational
3 Safety and Health Administration requirements may
4 be applied to crewmembers while working in the air-
5 craft.

6 (b) POLICY STATEMENT.—The policy statement to be
7 developed under subsection (a)(2) shall be completed with-
8 in 18 months after the date of enactment of this Act and
9 shall satisfy the following principles:

10 (1) The establishment of a coordinating body
11 similar to the Aviation Safety and Health Joint
12 Team established by the August 2000 memorandum
13 of understanding that includes representatives des-
14 ignated by both Administrations—

15 (A) to examine the applicability of current
16 and future Occupational Safety and Health Ad-
17 ministration regulations;

18 (B) to recommend policies for facilitating
19 the training of Federal Aviation Administration
20 inspectors; and

21 (C) to make recommendations that will
22 govern the inspection and enforcement of safety
23 and health standards on board aircraft in oper-
24 ation and all work-related environments.

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

3 (A) the circumstances under which an em-
4 ployer is required to take action to address oc-
5 cupational safety and health hazards;

6 (B) the measures required of an employer
7 under the standard; and

8 (C) the compliance obligations of an em-
9 ployer under the standard.

10 **SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLE-**
11 **MENTATION OF REQUIRED NAVIGATION PER-**
12 **FORMANCE APPROACH PROCEDURES.**

13 (a) IN GENERAL.—

14 (1) ANNUAL MINIMUM REQUIRED NAVIGATION
15 PERFORMANCE PROCEDURES.—The Administrator
16 shall set a target of achieving a minimum of 200
17 Required Navigation Performance procedures each
18 fiscal year through fiscal year 2012, with 25 percent
19 of that target number meeting the low visibility ap-
20 proach criteria consistent with the NextGen Imple-
21 mentation Plan.

22 (2) USE OF THIRD PARTIES.—The Adminis-
23 trator is authorized to provide third parties the abil-
24 ity to design, flight check, and implement Required
25 Navigation Performance approach procedures.

1 (b) DOT INSPECTOR GENERAL REVIEW OF OPER-
2 ATIONAL AND APPROACH PROCEDURES BY A THIRD
3 PARTY.—

4 (1) REVIEW.—The Inspector General of the De-
5 partment of Transportation shall conduct a review
6 regarding the effectiveness of the oversight activities
7 conducted by the Administration in connection with
8 any agreement with or delegation of authority to a
9 third party for the development of flight procedures,
10 including public use procedures, for the National
11 Airspace System.

12 (2) ASSESSMENTS.—The Inspector General
13 shall include, at a minimum, in the review—

14 (A) an assessment of the extent to which
15 the Administration is relying or intends to rely
16 on a third party for the development of new
17 procedures and a determination of whether the
18 Administration has established sufficient mech-
19 anisms and staffing to provide safety oversight
20 functions, which may include quality assurance
21 processes, flight checks, integration of proce-
22 dures into the National Aviation System, and
23 operational assessments of procedures developed
24 by third parties; and

1 (B) an assessment regarding whether the
2 Administration has sufficient existing personnel
3 and technical resources or mechanisms to de-
4 velop such flight procedures in a safe and effi-
5 cient manner to meet the demands of the Na-
6 tional Airspace System without the use of third
7 party resources.

8 (c) REPORT.—No later than 1 year after the date of
9 enactment of this Act, the Inspector General shall submit
10 to the Senate Committee on Commerce, Science, and
11 Transportation and the House of Representatives Com-
12 mittee on Transportation and Infrastructure a report on
13 the results of the review conducted under this section.

14 **SEC. 511. IMPROVED SAFETY INFORMATION.**

15 Not later than December 31, 2009, the Administrator
16 of the Federal Aviation Administration shall issue a final
17 rule in docket No. FAA-2008-0188, *Re-registration and*
18 *Renewal of Aircraft Registration*. The final rule shall in-
19 clude—

20 (1) provision for the expiration of a certificate
21 for an aircraft registered as of the date of enactment
22 of this Act, with re-registration requirements for
23 those aircraft that remain eligible for registration;

1 (2) provision for the periodic expiration of all
2 certificates issued after the effective date of the rule
3 with a registration renewal process; and

4 (3) other measures to promote the accuracy and
5 efficient operation and value of the Administration's
6 aircraft registry.

7 **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**
8 **IMPROVEMENTS.**

9 (a) IN GENERAL.—Within 180 days after the date
10 of enactment of this Act, the Administrator of the Federal
11 Aviation Administration shall—

12 (1) take such action as may be necessary to en-
13 sure that the Voluntary Disclosure Reporting Proc-
14 ess requires inspectors—

15 (A) to evaluate corrective action proposed
16 by an air carrier with respect to a matter dis-
17 closed by that air carrier is sufficiently com-
18 prehensive in scope and application and applies
19 to all affected aircraft operated by that air car-
20 rier before accepting the proposed voluntary
21 disclosure;

22 (B) to verify that corrective action so iden-
23 tified by an air carrier is completed within the
24 timeframe proposed; and

1 (C) to verify by inspection that the car-
2 rier's corrective action adequately corrects the
3 problem that was disclosed; and

4 (2) establish a second level supervisory review
5 of disclosures under the Voluntary Disclosure Re-
6 porting Process before any proposed disclosure is ac-
7 cepted and closed that will ensure that a matter dis-
8 closed by an air carrier—

9 (A) has not been previously identified by a
10 Federal Aviation Administration inspector; and

11 (B) has not been previously disclosed by
12 the carrier in the preceding 5 years.

13 (b) GAO STUDY.—

14 (1) IN GENERAL.—The Comptroller General
15 shall conduct a study of the Voluntary Disclosure
16 Reporting Program.

17 (2) REVIEW.—In conducting the study, the
18 Comptroller General shall examine, at a minimum,
19 whether—

20 (A) there is evidence that voluntary disclo-
21 sure is resulting in regulated entities discov-
22 ering and correcting violations to a greater ex-
23 tent than would otherwise occur if there was no
24 program for immunity from enforcement action;

1 (B) the voluntary disclosure program
2 makes the Federal Aviation Administration
3 aware of violations that it would not have dis-
4 covered if there was not a program, and if a
5 violation is disclosed voluntarily, whether the
6 Administration insists on stronger corrective ac-
7 tions than would have occurred if the regulated
8 entity knew of a violation, but the Administra-
9 tion did not;

10 (C) the information the Administration
11 gets under the program leads to fewer viola-
12 tions by other entities, either because the infor-
13 mation leads other entities to look for similar
14 violations or because the information leads Ad-
15 ministration investigators to look for similar
16 violations at other entities; and

17 (D) there is any evidence that voluntary
18 disclosure has improved compliance with regula-
19 tions, either for the entities making disclosures
20 or for the industry generally.

21 (3) REPORT.—Not later than one year after the
22 date of enactment of this Act, the Comptroller Gen-
23 eral shall submit a report to the Senate Committee
24 on Commerce, Science, and Transportation and the
25 House of Representatives Committee on Transpor-

1 tation and Infrastructure on the results of the study
2 conducted under this subsection.

3 **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPEC-**
4 **TIONS.**

5 (a) IN GENERAL.—Section 44711 is amended by
6 adding at the end the following:

7 “(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT
8 STANDARDS INSPECTORS.—

9 “(1) PROHIBITION.—A person holding an oper-
10 ating certificate issued under title 14, Code of Fed-
11 eral Regulations, may not knowingly employ, or
12 make a contractual arrangement which permits, an
13 individual to act as an agent or representative of the
14 certificate holder in any matter before the Federal
15 Aviation Administration if the individual, in the pre-
16 ceding 3-year period—

17 “(A) served as, or was responsible for over-
18 sight of, a flight standards inspector of the Ad-
19 ministration; and

20 “(B) had responsibility to inspect, or over-
21 see inspection of, the operations of the certifi-
22 cate holder.

23 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

24 For purposes of paragraph (1), an individual shall
25 be considered to be acting as an agent or representa-

1 tive of a certificate holder in a matter before the
2 Federal Aviation Administration if the individual
3 makes any written or oral communication on behalf
4 of the certificate holder to the Administration (or
5 any of its officers or employees) in connection with
6 a particular matter, whether or not involving a spe-
7 cific party and without regard to whether the indi-
8 vidual has participated in, or had responsibility for,
9 the particular matter while serving as a flight stand-
10 ards inspector of the Administration.”.

11 (b) **APPLICABILITY.**—The amendment made by sub-
12 section (a) shall not apply to an individual employed by
13 a certificate holder as of the date of enactment of this
14 Act.

15 **SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.**

16 Within 30 days after the date of enactment of this
17 Act, the Comptroller General shall initiate a review and
18 investigation of air safety issues identified by Federal
19 Aviation Administration employees and reported to the
20 Administrator. The Comptroller General shall report the
21 Government Accountability Office’s findings and rec-
22 ommendations to the Administrator, the Senate Com-
23 mittee on Commerce, Science, and Transportation, and
24 the House of Representatives Committee on Transpor-
25 tation and Infrastructure on an annual basis.

1 **SEC. 515. NATIONAL REVIEW TEAM.**

2 (a) IN GENERAL.—Within 180 days after the date
3 of enactment of this Act, the Administrator of the Federal
4 Aviation Administration shall establish a national review
5 team within the Administration to conduct periodic, 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-

1 tion Administration shall conduct a comprehensive review
2 and evaluation of its Academy and facility training efforts.

3 (b) FACILITY TRAINING PROGRAM.—The Adminis-
4 trator shall—

5 (1) clarify responsibility for oversight and direc-
6 tion of the Academy’s facility training program at
7 the national level;

8 (2) communicate information concerning that
9 responsibility to facility managers; and

10 (3) establish standards to identify the number
11 of developmental controllers that can be accommo-
12 dated at each facility, based on—

13 (A) the number of available on-the-job-
14 training instructors;

15 (B) available classroom space;

16 (C) the number of available simulators;

17 (D) training requirements; and

18 (E) the number of recently placed new per-
19 sonnel already in training.

20 **SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPER-**
21 **ATIONAL ERRORS.**

22 (a) PLAN.—The Administrator of the Federal Avia-
23 tion Administration shall develop a plan for the reduction
24 of runway incursions by reviewing every commercial serv-
25 ice airport (as defined in section 47102 of title 49, United

1 States Code) in the United States and initiating action
2 to improve airport lighting, provide better signage, and
3 improve runway and taxiway markings.

4 (b) PROCESS.—Within 1 year after the date of enact-
5 ment of this Act, the Administrator of the Federal Avia-
6 tion Administration shall develop a process for tracking
7 and investigating operational errors and runway incur-
8 sions that includes—

9 (1) identifying the office responsible for estab-
10 lishing regulations regarding operational errors and
11 runway incursions;

12 (2) identifying who is responsible for tracking
13 and investigating operational errors and runway in-
14 cursions and taking remedial actions;

15 (3) identifying who is responsible for tracking
16 operational errors and runway incursions, including
17 a process for lower level employees to report to high-
18 er supervisory levels; and

19 (4) periodic random audits of the oversight
20 process.

21 **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**
22 **TION OFFICE.**

23 Section 106 is amended by adding at the end the fol-
24 lowing:

1 “(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGA-
2 TION OFFICE.—

3 “(1) ESTABLISHMENT.—There is established in
4 the Administration an Aviation Safety Whistleblower
5 Investigation Office.

6 “(2) DIRECTOR.—

7 “(A) APPOINTMENT.—The head of the Of-
8 fice shall be the Director, who shall be ap-
9 pointed by the Secretary of Transportation.

10 “(B) QUALIFICATIONS.—The Director
11 shall have a demonstrated ability in investiga-
12 tions and knowledge of or experience in avia-
13 tion.

14 “(C) TERM.—The Director shall be ap-
15 pointed for a term of 5 years.

16 “(D) VACANCY.—Any individual appointed
17 to fill a vacancy in the position of the Director
18 occurring before the expiration of the term for
19 which the individual’s predecessor was ap-
20 pointed shall be appointed for the remainder of
21 that term.

22 “(3) COMPLAINTS AND INVESTIGATIONS.—

23 “(A) AUTHORITY OF DIRECTOR.—The Di-
24 rector shall—

1 “(i) receive complaints and informa-
2 tion submitted by employees of persons
3 holding certificates issued under title 14,
4 Code of Federal Regulations, and employ-
5 ees of the Administration concerning the
6 possible existence of an activity relating to
7 a violation of an order, regulation, or
8 standard of the Administration or any
9 other provision of Federal law relating to
10 aviation safety;

11 “(ii) assess complaints and informa-
12 tion submitted under clause (i) and deter-
13 mine whether a substantial likelihood ex-
14 ists that a violation of an order, regulation,
15 or standard of the Administration or any
16 other provision of Federal law relating to
17 aviation safety may have occurred; and

18 “(iii) based on findings of the assess-
19 ment conducted under clause (ii), make
20 recommendations to the Administrator in
21 writing for further investigation or correc-
22 tive actions.

23 “(B) DISCLOSURE OF IDENTITIES.—The
24 Director shall not disclose the identity of an in-

1 individual who submits a complaint or informa-
2 tion under subparagraph (A)(i) unless)—

3 “(i) the individual consents to the dis-
4 closure in writing; or

5 “(ii) the Director determines, in the
6 course of an investigation, that the dislo-
7 sure is unavoidable.

8 “(C) INDEPENDENCE OF DIRECTOR.—The
9 Secretary, the Administrator, or any officer or
10 employee of the Administration may not pre-
11 vent or prohibit the Director from initiating,
12 carrying out, or completing any assessment of
13 a complaint or information submitted subpara-
14 graph (A)(i) or from reporting to Congress on
15 any such assessment.

16 “(D) ACCESS TO INFORMATION.—In con-
17 ducting an assessment of a complaint or infor-
18 mation submitted under subparagraph (A)(i),
19 the Director shall have access to all records, re-
20 ports, audits, reviews, documents, papers, rec-
21 ommendations, and other material necessary to
22 determine whether a substantial likelihood ex-
23 ists that a violation of an order, regulation, or
24 standard of the Administration or any other

1 provision of Federal law relating to aviation
2 safety may have occurred.

3 “(4) RESPONSES TO RECOMMENDA-
4 TIONS.—The Administrator shall respond to a
5 recommendation made by the Director under
6 subparagraph (A)(iii) in writing and retain
7 records related to any further investigations or
8 corrective actions taken in response to the rec-
9 ommendation.

10 “(5) INCIDENT REPORTS.—If the Director de-
11 termines there is a substantial likelihood that a vio-
12 lation of an order, regulation, or standard of the Ad-
13 ministration or any other provision of Federal law
14 relating to aviation safety may have occurred that
15 requires immediate corrective action, the Director
16 shall report the potential violation expeditiously to
17 the Administrator and the Inspector General of the
18 Department of Transportation.

19 “(6) REPORTING OF CRIMINAL VIOLATIONS TO
20 INSPECTOR GENERAL.—If the Director has reason-
21 able grounds to believe that there has been a viola-
22 tion of Federal criminal law, the Director shall re-
23 port the violation expeditiously to the Inspector Gen-
24 eral.

1 “(7) ANNUAL REPORTS TO CONGRESS.—Not
2 later than October 1 of each year, the Director shall
3 submit to Congress a report containing—

4 “(A) information on the number of submis-
5 sions of complaints and information received by
6 the Director under paragraph (3)(A)(i) in the
7 preceding 12-month period;

8 “(B) summaries of those submissions;

9 “(C) summaries of further investigations
10 and corrective actions recommended in response
11 to the submissions; and

12 “(D) summaries of the responses of the
13 Administrator to such recommendations.”.

14 **SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIA-**
15 **TIVE.**

16 (a) MODIFICATION OF INITIATIVE.—Not later than
17 90 days after the date of enactment of this Act, the Ad-
18 ministrator of the Federal Aviation Administration shall
19 modify the customer service initiative, mission and vision
20 statements, and other statements of policy of the Adminis-
21 tration—

22 (1) to remove any reference to air carriers or
23 other entities regulated by the Administration as
24 “customers”;

1 (2) to clarify that in regulating safety the only
2 customers of the Administration are members of the
3 traveling public; and

4 (3) to clarify that air carriers and other entities
5 regulated by the Administration do not have the
6 right to select the employees of the Administration
7 who will inspect their operations.

8 (b) SAFETY PRIORITY.—In carrying out the Adminis-
9 trator’s responsibilities, the Administrator shall ensure
10 that safety is given a higher priority than preventing the
11 dissatisfaction of an air carrier or other entity regulated
12 by the Administration with an employee of the Adminis-
13 tration.

14 **SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPOR-**
15 **TATION OVERSIGHT SYSTEM DATABASE.**

16 (a) REVIEWS.—The Administrator of the Federal
17 Aviation Administration shall establish a process by which
18 the air transportation oversight system database of the
19 Administration is reviewed by a team of employees of the
20 Agency on a monthly basis to ensure that—

21 (1) any trends in regulatory compliance are
22 identified; and

23 (2) appropriate corrective actions are taken in
24 accordance with Agency regulations, advisory direc-
25 tives, policies, and procedures.

1 (b) MONTHLY TEAM REPORTS.—

2 (1) IN GENERAL.—The team of employees con-
3 ducting a monthly review of the air transportation
4 oversight system database under subsection (a) shall
5 submit to the Administrator, the Associate Adminis-
6 trator for Aviation Safety, and the Director of
7 Flight Standards a report on the results of the re-
8 view.

9 (2) CONTENTS.—A report submitted under
10 paragraph (1) shall identify—

11 (A) any trends in regulatory compliance
12 discovered by the team of employees in con-
13 ducting the monthly review; and

14 (B) any corrective actions taken or pro-
15 posed to be taken in response to the trends.

16 (c) QUARTERLY REPORTS TO CONGRESS.—The Ad-
17 ministrator, on a quarterly basis, shall submit a report
18 to the Senate Committee on Commerce, Science, and
19 Transportation and the House of Representatives Com-
20 mittee on Transportation and Infrastructure on the re-
21 sults of reviews of the air transportation oversight system
22 database conducted under this section, including copies of
23 reports received under subsection (b).

1 **SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS**

2 (a) IN GENERAL.—Chapter 447 is amended by add-
3 ing at the end the following:

4 **“§ 44730. Inspection of foreign repair stations**

5 “(a) IN GENERAL.—Within 1 year after the date of
6 enactment of the FAA Air Transportation Modernization
7 and Safety Improvement Act the Administrator of the
8 Federal Aviation Administration shall establish and imple-
9 ment a safety assessment system for all part 145 repair
10 stations based on the type, scope, and complexity of work
11 being performed. The system shall—

12 “(1) ensure that repair stations outside the
13 United States are subject to appropriate inspections
14 based on identified risk and consistent with existing
15 United States requirements;

16 “(2) consider inspection results and findings
17 submitted by foreign civil aviation authorities oper-
18 ating under a maintenance safety or maintenance
19 implementation agreement with the United States in
20 meeting the requirements of the safety assessment
21 system; and

22 “(3) require all maintenance safety or mainte-
23 nance implementation agreements to provide an op-
24 portunity for the Federal Aviation Administration to
25 conduct independent inspections of covered part 145

1 repair stations when safety concerns warrant such
2 inspections.

3 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The
4 Administrator shall notify the Senate Committee on Com-
5 merce, Science, and Transportation and the House of Rep-
6 resentatives Committee on Transportation and Infrastruc-
7 ture within 30 days after initiating formal negotiations
8 with foreign aviation authorities or other appropriate for-
9 eign government agencies on a new maintenance safety or
10 maintenance implementation agreement.

11 “(c) ANNUAL REPORT.—The Administrator shall
12 publish an annual report on the Federal Aviation Adminis-
13 tration’s oversight of part 145 repair stations and imple-
14 mentation of the safety assessment system required by
15 subsection (a). The report shall—

16 “(1) describe in detail any improvements in the
17 Federal Aviation Administration’s ability to identify
18 and track where part 121 air carrier repair work is
19 performed;

20 “(2) include a staffing model to determine the
21 best placement of inspectors and the number of in-
22 spectors needed;

23 “(3) describe the training provided to inspec-
24 tors; and

1 “(4) include an assessment of the quality of
2 monitoring and surveillance by the Federal Aviation
3 Administration of work provided by its inspectors
4 and the inspectors of foreign authorities operating
5 under a maintenance safety or implementation
6 agreement.

7 “(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-
8 ING PROGRAM REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretaries of State
10 and Transportation jointly shall request the govern-
11 ments of foreign countries that are members of the
12 International Civil Aviation Organization to establish
13 international standards for alcohol and controlled
14 substances testing of persons that perform safety
15 sensitive maintenance functions upon commercial air
16 carrier aircraft.

17 “(2) APPLICATION TO PART 121 AIRCRAFT
18 WORK.—Within 1 year after the date of enactment
19 of the FAA Air Transportation Modernization and
20 Safety Improvement Act the Administrator shall
21 promulgate a proposed rule requiring that all part
22 145 repair station employees responsible for safety-
23 sensitive functions on part 121 air carrier aircraft
24 are subject to an alcohol and controlled substance
25 testing program determined acceptable by the Ad-

1 administrator and consistent with the applicable laws
2 of the country in which the repair station is located.

3 “(e) BIENNIAL INSPECTIONS.—The Administrator
4 shall require part 145 repair stations to be inspected twice
5 each year by Federal Aviation Administration safety in-
6 spectors, regardless of where the station is located, in a
7 manner consistent with United States obligations under
8 international agreements.

9 “(f) DEFINITIONS.—In this section:

10 “(1) PART 121 AIR CARRIER.—The term ‘part
11 121 air carrier’ means an air carrier that holds a
12 certificate issued under part 121 of title 14, Code of
13 Federal Regulations.

14 “(2) PART 145 REPAIR STATION.—The term
15 ‘part 145 repair station’ means a repair station that
16 holds a certificate issued under part 145 of title 14,
17 Code of Federal Regulations.”.

18 (b) CONFORMING AMENDMENT.—The table of con-
19 tents for chapter 447 is amended by adding at the end
20 thereof the following:

“44730. Inspection of foreign repair stations”.

21 **SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.**

22 (a) REGULATIONS.—Not later than 3 years after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration shall issue regulations re-
25 quiring that all covered maintenance work on aircraft used

1 to provide air transportation under part 121 of title 14,
2 Code of Federal Regulations, be performed by individuals
3 in accordance with subsection (b).

4 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN
5 WORK.—No individual may perform covered maintenance
6 work on aircraft used to provide air transportation under
7 part 121 of title 14, Code of Federal Regulations unless
8 that individual is employed by—

9 (1) a part 121 air carrier;

10 (2) a part 145 repair station;

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

1 under part 21 of title 14, Code of Federal Regula-
2 tions, and the holder of such certificate or ap-
3 proval—

4 (A) originally produced, and continues to
5 produce, the article upon which the work is to
6 be performed; and

7 (B) is acting in conjunction with a part
8 121 air carrier or a part 145 repair station.

9 (d) DEFINITIONS.—In this section:

10 (1) COVERED MAINTENANCE WORK.—The term
11 “covered maintenance work” means maintenance
12 work that is essential maintenance, regularly sched-
13 uled maintenance, or a required inspection item, as
14 determined by the Administrator.

15 (2) PART 121 AIR CARRIER.—The term “part
16 121 air carrier” has the meaning given that term in
17 section 44730(f)(1) of title 49, United States Code.

18 (3) PART 145 REPAIR STATION.—The term
19 “part 145 repair station” has the meaning given
20 that term in section 44730(f)(2) of title 49, United
21 States Code.

22 **SUBTITLE B—FLIGHT SAFETY**

23 **SEC. 551. PILOT APPLICANT EMPLOYMENT RECORDS.**

24 (a) IN GENERAL.—Section 44703(h) is amended to
25 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 car-
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 car-
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-

1 ational Quality Assurance Program data, or a Line Oper-
2 ations Safety Audit Program report in making safety rec-
3 ommendations.

4 (f) WAIVER.—Any waiver of the privilege for self-
5 analysis information by a protected party, unless occa-
6 sioned by the party's own use of the information in pre-
7 senting a claim or defense, must be in writing.

8 **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**
9 **TESTING, AND CERTIFICATION REQUIRE-**
10 **MENTS.**

11 (a) TRAINING AND TESTING.—The Administrator
12 shall develop and implement a plan for reevaluation of
13 flight crew training regulations in effect on the date of
14 enactment of this Act, including regulations for—

15 (1) classroom instruction requirements gov-
16 erning curriculum content and hours of instruction;

17 (2) crew leadership training; and

18 (3) initial and recurrent testing requirements
19 for pilots, including the rigor and consistency of
20 testing programs such as check rides.

21 (b) BEST PRACTICES.—The plan shall incorporate
22 best practices in the aviation industry with respect to
23 training protocols, methods, and procedures.

1 (c) 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 (CO₂) 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;

1 (2) begin implementation of a system to im-
2 prove volcanic ash avoidance options for aircraft, in-
3 cluding the development of a volcanic ash warning
4 and notification system for aviation; and

5 (3) establish research projects on—

6 (A) ground de-icing/anti-icing, ice pellets,
7 and freezing drizzle;

8 (B) oceanic weather, including convective
9 weather;

10 (C) en route turbulence prediction and de-
11 tection; and

12 (D) all hazards during oceanic operations,
13 where commercial traffic is high and only rudi-
14 mentary satellite sensing is available, to reduce
15 the hazards presented to commercial aviation.

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

18 (a) RESEARCH.—

19 (1) EQUIPMENT.—Section 44504 is amended—

20 (A) by inserting “unmanned and manned”
21 in subsection (a) after “improve”;

22 (B) by striking “and” after the semicolon
23 in subsection (b)(6);

24 (C) by striking “aircraft.” in subsection
25 (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 Science 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 (c) 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 (c) 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 (2) by striking “December 31, 2009,” and in-
6 serting “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 (c) 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 ices” each place it appears in subsection (b)
6 and inserting “Department of the Inte-
7 rior”;

8 (iv) by striking “National Park Serv-
9 ices” 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 ices” 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-

1 merchial air tour operator is provided to the
2 Administrator and the Secretary by the op-
3 erator seeking operating authority;

4 “(ii) the Administrator determines
5 that the modifications would not adversely
6 affect aviation safety or the management
7 of the national airspace system; and

8 “(iii) the Secretary agrees that the
9 modifications would not adversely affect
10 park resources and visitor experiences.”.

11 (e) REPORTING REQUIREMENTS FOR COMMERCIAL
12 AIR TOUR OPERATORS.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, and annually
15 thereafter, each commercial air tour conducting com-
16 mercial air tour operations over a national park shall
17 report to the Administrator of the Federal Aviation
18 Administration and the Secretary of the Interior
19 on—

20 (A) the number of commercial air tour op-
21 erations conducted by such operator over the
22 national park each day;

23 (B) any relevant characteristics of com-
24 mercial 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-

1 erations may transfer such authority to another
2 commercial air tour operator at any time.

3 (B) NOTICE.—Not later than 30 days be-
4 fore the date on which a commercial air tour
5 operator transfers operating authority under
6 subparagraph (A), the operator shall notify the
7 Administrator and the Secretary of the intent
8 of the operator to transfer such authority.

9 (C) REGULATIONS.—Not later than 180
10 days after the date of the enactment of this
11 Act, the Administrator shall prescribe regula-
12 tions to allow transfers of operating authority
13 described in subparagraph (A).

14 (2) TIME FOR DETERMINATION REGARDING OP-
15 ERATING AUTHORITY.—Notwithstanding any other
16 provision of law, the Administrator shall determine
17 whether to grant a commercial air tour operator op-
18 erating authority under section 40128 of title 49,
19 United States Code, not later than 180 days after
20 the earlier of the date on which—

21 (A) the operator submits an application; or

22 (B) an air tour management plan is com-
23 pleted for the national park over which the op-
24 erator seeks to conduct commercial air tour op-
25 erations.

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 redevelop-
13 ment 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(e) 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
4 FOR 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

1 owner or operator will meet the percentage
2 goal of paragraph (1) or who is responsible
3 for determining whether or not a small
4 business concern in airport concessions
5 qualifies as a small business concern owned
6 and controlled by a socially and economi-
7 cally disadvantaged individual for purposes
8 of paragraph (1).

9 “(D) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There are authorized to be appro-
11 priated to the Secretary such sums as may
12 be necessary to carry out this paragraph.”.

13 (b) REPORT.—Not later than 24 months after the
14 date of enactment of this Act, the Secretary shall submit
15 a report to the Senate Committee on Commerce, Science,
16 and Transportation, the House of Representatives Com-
17 mittee on Transportation and Infrastructure, and other
18 appropriate committees of Congress on the results of the
19 training program conducted under section 47107(e)(8) of
20 title 49, United States Code, as added by subsection (a).

21 (c) DISADVANTAGED BUSINESS ENTERPRISE PER-
22 SONAL NET WORTH CAP; BONDING REQUIREMENTS.—
23 Section 47113 is amended by adding at the end the fol-
24 lowing:

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(e). 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).

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