

112TH CONGRESS
1ST SESSION

S. 223

AN ACT

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

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

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

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

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

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

TITLE I—AUTHORIZATIONS

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

TITLE II—AIRPORT IMPROVEMENTS

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

- Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.
- Sec. 224. Use of mineral revenue at certain airports.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

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

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

- Sec. 401. Airline customer service commitment.
- Sec. 402. Publication of customer service data and flight delay history.
- Sec. 403. Expansion of DOT airline consumer complaint investigations.
- Sec. 404. Establishment of advisory committee for aviation consumer protection.
- Sec. 405. Disclosure of passenger fees.
- Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.
- Sec. 407. Notification requirements with respect to the sale of airline tickets.
- Sec. 408. Disclosure of seat dimensions to facilitate the use of child safety seats on aircraft.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

- Sec. 411. EAS connectivity program.
- Sec. 412. Extension of final order establishing mileage adjustment eligibility.

- Sec. 413. EAS contract guidelines.
- Sec. 414. Conversion of former EAS airports.
- Sec. 415. EAS reform.
- Sec. 416. Small community air service.
- Sec. 417. EAS marketing.
- Sec. 418. Rural aviation improvement.
- Sec. 419. Repeal of essential air service local participation program.
- Sec. 420. Limitation on essential air service to locations that are 90 or more miles away from the nearest medium or large hub airport.
- Sec. 421. Limitation on essential air service to locations that average 10 or more enplanements per day.

SUBTITLE C—MISCELLANEOUS

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

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

- Sec. 501. Runway safety equipment plan.
- Sec. 502. Judicial review of denial of airman certificates.
- Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 504. Design organization certificates.
- Sec. 505. FAA access to criminal history records or database systems.
- Sec. 506. Pilot fatigue.
- Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
- Sec. 508. Cabin crew communication.
- Sec. 509. Clarification of memorandum of understanding with OSHA.
- Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
- Sec. 511. Improved safety information.
- Sec. 512. Voluntary disclosure reporting process improvements.
- Sec. 513. Procedural improvements for inspections.
- Sec. 514. Independent review of safety issues.
- Sec. 515. National review team.
- Sec. 516. FAA Academy improvements.
- Sec. 517. Reduction of runway incursions and operational errors.
- Sec. 518. Aviation safety whistleblower investigation office.
- Sec. 519. Modification of customer service initiative.
- Sec. 520. Headquarters review of air transportation oversight system database.
- Sec. 521. Inspection of foreign repair stations.
- Sec. 522. Non-certificated maintenance providers.
- Sec. 523. Use of explosive pest control devices.

SUBTITLE B—FLIGHT SAFETY

- Sec. 551. FAA pilot records database.
- Sec. 552. Air carrier safety management systems.
- Sec. 553. Secretary of Transportation responses to safety recommendations.

- Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
- Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
- Sec. 556. Flightcrew member mentoring, professional development, and leadership.
- Sec. 557. Flightcrew member screening and qualifications.
- Sec. 558. Prohibition on personal use of certain devices on flight deck.
- Sec. 559. Safety inspections of regional air carriers.
- Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 561. Oversight of pilot training schools.
- Sec. 562. Enhanced training for flight attendants and gate agents.
- Sec. 563. Definitions.
- Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
- Sec. 603. Production of alternative fuel technology for civilian aircraft.
- Sec. 604. Production of clean coal fuel technology for civilian aircraft.
- Sec. 605. Research program to improve airfield pavements.
- Sec. 606. Wake turbulence, volcanic ash, and weather research.
- Sec. 607. Incorporation of unmanned aircraft 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.
- Sec. 612. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.
- Sec. 702. Human intervention management study.
- Sec. 703. Airport program modifications.
- Sec. 704. Miscellaneous program extensions.
- Sec. 705. Extension of competitive access reports.
- Sec. 706. Update on overflights.
- Sec. 707. Technical corrections.
- Sec. 708. FAA technical training and staffing.
- Sec. 709. Commercial air tour operators in national parks.
- Sec. 710. Phaseout of Stage 1 and 2 aircraft.
- Sec. 711. Weight restrictions at Teterboro Airport.
- Sec. 712. Pilot program for redevelopment of airport properties.
- Sec. 713. Transporting musical instruments.
- Sec. 714. Recycling plans for airports.
- Sec. 715. Disadvantaged Business Enterprise Program adjustments.
- Sec. 716. Front line manager staffing.
- Sec. 717. Study of helicopter and fixed wing air ambulance services.
- Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.

- Sec. 719. Study of aeronautical mobile telemetry.
- Sec. 720. Flighterew member pairing and crew resource management techniques.
- Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 722. Line check evaluations.
- Sec. 723. Report on Newark Liberty Airport air traffic control tower.
- Sec. 724. Priority review of construction projects in cold weather States.
- Sec. 725. Air-rail codeshare study.
- Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
- Sec. 727. Study on aviation fuel prices.
- Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
- Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
- Sec. 731. Technical correction.
- Sec. 732. Plan for flying scientific instruments on commercial flights.
- Sec. 733. Prohibition against aiming a laser pointer at an aircraft.
- Sec. 734. Criminal penalty for unauthorized recording or distribution of security screening images.
- Sec. 735. Approval of applications for the security screening opt-out program.
- Sec. 736. Conveyance of land to city of Mesquite, Nevada.
- Sec. 737. Ronald Reagan Washington National Airport Slots.
- Sec. 738. Orphan Earmarks Act.
- Sec. 739. Privacy protections for aircraft passenger screening with advanced imaging technology.
- Sec. 740. Controlling helicopter noise pollution in residential areas.

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

- Sec. 800. Amendment of 1986 code.
- Sec. 801. Extension of taxes funding airport and airway trust fund.
- Sec. 802. Extension of airport and airway trust fund expenditure authority.
- Sec. 803. Modification of excise tax on kerosene used in aviation.
- Sec. 804. Air traffic control system modernization account.
- Sec. 805. Treatment of fractional aircraft ownership programs.
- Sec. 806. Termination of exemption for small jet aircraft on nonestablished lines.
- Sec. 807. Transparency in passenger tax disclosures.
- Sec. 808. Tax-exempt bond financing for fixed-wing emergency medical aircraft.
- Sec. 809. Protection of Airport and Airway Trust Fund solvency.
- Sec. 810. Rollover of amounts received in airline carrier bankruptcy.
- Sec. 811. Application of levy to payments to Federal vendors relating to property.
- Sec. 812. Modification of control definition for purposes of section 249.

TITLE IX—BUDGETARY EFFECTS

- Sec. 901. Budgetary effects.

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

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

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

- Sec. 1101. Repeal of expansion of information reporting requirements.

TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS

Subtitle A—Emergency Medical Service Providers Protection

- Sec. 1201. Dale Long Emergency Medical Service Providers Protection Act.

Subtitle B—Liability Protection

- Sec. 1211. Short title.
 Sec. 1212. Findings and purpose.
 Sec. 1213. Liability protection for volunteer pilots that fly for public benefit.

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

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

8 SEC. 3. EFFECTIVE DATE.

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

12 TITLE I—AUTHORIZATIONS

13 SEC. 101. OPERATIONS.

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

1 “(A) \$9,336,000,000 for fiscal year 2010;
2 and
3 “(B) \$9,620,000,000 for fiscal year
4 2011.”.

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

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

8 “(1) \$3,500,000,000 for fiscal year 2010, 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; and

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

16 **SEC. 103. RESEARCH AND DEVELOPMENT.**

17 Section 48102 is amended—

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

20 “(a) IN GENERAL.—Not more than the following
21 amounts may be appropriated to the Secretary of Trans-
22 portation out of the Airport and Airway Trust Fund es-
23 tablished under section 9502 of the Internal Revenue Code
24 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-

1 search and development under sections 44504, 44505,
2 44507, 44509, and 44511 through 44513 of this title:

3 “(1) \$200,000,000 for fiscal year 2010.

4 “(2) \$206,000,000 for fiscal year 2011.”;

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

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

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

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

20 “(2) research projects that combine research at
21 primarily undergraduate institutions and technical
22 colleges with other research supported by the Fed-
23 eral Aviation Administration;

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

4 “(4) research on the impact of new technologies
5 and procedures, particularly those related to aircraft
6 flight deck and air traffic management functions,
7 and on training requirements for pilots and air traf-
8 fic controllers.”.

9 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**
10 **NOISE COMPATIBILITY PLANNING AND PRO-**
11 **GRAMS.**

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

14 “(1) \$4,000,000,000 for fiscal year 2010; and

15 “(2) \$4,100,000,000 for fiscal year 2011.”.

16 **SEC. 105. OTHER AVIATION PROGRAMS.**

17 Section 48114 is amended—

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

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

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

1 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**
2 **PORTATION SYSTEM PROJECTS.**

3 Section 44501(b) is amended—

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

6 (2) by striking “defense.” in paragraph (4) and
7 inserting “defense; and”; and

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

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

13 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**
14 **AIRPORT PROGRAMS.**

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

17 **“§ 48105. Airport programs administrative expenses**

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

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

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

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

“48105. Airport programs administrative expenses”.

6 (c) PASSENGER ENPLANEMENT REPORT.—

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

13 (2) REPORT OBJECTIVES.—In carrying out the
14 report under paragraph (1), the Administrator shall
15 document the methods used by each subject airport
16 to reach the 10,000 passenger enplanement thresh-
17 old, including whether airports subsidize commercial
18 flights to reach such threshold.

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

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

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

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

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

22 (B) by striking “October 1, 2009.” in
23 paragraph (7) and inserting “the date of
24 issuance of regulations to carry out subsection
25 (c) of this section, as amended by the FAA Air

1 Transportation Modernization and Safety Im-
2 provement Act.”.

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

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

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

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

19 “(1) IN GENERAL.—The Secretary shall estab-
20 lish and conduct a pilot program at not more than
21 6 airports under which an eligible agency may im-
22 pose a passenger facility charge under this section
23 without regard to the dollar amount limitations set
24 forth in paragraph (1) or (4) of subsection (b) if the

1 participating eligible agency meets the requirements
2 of paragraph (2).

3 “(2) COLLECTION REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

7 Section 47107 is amended—

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

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

6 (2) in subsection (c)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)(i), by striking
9 “purpose;” and inserting the following:
10 “purpose, which includes serving as noise
11 buffer land that may be—

12 “(I) undeveloped; or

13 “(II) developed in a way that is com-
14 patible with using the land for noise
15 buffering purposes;” and

16 (ii) in subparagraph (B)(iii), by strik-
17 ing “paid to the Secretary for deposit in
18 the Fund if another eligible project does
19 not exist.” and inserting “reinvested in an-
20 other project at the airport or transferred
21 to another airport as the Secretary pre-
22 scribes.”;

23 (B) by redesignating paragraph (3) as
24 paragraph (5); and

1 (C) by inserting after paragraph (2) the
2 following:

3 “(3)(A) A lease by an airport owner or operator of
4 land acquired for a noise compatibility purpose using a
5 grant provided under this subchapter shall not be consid-
6 ered a disposal for purposes of paragraph (2).

7 “(B) The airport owner or operator may use revenues
8 from a lease described in subparagraph (A) for capital
9 purposes.

10 “(C) The Administrator of the Federal Aviation Ad-
11 ministration shall coordinate with each airport owner or
12 operator to ensure that leases described in subparagraph
13 (A) are consistent with noise buffering purposes.

14 “(D) The provisions of this paragraph apply to all
15 land acquired before, on, or after the date of the enact-
16 ment of this paragraph.

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

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

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

24 “(iii) reinvestment in an airport development
25 project that is eligible for funding under section

1 47114, 47115, or 47117 and meets the requirements
2 of this chapter;

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

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

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

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

12 (1) by striking “subsection (b) or subsection
13 (c)” in subsection (a) and inserting “subsection (b),
14 (c), or (e)”; and

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

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

23 (b) TRANSITIONING AIRPORTS.—Section
24 47114(f)(3)(B) is amended by striking “year 2004.” and
25 inserting “years 2010 and 2011.”.

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

2 Section 47110 is amended—

3 (1) by striking subsection (d) and inserting the
4 following:

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

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

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

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

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

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

22 “(i) BIRD-DETECTING RADAR SYSTEMS.—Within
23 180 days after the date of enactment of the FAA Air
24 Transportation Modernization and Safety Improvement
25 Act, the Administrator shall analyze the conclusions of on-
26 going studies of various types of commercially-available

1 bird radar systems, based upon that analysis, if the Ad-
2 ministrator determines such systems have no negative im-
3 pact on existing navigational aids and that the expenditure
4 of such funds is appropriate, the Administrator shall allow
5 the purchase of bird-detecting radar systems as an allow-
6 able airport development project costs subject to sub-
7 section (b). If a determination is made that such radar
8 systems will not improve or negatively impact airport safe-
9 ty, the Administrator shall issue a report to the Senate
10 Committee on Commerce, Science, and Transportation
11 and the House of Representatives Committee on Trans-
12 portation and Infrastructure on why that determination
13 was made.”.

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

15 Section 47133(b) is amended—

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

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

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

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

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

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

1 “(C) an amount equal to the remaining
2 unamortized portion of the original grant, am-
3 ortized over a 20-year period, is repaid to the
4 Secretary by the private owner for deposit in
5 the Trust Fund for airport acquisitions.

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

8 **SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**
9 **COSTS.**

10 Notwithstanding section 47109(a) of title 49, United
11 States Code, the Federal Government’s share of allowable
12 project costs for a grant made in fiscal year 2008, 2009,
13 2010, or 2011 under chapter 471 of that title for a project
14 described in paragraph (2) or (3) of that section shall be
15 95 percent.

16 **SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACIL-**
17 **ITY CHARGES TO CONSTRUCT BICYCLE STOR-**
18 **AGE FACILITIES.**

19 Section 40117(a)(3) is amended—

20 (1) by redesignating subparagraphs (A) through
21 (G) as clauses (i) through (vii);

22 (2) by striking “The term” and inserting the
23 following:

24 “(A) IN GENERAL.—The term”; and

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

1 “(B) BICYCLE STORAGE FACILITIES.—A
2 project to construct a bicycle storage facility
3 may not be considered an eligible airport-re-
4 lated project.”.

5 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

6 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF
7 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is
8 amended—

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

11 (2) by striking “system in the particular area;”
12 in subsection (a)(1) and inserting “system, including
13 connection to the surface transportation network;
14 and”;

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

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

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

20 (6) by striking paragraph (2) of subsection (b)
21 and redesignating paragraph (3) as paragraph (2);

22 (7) by striking “operations, Short Takeoff and
23 Landing/Very Short Takeoff and Landing aircraft
24 operations,” in subsection (b)(2), as redesignated,
25 and inserting “operations”; and

1 (8) by striking “status of the” in subsection
2 (d).

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

5 (1) by striking “separated from” in paragraph
6 (1)(B) and inserting “discharged or released from
7 active duty in”;

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

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

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

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

23 “(3) A contract involving labor for carrying out an
24 airport development project under a grant agreement
25 under this subchapter must require that a preference be

1 given to the use of small business concerns (as defined
2 in section 3 of the Small Business Act (15 U.S.C. 632))
3 owned and controlled by disabled veterans.”.

4 (c) ANNUAL REPORT.—Section 47131(a) is amend-
5 ed—

6 (1) by striking “April 1” and inserting “June
7 1”; and

8 (2) by striking paragraphs (1) through (4) and
9 inserting the following:

10 “(1) a summary of airport development and
11 planning completed;

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

13 “(3) an accounting of discretionary and appor-
14 tioned funds allocated; and

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

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

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

20 (1) by striking “47102(3)(F),” in subsection
21 (a);

22 (2) by striking “47102(3)(F), 47102(3)(K),
23 47102(3)(L), or 47140” in subsection (b) and in-
24 serting “47102(3)(K) or 47102(3)(L)”; and

1 (3) by striking “40117(a)(3)(G), 47103(3)(F),
2 47102(3)(K), 47102(3)(L), or 47140,” in subsection
3 (b) and inserting “40117(a)(3)(G), 47102(3)(K), or
4 47102(3)(L),”; and

5 (f) CORRECTION TO SURPLUS PROPERTY AUTHOR-
6 ITY.—Section 47151(e) is amended by striking “(other
7 than real property that is subject to section 2687 of title
8 10, section 201 of the Defense Authorization Amendments
9 and Base Closure and Realignment Act (10 U.S.C. 2687
10 note), or section 2905 of the Defense Base Closure and
11 Realignment Act of 1990 (10 U.S.C. 2687 note),”.

12 (g) AIRPORT CAPACITY BENCHMARK REPORTS; DEF-
13 INITION OF JOINT USE AIRPORT.—Section 47175 is
14 amended—

15 (1) by striking “Airport Capacity Benchmark
16 Report 2001.” in paragraph (2) and inserting “2001
17 and 2004 Airport Capacity Benchmark Reports or
18 of the most recent Benchmark report, Future Air-
19 port Capacity Task Report, or other comparable
20 FAA report.”; and

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

22 “(7) JOINT USE AIRPORT.—The term ‘joint use
23 airport’ means an airport owned by the United
24 States Department of Defense, at which both mili-

1 tary and civilian aircraft make shared use of the air-
2 field.”.

3 (h) USE OF APPORTIONED AMOUNTS.—Section
4 47117(e)(1)(A) is amended—

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

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

8 (3) by striking “et seq.)” and inserting “et
9 seq.), and for water quality mitigation projects to
10 comply with the Act of June 30, 1948 (33 U.S.C.
11 1251 et seq.), approved in an environmental record
12 of decision for an airport development project under
13 this title.”; and

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

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

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

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

23 (3) by adding at the end of subparagraph (E)
24 the following:

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

13 (4) in subparagraph (G)—

14 (A) by striking “FISCAL YEAR 2006” in
15 the heading and inserting “FISCAL YEARS 2008
16 THROUGH 2011”;

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

19 (C) by striking clause (i) and inserting the
20 following:

21 “(i) the average annual passenger
22 boardings at the airport for calendar years
23 2004 through 2006 were below 10,000 per
24 year;” and

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

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

4 “(H) SPECIAL RULE FOR FISCAL YEARS 2010
5 AND 2011.—Notwithstanding subparagraph (A), for
6 an airport that had more than 10,000 passenger
7 boardings and scheduled passenger aircraft service
8 in calendar year 2007, but in either calendar years
9 2008 or 2009, or both years, the number of pas-
10 senger boardings decreased to a level below 10,000
11 boardings per year at such airport, the Secretary
12 may apportion in fiscal years 2010 or 2011 to the
13 sponsor of such an airport an amount equal to the
14 amount apportioned to that sponsor in fiscal year
15 2009.”.

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

19 “(M) construction of mobile refueler park-
20 ing within a fuel farm at a nonprimary airport
21 meeting the requirements of section 112.8 of
22 title 40, Code of Federal Regulations.”.

23 (k) DISCRETIONARY FUND.—Section 47115(g)(1) is
24 amended by striking “of—” and all that follows and in-
25 serting “of \$520,000,000. The amount credited is exclu-

1 sive of amounts that have been apportioned in a prior fis-
2 cal year under section 47114 of this title and that remain
3 available for obligation.”.

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

5 Section 47128 is amended—

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

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

11 (3) by redesignating subsection (c) as sub-
12 section (d) and inserting after subsection (b) the fol-
13 lowing:

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

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

23 “(e) PILOT PROGRAM.—The Secretary shall establish
24 a pilot program for up to 3 States that do not participate

1 in the program established under subsection (a) that is
2 consistent with the program under subsection (a).”.

3 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
4 **VIEWS.**

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

12 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
13 **PROCEDURES.**

14 Section 47504 is amended by adding at the end the
15 following:

16 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
17 DURES.—

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

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

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

15 Section 47118(c) is amended—

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

18 (2) by striking “delays.” in paragraph (2) and
19 inserting “delays; or”; and

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

21 “(3) be critical to the safety of commercial,
22 military, or general aviation in trans-oceanic
23 flights.”.

1 **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**
2 **PILOT PROGRAM.**

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

5 **“§ 47143. Environmental mitigation demonstration**
6 **pilot program**

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

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

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

25 “(1) will achieve the greatest reductions in air-
26 craft noise, airport emissions, or airport water qual-

1 ity impacts either on an absolute basis, or on a per-
2 dollar-of-funds expended basis; and

3 “(2) will be implemented by an eligible consor-
4 tium.

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

9 “(e) MAXIMUM AMOUNT.—Not more than
10 \$2,500,000 may be made available by the Secretary in
11 grants under this section for any single project.

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

18 “(g) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE CONSORTIUM.—The term ‘eligi-
20 ble consortium’ means a consortium that comprises
21 2 or more of the following entities:

22 “(A) Businesses operating in the United
23 States.

1 “(B) Public or private educational or re-
2 search organizations located in the United
3 States.

4 “(C) Entities of State or local governments
5 in the United States.

6 “(D) Federal laboratories.

7 “(2) ENVIRONMENTAL MITIGATION DEM-
8 ONSTRATION PROJECT.—The term ‘environmental
9 mitigation demonstration project’ means a project
10 that—

11 “(A) introduces new conceptual environ-
12 mental mitigation techniques or technology with
13 associated benefits, which have already been
14 proven in laboratory demonstrations;

15 “(B) proposes methods for efficient adap-
16 tation or integration of new concepts to airport
17 operations; and

18 “(C) will demonstrate whether new tech-
19 niques or technology for environmental mitiga-
20 tion identified in research are—

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

23 “(ii) capable of reducing noise, airport
24 emissions, or water quality impacts in
25 measurably significant amounts.”.

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

“47143. Environmental mitigation demonstration pilot program”.

4 **SECTION 214. ALLOWABLE PROJECT COSTS.**

5 (a) ALLOWABLE PROJECT COSTS.—Section
6 47110(b)(2)(D) is amended to read as follows:

7 “(D) if the cost is for airport development
8 and is incurred before execution of the grant
9 agreement, but in the same fiscal year as execu-
10 tion of the grant agreement, and if—

11 “(i) the cost was incurred before exe-
12 cution of the grant agreement due to the
13 short construction season in the vicinity of
14 the airport;

15 “(ii) the cost is in accordance with an
16 airport layout plan approved by the Sec-
17 retary and with all statutory and adminis-
18 trative requirements that would have been
19 applicable to the project if the project had
20 been carried out after execution of the
21 grant agreement, including submission of a
22 complete grant application to the appro-
23 priate regional or district office of the Fed-
24 eral Aviation Administration;

1 “(iii) the sponsor notifies the Sec-
2 retary before authorizing work to com-
3 mence on the project;

4 “(iv) the sponsor has an alternative
5 funding source available to fund the
6 project; and

7 “(v) the sponsor’s decision to proceed
8 with the project in advance of execution of
9 the grant agreement does not affect the
10 priority assigned to the project by the Sec-
11 retary for the allocation of discretionary
12 funds;”.

13 **SEC. 215. GLYCOL RECOVERY VEHICLES.**

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

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

18 Section 44504(b) is amended—

19 (1) by striking “and” after the semicolon in
20 paragraph (6);

21 (2) by striking “aircraft.” in paragraph (7) and
22 inserting “aircraft; and”; and

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

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

1 **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**
2 **ANTEE.**

3 Section 47114(e) is amended—

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

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

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

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

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, including the Federal Airport Act (as in effect
25 on August 8, 1958), the United States releases, without
26 monetary consideration, all restrictions, conditions, and

1 limitations on the use, encumbrance, or conveyance of cer-
2 tain land located in the municipality of Anchorage, Alaska,
3 more particularly described as Tracts 22 and 24 of the
4 Fourth Addition to the Town Site of Anchorage, Alaska,
5 as shown on the plat of U.S. Survey No. 1456, accepted
6 June 13, 1923, on file in the Bureau of Land Manage-
7 ment, Department of Interior.

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

17 **SEC. 219. RELEASE FROM RESTRICTIONS.**

18 (a) IN GENERAL.—Subject to subsection (b), and
19 notwithstanding section 16 of the Federal Airport Act (as
20 in effect on August 28, 1973) and sections 47125 and
21 47153 of title 49, United States Code, the Secretary of
22 Transportation is authorized to grant releases from any
23 of the terms, conditions, reservations, and restrictions con-
24 tained in the deed of conveyance dated August 28, 1973,

1 under which the United States conveyed certain property
2 to the city of St. George, Utah, for airport purposes.

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

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

11 (2) Any amount received by the city under
12 paragraph (1) shall be used by the city of St.
13 George, Utah, for the development or improvement
14 of a replacement public airport.

15 (c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

16 (1) IN GENERAL.—In addition to any release
17 granted under subsection (a), the Secretary of
18 Transportation may, subject to paragraph (2), grant
19 releases from any of the terms, conditions, reserva-
20 tions, and restrictions contained in the deed of con-
21 veyance numbered 30–82–0048 and dated August 4,
22 1982, under which the United States conveyed cer-
23 tain land to Doña Ana County, New Mexico, for air-
24 port purposes.

1 (2) CONDITIONS.—Any release granted by the
2 Secretary under paragraph (1) shall be subject to
3 the following conditions:

4 (A) The County shall agree that in con-
5 veying any interest in the land that the United
6 States conveyed to the County by the deed de-
7 scribed in paragraph (1), the County shall re-
8 ceive an amount for the interest that is equal
9 to the fair market value.

10 (B) Any amount received by the County
11 for the conveyance shall be used by the County
12 for the development, improvement, operation, or
13 maintenance of the airport.

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

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

17 **SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING**
18 **GROUP.**

19 (a) IN GENERAL.—The Administrator shall establish
20 an airport sustainability working group to assist the Ad-
21 ministrator with issues pertaining to airport sustainability
22 practices.

23 (b) MEMBERSHIP.—The Working Group shall be
24 comprised of not more than 15 members including—

25 (1) the Administrator;

1 (2) 5 member organizations representing avia-
2 tion interests including:

3 (A) an organization representing airport
4 operators;

5 (B) an organization representing airport
6 employees;

7 (C) an organization representing air car-
8 riers;

9 (D) an organization representing airport
10 development and operations experts;

11 (E) a labor organization representing avia-
12 tion employees.

13 (3) 9 airport chief executive officers which shall
14 include:

15 (A) at least one from each of the FAA Re-
16 gions;

17 (B) at least 1 large hub;

18 (C) at least 1 medium hub;

19 (D) at least 1 small hub;

20 (E) at least 1 non hub;

21 (F) at least 1 general aviation airport.

22 (c) FUNCTIONS.—

23 (1) develop consensus-based best practices and
24 metrics for the sustainable design, construction,
25 planning, maintenance, and operation of an airport

1 that comply with the guidelines prescribed by the
2 Administrator;

3 (2) develop standards for a consensus-based
4 rating system based on the aforementioned best
5 practices, metrics, and ratings; and

6 (3) develop standards for a voluntary ratings
7 process, based on the aforementioned best practices,
8 metrics, and ratings;

9 (4) examine and submit recommendations for
10 the industry's next steps with regard to sustain-
11 ability.

12 (d) DETERMINATION.—The Administrator shall pro-
13 vide assurance that the best practices developed by the
14 working group under paragraph (a) are not in conflict
15 with any federal aviation or federal, state or local environ-
16 mental regulation.

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

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

24 (g) REPORT.—Not later than one year after the date
25 of enactment the Working Group shall submit a report

1 to the Administrator containing the best practices and
2 standards contained in paragraph (c). After receiving the
3 report, the Administrator may publish such best practices
4 in order to disseminate the information to support the sus-
5 tainable design, construction, planning, maintenance, and
6 operations of airports.

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

9 **SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFI-**
10 **CIENCY OF AIRPORT BUILDINGS IN AIRPORT**
11 **IMPROVEMENT PROJECTS.**

12 Section 47101(a) is amended—

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

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

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

18 “(14) that the airport improvement program
19 should be administered to allow measures to improve
20 the efficiency of airport buildings to be included in
21 airport improvement projects, such as measures de-
22 signed to meet one or more of the criteria for being
23 a high-performance green building set forth in sec-
24 tion 401(13) of the Energy Independence and Secu-
25 rity Act of 2007 (42 U.S.C. 17061(13)), if any sig-

1 nificant increase in upfront project costs from any
2 such measure is justified by expected savings over
3 the lifecycle of the project.”.

4 **SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIR-**
5 **PORT IMPROVEMENT IN PROPORTION TO**
6 **AMOUNTS OF AIR TRAFFIC.**

7 (a) **STUDY AND REPORT REQUIRED.**—Not later than
8 180 days after the date of the enactment of this Act, the
9 Administrator of the Federal Aviation Administration
10 shall—

11 (1) complete a study on the feasibility and ad-
12 visability of apportioning amounts under section
13 47114(c)(1) of title 49, United States Code, to the
14 sponsor of each primary airport for each fiscal year
15 an amount that bears the same ratio to the amount
16 subject to the apportionment for fiscal year 2009 as
17 the number of passenger boardings at the airport
18 during the prior calendar year bears to the aggre-
19 gate of all passenger boardings at all primary air-
20 ports during that calendar year; and

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

23 (b) **REPORT CONTENTS.**—The report required by
24 subsection (a)(2) shall include the following:

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

3 (2) The findings of the Administrator with re-
4 spect to such study.

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

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

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

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

15 (C) The average number of air passenger
16 flights serviced each month at the airport of
17 such sponsor in 2009.

18 (D) The number of enplanements for air
19 passenger transportation at such airport in
20 2005, 2006, 2007, 2008, and 2009.

21 **SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIR-**
22 **PORTS.**

23 (a) **DEFINITIONS.**—In this section:

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

4 (2) GENERAL AVIATION AIRPORT.—The term
5 “general aviation airport” means an airport that
6 does not receive scheduled passenger aircraft service.

7 (b) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the Administrator of the Federal Aviation Ad-
9 ministration (referred to in this section as the “Adminis-
10 trator”) may declare certain revenue derived from or gen-
11 erated by mineral extraction, production, lease or other
12 means at any general aviation airport to be revenue great-
13 er than the amount needed to carry out the 5-year pro-
14 jected maintenance needs of the airport in order to comply
15 with the applicable design and safety standards of the
16 Federal Aviation Administration.

17 (c) USE OF REVENUE.—An airport sponsor that is
18 in compliance with the conditions under subsection (d)
19 may allocate revenue identified by the Administrator
20 under subsection (b) for Federal, State, or local transpor-
21 tation infrastructure projects carried out by the airport
22 sponsor or by a governing body within the geographical
23 limits of the airport sponsor’s jurisdiction.

1 (d) CONDITIONS.—An airport sponsor may not allo-
2 cate revenue identified by the Administrator under sub-
3 section (b) unless the airport sponsor—

4 (1) enters into a written agreement with the
5 Administrator that sets forth a 5-year capital im-
6 provement program for the airport, which—

7 (A) includes the projected costs for the op-
8 eration, maintenance, and capacity needs of the
9 airport in order to comply with applicable de-
10 sign and safety standards of the Federal Avia-
11 tion Administration; and

12 (B) appropriately adjusts such costs to ac-
13 count for inflation;

14 (2) agrees in writing—

15 (A) to waive all rights to receive entitle-
16 ment funds or discretionary funds to be used at
17 the airport under section 47114 or 47115 of
18 title 49, United States Code, during the 5-year
19 period of the capital improvement plan de-
20 scribed in paragraph (1);

21 (B) to perpetually comply with sections
22 47107(b) and 47133 of such title, unless grant-
23 ed specific exceptions by the Administrator in
24 accordance with this section; and

1 (C) to operate the airport as a public-use
2 airport, unless the Administrator specifically
3 grants a request to allow the airport to close;
4 and

5 (3) complies with all grant assurance obliga-
6 tions in effect as of the date of the enactment of this
7 Act during the 20-year period beginning on the date
8 of enactment of this Act;

9 (e) COMPLETION OF DETERMINATION.—Not later
10 than 90 days after receiving an airport sponsor’s applica-
11 tion and requisite supporting documentation to declare
12 that certain mineral revenue is not needed to carry out
13 the 5-year capital improvement program at such airport,
14 the Administrator shall determine whether the airport
15 sponsor’s request should be granted. The Administrator
16 may not unreasonably deny an application under this sub-
17 section.

18 (f) RULEMAKING.—Not later than 90 days after the
19 date of the enactment of this Act, the Administrator shall
20 promulgate regulations to carry out this section.

1 **TITLE III—AIR TRAFFIC CON-**
2 **TROL MODERNIZATION AND**
3 **FAA REFORM**

4 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**
5 **SIGHT BOARD.**

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

7 “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-
8 SIGHT BOARD.—

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

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

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

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

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

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

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

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

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

19 “(v) 1 representative from an aircraft
20 manufacturer.

21 “(vi) 1 representative of a labor orga-
22 nization representing employees at the
23 Federal Aviation Administration who are
24 involved with maintenance of the air traffic
25 control system.

1 “(3) APPOINTMENT AND QUALIFICATIONS.—

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

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

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

16 “(ii) customer service;

17 “(iii) management of large procure-
18 ments;

19 “(iv) information and communications
20 technology;

21 “(v) organizational development; and

22 “(vi) labor relations.

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

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

3 “(ii) 1 shall be appointed for a term
4 of 2 years;

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

7 “(iv) 1 shall be appointed for a term
8 of 4 years.

9 “(4) FUNCTIONS.—

10 “(A) IN GENERAL.—The Board shall—

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

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

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

23 “(iv) approve procurements of air
24 traffic control equipment in excess of
25 \$100,000,000;

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

9 “(vi) approve the Federal Aviation
10 Administration’s Capital Investment Plan
11 prior to its submission to the Congress;

12 “(vii) annually review and make rec-
13 ommendations on the NextGen Implemen-
14 tation Plan;

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

20 “(ix) approve the selection of the head
21 of the Joint Planning and Development
22 Office.

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

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

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

20 “(6) ADMINISTRATIVE MATTERS.—

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

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

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

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

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

19 “(F) CLAIMS AGAINST MEMBERS OF THE
20 BOARD.—

21 “(i) IN GENERAL.—A member ap-
22 pointed to the Board shall have no per-
23 sonal liability under State or Federal law
24 with respect to any claim arising out of or
25 resulting from an act or omission by such

1 member within the scope of service as a
2 member of the Board.

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

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

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

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

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

20 “(i) does not have a pecuniary interest
21 in, or own stock in or bonds of, an aviation
22 or aeronautical enterprise, except an inter-
23 est in a diversified mutual fund or an in-
24 terest that is exempt from the application
25 of section 208 of title 18;

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

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

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

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

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

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

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

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

19 **SEC. 302. NEXTGEN MANAGEMENT.**

20 (a) IN GENERAL.—The Administrator shall appoint
21 or designate an individual, as the Chief NextGen Officer,
22 to be responsible for implementation of all Administration
23 programs associated with the Next Generation Air Trans-
24 portation System.

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

3 (1) oversee the implementation of all Adminis-
4 tration NextGen programs;

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

8 (3) develop an annual NextGen implementation
9 plan;

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

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

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

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

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

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

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

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

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

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

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

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

7 Section 40110(c) is amended—

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

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

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

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

14 Section 40113(e) is amended—

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

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

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

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

7 Section 40122(g)(2) is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (d) REVIEW AND RECOMMENDATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 40102(a)(4) is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(2) DISPUTE RESOLUTION.—

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

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

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

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

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

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

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

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

8 (a) OEP AIRPORT PROCEDURES.—

9 (1) IN GENERAL.—Within 6 months after the
10 date of enactment of this Act, the Administrator of
11 the Federal Aviation Administration shall publish a
12 report, after consultation with representatives of ap-
13 propriate Administration employee groups, airport
14 operators, air carriers, general aviation representa-
15 tives, aircraft and avionics manufacturers, and third
16 parties that have received letters of qualification
17 from the Administration to design and validate re-
18 quired navigation performance flight paths for public
19 use (in this section referred to as “qualified third
20 parties”) that includes the following:

21 (A) RNP OPERATIONS.—A list of required
22 navigation performance procedures (as defined
23 in FAA order 8260.52(d)) to be developed, cer-
24 tified, and published, and the air traffic control
25 operational changes, to maximize the efficiency

1 and capacity of NextGen commercial operations
2 at the 137 small, medium, and large hub air-
3 ports. The Administrator shall clearly identify
4 each required navigation performance operation
5 that is an overlay of an existing instrument
6 flight procedure.

7 (B) COORDINATION AND IMPLEMENTATION
8 ACTIVITIES.—A description of the activities and
9 operational changes and approvals required to
10 coordinate and to utilize those procedures at
11 each of the airports in subparagraph (A).

12 (C) IMPLEMENTATION PLAN.—A plan for
13 implementation of those procedures that estab-
14 lishes—

15 (i) clearly defined budget, schedule,
16 project organization, environmental, and
17 leadership requirements;

18 (ii) specific implementation and tran-
19 sition steps;

20 (iii) coordination and communications
21 mechanisms with qualified third parties;

22 (iv) specific procedures for engaging
23 the appropriate Administration employee
24 groups to ensure that human factors,
25 training and other issues surrounding the

1 adoption of required navigation perform-
2 ance procedures in the en route and ter-
3 minal environments are addressed;

4 (v) baseline and performance metrics
5 for measuring the Administration's
6 progress in implementing the plan, includ-
7 ing the percentage utilization of required
8 navigation performance in the National
9 Airspace System;

10 (vi) outcome-based performance
11 metrics to measure progress in imple-
12 menting RNP procedures that reduce fuel
13 burn and emissions;

14 (vii) a description of the software and
15 database information, such as a current
16 version of the Noise Integrated Routing
17 System or the Integrated Noise Model that
18 the Administration will need to make avail-
19 able to qualified third parties to enable
20 those third parties to design procedures
21 that will meet the broad range of require-
22 ments of the Administration;

23 (viii) lifecycle management for RNP
24 procedures; and

1 (ix) an expedited validation process
2 that allows an air carrier using a RNP
3 procedure validated by the Administrator
4 at an airport for a specific model of air-
5 craft and equipage to transfer all of the in-
6 formation associated with the use of that
7 procedure to another air carrier for use at
8 the same airport for the same model of air-
9 craft and equipage.

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

12 (A) 30 percent of the required procedures
13 within 18 months after the date of enactment
14 of this Act;

15 (B) 60 percent of the procedures within 36
16 months after the date of enactment of this Act;
17 and

18 (C) 100 percent of the procedures before
19 January 1, 2014.

20 (b) OTHER AIRPORTS.—

21 (1) IN GENERAL.—Within one year after the
22 date of enactment of this Act, the Administration
23 shall publish a report, after consultation with rep-
24 resentatives of appropriate Administration employee
25 groups, airport operators, air carriers, general avia-

1 tion representatives, aircraft and avionics manufac-
2 turers, and qualified third parties, that includes a
3 plan for applying the procedures, requirements, cri-
4 teria, and metrics described in subsection (a)(1) to
5 other airports across the Nation, with priority given
6 to those airports where procedures developed, cer-
7 tified, and published under this section will provide
8 the greatest benefits in terms of safety, capacity,
9 fuel burn, and emissions.

10 (2) SURVEYING OBSTACLES SURROUNDING RE-
11 GIONAL AIRPORTS.—Not later than 1 year after the
12 date of enactment of that Act, the Administrator, in
13 consultation with the State secretaries of transpor-
14 tation and state, shall identify options and funding
15 mechanisms for surveying obstacles in areas around
16 airports such that can be used as an input to future
17 RNP procedures.

18 (3) IMPLEMENTATION SCHEDULE.—The Ad-
19 ministration shall certify, publish, and implement—

20 (A) 25 percent of the required procedures
21 at such other airports within 18 months after
22 the date of enactment of this Act;

23 (B) 50 percent of the procedures at such
24 other airports within 30 months after the date
25 of enactment of this Act;

1 (C) 75 percent of the procedures at such
2 other airports within 42 months after the date
3 of enactment of this Act; and

4 (D) 100 percent of the procedures before
5 January 1, 2016.

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

13 (d) COORDINATED AND EXPEDITED REVIEW.—Re-
14 quired Navigation Performance and other performance-
15 based navigation procedures developed, certified, pub-
16 lished, and implemented under this section that will meas-
17 urably reduce aircraft emissions and result in an absolute
18 reduction or no net increase in noise levels shall be pre-
19 sumed to have no significant environmental impact and
20 the Administrator shall issue and file a categorical exclu-
21 sion for such procedures.

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

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

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

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

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

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

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

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

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

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

8 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

19 (b) RULEMAKINGS.—

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

23 (A) complete the initial rulemaking pro-
24 ceeding (Docket No. FAA-2007-29305; Notice
25 No. 07-15; 72 FR 56947) to issue guidelines

1 and regulations for ADS–B Out technology
2 that—

3 (i) identify the ADS–B Out tech-
4 nology that will be required under
5 NextGen;

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

9 (iii) identify—

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

13 (II) the expected costs associated
14 with the avionics; and

15 (III) the expected uses and bene-
16 fits of the avionics; and

17 (B) initiate a rulemaking proceeding to
18 issue any additional guidelines and regulations
19 for ADS–B Out technology not addressed in the
20 initial rulemaking.

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

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

3 (B) subject to paragraph (3), require all
4 aircraft to be equipped with such technology by
5 2018; and

6 (C) identify—

7 (i) the type of such avionics required
8 of aircraft for all classes of airspace;

9 (ii) the expected costs associated with
10 the avionics; and

11 (iii) the expected uses and benefits of
12 the avionics.

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

19 (A) the necessary ground infrastructure is
20 installed and functioning properly;

21 (B) certification standards have been ap-
22 proved; and

23 (C) appropriate operational platforms
24 interface safely and efficiently.

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

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

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

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

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

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

24 (1) ADS-B OUT.—In the case that the Admin-
25 istrator fails to complete the initial rulemaking de-

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

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

21 **SEC. 316. EQUIPAGE INCENTIVES.**

22 (a) IN GENERAL.—The Administrator shall issue a
23 report that—

24 (1) identifies incentive options to encourage the
25 equipage of aircraft with NextGen technologies, in-

1 including a policy that gives priority to aircraft
2 equipped with ADS-B technology;

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

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

9 (b) DEADLINE.—The Administrator shall issue the
10 report before the earlier of—

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

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

16 **SEC. 317. PERFORMANCE METRICS.**

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

20 (1) the allowable operations per hour on run-
21 ways;

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

23 (3) fuel burned between key city pairs;

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

1 (5) average distance flown between key city
2 pairs;

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

5 (7) uninterrupted climb or descent;

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

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

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

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

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

20 (d) REPORTS.—

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

1 House of Representatives Committee on Transpor-
2 tation and Infrastructure that contains—

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

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

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

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

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

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

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

1 page, airline operational procedures, pilot training
2 standards, air traffic control procedures, and air
3 traffic controller training;

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

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

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

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

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

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

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

3 (1) a financing proposal that—

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

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

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

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

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

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

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

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

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

9 (3) establishes a process to develop—

10 (A) air traffic requirements for all un-
11 manned aerial systems at the test sites; and

12 (B) certification and flight standards for
13 nonmilitary unmanned aerial systems at the
14 test sites;

15 (4) dedicates funding for unmanned aerial sys-
16 tems research and development relating to—

17 (A) air traffic requirements; and

18 (B) certification and flight standards for
19 nonmilitary unmanned aerial systems in the
20 National Airspace System;

21 (5) encourages leveraging and coordination of
22 such research and development activities with the
23 National Aeronautics and Space Administration and
24 the Department of Defense;

1 (6) addresses both military and nonmilitary un-
2 manned aerial system operations;

3 (7) ensures that the unmanned aircraft systems
4 integration plan is incorporated in the Administra-
5 tion's NextGen Air Transportation System imple-
6 mentation plan; and

7 (8) provides for integration into the National
8 Airspace System of safety standards and navigation
9 procedures validated—

10 (A) under the pilot project created pursu-
11 ant to paragraph (1); or

12 (B) through other related research and de-
13 velopment activities carried out pursuant to
14 paragraph (4).

15 (b) SELECTION OF TEST SITES.—

16 (1) INCREASED NUMBER OF TEST SITES; DEAD-
17 LINE FOR PILOT PROJECT.—Notwithstanding sub-
18 section (a)(1), the plan developed under subsection
19 (a) shall include a pilot project to integrate un-
20 manned aerial systems into the National Airspace
21 System at 6 test sites in the National Airspace Sys-
22 tem by December 31, 2012.

23 (2) TEST SITE CRITERIA.—The Administrator
24 of the Federal Aviation Administration shall take
25 into consideration geographical and climate diversity

1 and appropriate facilities in determining where the
2 test sites to be established under the pilot project re-
3 quired by subsection (a)(1) are to be located.

4 (c) CERTIFICATION AND FLIGHT STANDARDS FOR
5 MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary
6 of Defense shall establish a process to develop certification
7 and flight standards for military unmanned aerial systems
8 at the test sites referred to in subsection (a)(1).

9 (d) CERTIFICATION PROCESS.—The Administrator of
10 the Federal Aviation Administration shall expedite the ap-
11 proval process for requests for certificates of authorization
12 at test sites referred to in subsection (a)(1).

13 (e) REPORT ON SYSTEMS AND DETECTION TECH-
14 NIQUES.—Not later than 180 days after the date of the
15 enactment of this Act, the Administrator of the Federal
16 Aviation Administration shall submit to the Committee on
17 Commerce, Science, and Transportation of the Senate and
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives a report describing and as-
20 sessing the progress being made in establishing special use
21 airspace to fill the immediate need of the Department of
22 Defense to develop detection techniques for small un-
23 manned aerial vehicles and to validate sensor integration
24 and operation of unmanned aerial systems.

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

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

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

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

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

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

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

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

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

24 **SEC. 322. STAKEHOLDER COORDINATION.**

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

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

8 (b) PARTICIPATION.—

9 (1) BARGAINING OBLIGATIONS AND RIGHTS.—

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

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

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

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

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

7 **SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**
8 **CILITY CONDITIONS.**

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

12 (b) MEMBERSHIP.—

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

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

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

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

22 (1)(A)—

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

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

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

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

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

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

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

21 (d) TASK FORCE PERSONNEL MATTERS.—

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

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

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

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

24 (f) DUTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (a) IN GENERAL.—

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

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

4 (b) FUNDING.—

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

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

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

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

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

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

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

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

22 (A) credited to the account;

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

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

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

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

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

18 **SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC**
19 **RECOMMENDATIONS.**

20 (a) **IN GENERAL.**—As soon as practicable after the
21 date of enactment of this Act, but no later than 1 year
22 after that date, the Administrator of the Federal Aviation
23 Administration shall—

24 (1) provide the Los Angeles International Air
25 Traffic Control Tower facility, the Southern Cali-

1 fornia Terminal Radar Approach Control facility,
2 and the Northern California Terminal Radar Ap-
3 proach Control facility a sufficient number of con-
4 tract instructors, classroom space (including off-site
5 locations as needed), and simulators for a surge in
6 the number of new air traffic controllers at those fa-
7 cilities;

8 (2) to the greatest extent practicable, distribute
9 the placement of new trainee air traffic controllers
10 at those facilities evenly across the calendar year in
11 order to avoid training bottlenecks;

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

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

21 (b) STAFFING ANALYSES AND REPORTS.—For the
22 purposes of—

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

1 (2) the Administration's facility-by-facility au-
2 thorized staffing ranges, and

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

5 the Administrator may not consider an individual to be
6 an air traffic controller unless that individual is a certified
7 professional controller.

8 **SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER**
9 **SKIES PROJECT.**

10 (a) INITIAL REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Administrator
12 shall submit to Congress a report on the strategy of the
13 Administrator for implementing, on an accelerated basis,
14 the NextGen operational capabilities produced by the
15 Greener Skies project, as recommended in the final report
16 of the RTCA NextGen Mid-Term Implementation Task
17 Force that was issued on September 9, 2009.

18 (b) SUBSEQUENT REPORTS.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the Administrator submits to Congress the re-
21 port required by subsection (a) and not less fre-
22 quently than once every 180 days thereafter until
23 September 30, 2011, the Administrator shall submit
24 to the Committee on Commerce, Science, and Trans-
25 portation of the Senate and to the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives a report on the progress of the Ad-
3 ministrator in carrying out the strategy described in
4 the report submitted under subsection (a).

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

7 (A) A timeline for full implementation of
8 the strategy described in the report submitted
9 under subsection (a).

10 (B) A description of the progress made in
11 carrying out such strategy.

12 (C) A description of the challenges, if any,
13 encountered by the Administrator in carrying
14 out such strategy.

15 **SEC. 327. DEFINITIONS.**

16 In this title:

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

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

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

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of Transportation.

1 **SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUI-**
 2 **PAGE.**

3 (a) IN GENERAL.—The Administrator of the Federal
 4 Aviation Administration may enter into agreements to
 5 fund the costs of equipping aircraft with communications,
 6 surveillance, navigation, and other avionics to enable
 7 NextGen air traffic control capabilities.

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

12 **TITLE IV—AIRLINE SERVICE**
 13 **AND SMALL COMMUNITY AIR**
 14 **SERVICE IMPROVEMENTS**

15 **SUBTITLE A—CONSUMER PROTECTION**

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

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

19 “SUBCHAPTER IV—AIRLINE CUSTOMER
 20 SERVICE

21 “§ 41781. Air carrier and airport contingency plans
 22 for long on-board tarmac delays

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

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

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

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

16 “(1) PROVISION OF ESSENTIAL SERVICES.—
17 Each air carrier shall provide for the essential needs
18 of passengers on board an aircraft at an airport in
19 any case in which the departure of a flight is de-
20 layed or disembarkation of passengers on an arriving
21 flight that has landed is substantially delayed, in-
22 cluding—

23 “(A) adequate food and potable water;

24 “(B) adequate restroom facilities;

1 “(C) cabin ventilation and comfortable
2 cabin temperatures; and

3 “(D) access to necessary medical treat-
4 ment.

5 “(2) RIGHT TO DEPLANE.—

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

14 “(B) DELAYS.—

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

22 “(I) 3 hours have elapsed after
23 passengers have boarded the aircraft,
24 the aircraft doors are closed, and the
25 aircraft has not departed; or

1 “(II) 3 hours have elapsed after
2 the aircraft has landed and the pas-
3 sengers on the aircraft have been un-
4 able to deplane.

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

10 “(iii) EXCEPTIONS.—This subpara-
11 graph shall not apply if—

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

17 “(II) the pilot of such aircraft
18 reasonably determines that permitting
19 a passenger to deplane would jeop-
20 ardize passenger safety or security.

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

1 “(D) REPORTS.—Not later than 30 days
2 after any flight experiences a tarmac delay last-
3 ing at least 3 hours, the air carrier responsible
4 for such flight shall submit a written descrip-
5 tion of the incident and its resolution to the
6 Aviation Consumer Protection Office of the De-
7 partment of Transportation.

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

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

14 “(2) how, to the maximum extent practicable,
15 the airport operator will provide for the sharing of
16 facilities and make gates available at the airport for
17 use by aircraft experiencing such delays.

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

20 “(g) APPROVAL.—

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

24 “(A) review the initial contingency plans
25 submitted under subsection (b); and

1 “(B) approve plans that closely adhere to
2 the standards described in subsections (d) or
3 (e), whichever is applicable.

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

8 “(A) review the plan; and

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

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

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

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

23 “(2) disseminating the plan by other means, as
24 determined by the Secretary.

1 **“§ 41782. Air passenger complaints hotline and infor-**
 2 **mation**

3 “(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-
 4 PHONE NUMBER.—The Secretary of Transportation shall
 5 establish a consumer complaints hotline telephone number
 6 for the use of air passengers.

7 “(b) PUBLIC NOTICE.—The Secretary shall notify
 8 the public of the telephone number established under sub-
 9 section (a).

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

14 (b) CONFORMING AMENDMENT.—The table of con-
 15 tents for chapter 417 is amended by adding at the end
 16 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”.

17 **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**
 18 **FLIGHT DELAY HISTORY.**

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

21 “(f) CHRONICALLY DELAYED FLIGHTS.—

22 “(1) PUBLICATION OF LIST OF FLIGHTS.—

23 Each air carrier holding a certificate issued under

1 section 41102 that conducts scheduled passenger air
2 transportation shall, on a monthly basis—

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

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

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

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

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

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

2 “(A) CHRONICALLY DELAYED FLIGHT.—

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

10 “(B) CHRONICALLY CANCELED FLIGHT.—

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

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

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

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

24 (1) flight cancellations;

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

3 (3) lost, damaged, or delayed baggage, and dif-
4 ficulties with related airline claims procedures;

5 (4) problems in obtaining refunds for unused or
6 lost tickets or fare adjustments;

7 (5) incorrect or incomplete information about
8 fares, discount fare conditions and availability, over-
9 charges, and fare increases;

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

13 (7) deceptive or misleading advertising.

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

22 **SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**
23 **AVIATION CONSUMER PROTECTION.**

24 (a) IN GENERAL.—The Secretary of Transportation
25 shall establish an advisory committee for aviation con-

1 sumer protection to advise the Secretary in carrying out
2 airline customer service improvements, including those re-
3 quired by subchapter IV of chapter 417 of title 49, United
4 States Code.

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

8 (1) air carriers;

9 (2) airport operators;

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

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

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

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

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

1 (f) DUTIES.—The duties of the advisory committee
2 shall include—

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

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

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

13 (1) the recommendations made by the advisory
14 committee during the preceding calendar year; and

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

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

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

1 charges (other than airfare) that may be imposed by the
2 air carrier, including fees for—

3 (1) checked baggage or oversized or heavy bag-
4 gage;

5 (2) meals, beverages, or other refreshments;

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

9 (4) purchasing tickets from an airline ticket
10 agent or a travel agency; or

11 (5) any other good, service, or amenity provided
12 by the air carrier, as required by the Secretary.

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

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

23 (2) shall require air carriers to update the in-
24 formation as necessary, but no less frequently than
25 every 90 days unless there has been no increase in

1 the amount or type of fees shown in the most recent
2 publication.

3 **SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING**
4 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**
5 **PORTATION.**

6 Section 41712 is amended by adding at the end the
7 following:

8 “(c) DISCLOSURE REQUIREMENT FOR SELLERS OF
9 TICKETS FOR FLIGHTS.—

10 “(1) IN GENERAL.—It shall be an unfair or de-
11 ceptive practice under subsection (a) for any ticket
12 agent, air carrier, foreign air carrier, or other person
13 offering to sell tickets for air transportation on a
14 flight of an air carrier to not disclose, whether ver-
15 bally in oral communication or in writing in written
16 or electronic communication, prior to the purchase
17 of a ticket—

18 “(A) the name (including any business or
19 corporate name) of the air carrier providing the
20 air transportation; and

21 “(B) if the flight has more than one flight
22 segment, the name of each air carrier providing
23 the air transportation for each such flight seg-
24 ment.

1 “(2) INTERNET OFFERS.—In the case of an
2 offer to sell tickets described in paragraph (1) on an
3 Internet Web site, disclosure of the information re-
4 quired by paragraph (1) shall be provided on the
5 first display of the Web site following a search of a
6 requested itinerary in a format that is easily visible
7 to a viewer.”.

8 **SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT**
9 **TO THE SALE OF AIRLINE TICKETS.**

10 (a) IN GENERAL.—The Office of Aviation Consumer
11 Protection and Enforcement of the Department of Trans-
12 portation shall establish rules to ensure that all consumers
13 are able to easily and fairly compare airfares and charges
14 paid when purchasing tickets for air transportation, in-
15 cluding all taxes and fees.

16 (b) NOTICE OF TAXES AND FEES APPLICABLE TO
17 TICKETS FOR AIR TRANSPORTATION.—Section 41712, as
18 amended by this Act, is further amended by adding at the
19 end the following:

20 “(d) NOTICE OF TAXES AND FEES APPLICABLE TO
21 TICKETS FOR AIR TRANSPORTATION.—

22 “(1) IN GENERAL.—It shall be an unfair or de-
23 ceptive practice under subsection (a) for an air car-
24 rier, foreign air carrier, or ticket agent to sell a tick-
25 et for air transportation on the Internet unless the

1 air carrier, foreign air carrier, or ticket agent, as the
2 case may be—

3 “(A) displays information with respect to
4 the taxes and fees described in paragraph (2),
5 including the amount and a description of each
6 such tax or fee, in reasonable proximity to the
7 price listed for the ticket; and

8 “(B) provides to the purchaser of the tick-
9 et information with respect to the taxes and
10 fees described in paragraph (2), including the
11 amount and a description of each such tax or
12 fee, before requiring the purchaser to provide
13 any personal information, including the name,
14 address, phone number, e-mail address, or cred-
15 it card information of the purchaser.

16 “(2) TAXES AND FEES DESCRIBED.—The taxes
17 and fees described in this paragraph are all taxes,
18 fees, and charges applicable to a ticket for air trans-
19 portation, consisting of—

20 “(A) all taxes, fees, charges, and sur-
21 charges included in the price paid by a pur-
22 chaser for the ticket, including fuel surcharges
23 and surcharges relating to peak or holiday trav-
24 el; and

1 “(B) any fees for baggage, seating assign-
2 ments; and

3 “(C) operational services that are charged
4 when the ticket is purchased.”.

5 (c) REGULATIONS.—The Secretary of Transpor-
6 tation, in consultation with the Administrator of the Fed-
7 eral Aviation Administration, shall prescribe such regula-
8 tions as may be necessary to carry out subsection (d) of
9 section 41712 of title 49, United States Code, as added
10 by subsection (b) of this section.

11 **SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILI-**
12 **TATE THE USE OF CHILD SAFETY SEATS ON**
13 **AIRCRAFT.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Administrator of the Federal Avia-
16 tion Administration shall prescribe regulations requiring
17 each air carrier operating under part 121 of title 14, Code
18 of Federal Regulations, to post on the website of the air
19 carrier the maximum dimensions of a child safety seat
20 that can be used on each aircraft operated by the air car-
21 rier to enable passengers to determine which child safety
22 seats can be used on those aircraft.

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. 41731 note) is
11 amended by striking “September 30, 2010.” and inserting
12 “September 30, 2013.”.

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 to read
8 as follows:

9 **“§ 41745. Conversion of lost eligibility airports**

10 “(a) IN GENERAL.—The Secretary shall establish a
11 program to provide general aviation conversion funding for
12 airports serving eligible places that the Secretary has de-
13 termined no longer qualify for a subsidy.

14 “(b) GRANTS.—A grant under this section—

15 “(1) may not exceed twice the compensation
16 paid to provide essential air service to the airport in
17 the fiscal year preceeding the fiscal year in which
18 the Secretary determines that the place served by
19 the airport is no longer an eligible place; and

20 “(2) may be used—

21 “(A) for airport development (as defined in
22 section 47102(3)) that will enhance general
23 aviation capacity at the airport;

24 “(B) to defray operating expenses, if such
25 use is approved by the Secretary; or

1 “(C) to develop innovative air service op-
2 tions, such as on-demand or air taxi operations,
3 if such use is approved by the Secretary.

4 “(c) AIP REQUIREMENTS.—An airport sponsor that
5 uses funds provided under this section for an airport de-
6 velopment project shall comply with the requirements of
7 subchapter I of chapter 471 applicable to airport develop-
8 ment projects funded under that subchapter with respect
9 to the project funded under this section.

10 “(d) LIMITATION.—The sponsor of an airport receiv-
11 ing funding under this section is not eligible for funding
12 under section 41736.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 417 is amended by striking the item relating
15 to section 41745 and inserting the following:

“417454. Conversion of lost eligibility airports.”.

16 **SEC. 415. EAS REFORM.**

17 Section 41742(a) is amended—

18 (1) by adding at the end of paragraph (1) “Any
19 amount in excess of \$50,000,000 credited for any
20 fiscal year to the account established under section
21 45303(c) shall be obligated for programs under sec-
22 tion 406 of the Vision 100—Century of Aviation Re-
23 authorization Act (49 U.S.C. 40101 note) and sec-
24 tion 41745 of this title. Amounts appropriated pur-

1 suant to this section shall remain available until ex-
2 pended.”; and

3 (2) by striking “\$77,000,000” in paragraph (2)
4 and inserting “\$150,000,000”.

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

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

7 (1) by striking “and” after the semicolon in
8 subparagraph (D);

9 (2) by striking “fashion.” in subparagraph (E)
10 and inserting “fashion; and”; and

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

12 “(F) multiple communities cooperate to
13 submit a region or multistate application to im-
14 prove air service.”.

15 (b) EXTENSION OF AUTHORIZATION.—Section
16 41743(e)(2) is amended—

17 (1) by striking “is appropriated” and inserting
18 “are appropriated”; and

19 (2) by striking “2009” and inserting “2011”.

20 **SEC. 417. EAS MARKETING.**

21 The Secretary of Transportation shall require all ap-
22 plications to provide service under subchapter II of chap-
23 ter 417 of title 49, United States Code, include a mar-
24 keting plan.

1 **SEC. 418. RURAL AVIATION IMPROVEMENT.**

2 (a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY
3 CAP.—

4 (1) IN GENERAL.—Subchapter II of chapter
5 417 is amended by adding at the end the following:

6 **“§ 41749. Essential air service for eligible places**
7 **above per passenger subsidy cap**

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

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

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

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

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

22 “(1) decide whether to provide compensation
23 for the air carrier to provide air transportation to
24 the place; and

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

4 “(A) the per passenger subsidy; and

5 “(B) the dollar amount allowable for such
6 subsidy under this subchapter.

7 “(d) COMPENSATION PAYMENTS.—

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

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

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

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

22 “(e) REVIEW.—

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

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

8 “(f) ENDING, SUSPENDING, AND REDUCING AIR
 9 TRANSPORTATION.—An air carrier providing air transpor-
 10 tation to a place under this section may end, suspend, or
 11 reduce such air transportation if, not later than 30 days
 12 before ending, suspending, or reducing such air transpor-
 13 tation, the air carrier provides notice of the intent of the
 14 air carrier to end, suspend, or reduce such air transpor-
 15 tation to—

16 “(1) the Secretary;

17 “(2) the affected community; and

18 “(3) the State or local government or person
 19 agreeing to pay compensation under subsection
 20 (c)(2).”.

21 (2) CLERICAL AMENDMENT.—The table of con-
 22 tents for chapter 417 is amended by adding after
 23 the item relating to section 41748 the following new
 24 item:

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

1 (b) PREFERRED ESSENTIAL AIR SERVICE.—

2 (1) IN GENERAL.—Subchapter II of chapter
3 417, as amended by subsection (a), is further
4 amended by adding after section 41749 the fol-
5 lowing:

6 **“§ 41750. Preferred essential air service**

7 “(a) PROPOSALS.—A State or local government may
8 submit a proposal to the Secretary of Transportation for
9 compensation for a preferred air carrier described in sub-
10 section (b) to provide air transportation to an eligible
11 place.

12 “(b) PREFERRED AIR CARRIER DESCRIBED.—A pre-
13 ferred air carrier described in this subsection is an air car-
14 rier that—

15 “(1) submits an application under section
16 41733(c) to provide air transportation to an eligible
17 place;

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

21 “(3) is an air carrier that the affected commu-
22 nity prefers to provide air transportation to the eligi-
23 ble place instead of the air carrier that submits the
24 lowest cost bid.

1 “(c) DECISIONS.—Not later than 90 days after re-
2 ceiving a proposal under subsection (a) for compensation
3 for a preferred air carrier described in subsection (b) to
4 provide air transportation to an eligible place, the Sec-
5 retary shall—

6 “(1) decide whether to provide compensation
7 for the preferred air carrier to provide air transpor-
8 tation to the eligible place; and

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

12 “(A) the rate of compensation the Sec-
13 retary would provide to the air carrier that sub-
14 mits the lowest cost bid to provide air transpor-
15 tation to the eligible place; and

16 “(B) the rate of compensation the pre-
17 ferred air carrier estimates to be necessary to
18 provide air transportation to the eligible place.

19 “(d) COMPENSATION PAYMENTS.—

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

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

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

8 “(B) the Secretary decides the compensa-
9 tion is necessary to maintain air transportation
10 to the eligible place.

11 “(e) REVIEW.—

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

15 “(2) CONSULTATION.—The Secretary may
16 make appropriate adjustments in the type and level
17 of air service to an eligible place under this section
18 based on the review under paragraph (1) and con-
19 sultation with the affected community and the State
20 or local government or person agreeing to pay com-
21 pensation under subsection (c)(2).

22 “(f) ENDING, SUSPENDING, AND REDUCING AIR
23 TRANSPORTATION.—A preferred air carrier providing air
24 transportation to an eligible place under this section may
25 end, suspend, or reduce such air transportation if, not

1 later than 30 days before ending, suspending, or reducing
 2 such air transportation, the preferred air carrier provides
 3 notice of the intent of the preferred air carrier to end,
 4 suspend, or reduce such air transportation to—

5 “(1) the Secretary;

6 “(2) the affected community; and

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

10 (2) CLERICAL AMENDMENT.—The table of con-
 11 tents for chapter 417, as amended by subsection (a),
 12 is further amended by adding after the item relating
 13 to section 41749 the following new item:

“41750. Preferred essential air service”.

14 (c) RESTORATION OF ELIGIBILITY TO A PLACE DE-
 15 TERMINED BY THE SECRETARY TO BE INELIGIBLE FOR
 16 SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is
 17 amended by adding at the end the following:

18 “(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED
 19 ESSENTIAL AIR SERVICE.—

20 “(1) IN GENERAL.—If the Secretary of Trans-
 21 portation terminates the eligibility of an otherwise
 22 eligible place to receive basic essential air service by
 23 an air carrier for compensation under subsection (c),
 24 a State or local government may submit to the Sec-
 25 retary a proposal for restoring such eligibility.

1 “(2) DETERMINATION BY SECRETARY.—If the
2 per passenger subsidy required by the proposal sub-
3 mitted by a State or local government under para-
4 graph (1) does not exceed the per passenger subsidy
5 cap provided under this subchapter, the Secretary
6 shall issue an order restoring the eligibility of the
7 otherwise eligible place to receive basic essential air
8 service by an air carrier for compensation under
9 subsection (c).”.

10 (d) OFFICE OF RURAL AVIATION.—

11 (1) ESTABLISHMENT.—There is established
12 within the Office of the Secretary of Transportation
13 the Office of Rural Aviation.

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

15 (1) to develop a uniform 4-year contract for air
16 carriers providing essential air service to commu-
17 nities under subchapter II of chapter 417 of title 49,
18 United States Code;

19 (2) to develop a mechanism for comparing ap-
20 plications submitted by air carriers under section
21 41733(c) to provide essential air service to commu-
22 nities, including comparing—

23 (A) estimates from air carriers on—

24 (i) the cost of providing essential air
25 service; and

1 (ii) the revenues air carriers expect to
2 receive when providing essential air service;
3 and

4 (B) estimated schedules for air transpor-
5 tation; and

6 (3) to select an air carrier from among air car-
7 riers applying to provide essential air service, based
8 on the criteria described in paragraph (2).

9 (f) EXTENSION OF AUTHORITY TO MAKE AGREE-
10 MENTS UNDER THE ESSENTIAL AIR SERVICE PRO-
11 GRAM.—Section 41743(e)(2) is amended by striking
12 “2009” and inserting “2011”.

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

16 “(f) FUEL COST SUBSIDY DISREGARD.—Any amount
17 provided as an adjustment in compensation pursuant to
18 subsection (a)(1)(D) shall be disregarded for the purpose
19 of determining whether the amount of compensation pro-
20 vided under this subchapter with respect to an eligible
21 place exceeds the per passenger subsidy exceeds the dollar
22 amount allowable under this subchapter.”.

1 **SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**
2 **TICIPATION PROGRAM.**

3 (a) IN GENERAL.—Subchapter II of chapter 417 of
4 title 49, United States Code, is amended by striking sec-
5 tion 41747, and such title 49 shall be applied as if such
6 section 41747 had not been enacted.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 417 of title 49, United States Code, is amend-
9 ed by striking the item relating to section 41747.

10 **SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-**
11 **CATIONS THAT ARE 90 OR MORE MILES AWAY**
12 **FROM THE NEAREST MEDIUM OR LARGE HUB**
13 **AIRPORT.**

14 (a) IN GENERAL.—Section 41731(a)(1) is amend-
15 ed—

16 (1) in subparagraph (A), by redesignating
17 clauses (i) through (iii) as subclauses (I) through
18 (III), respectively;

19 (2) by redesignating subparagraphs (A) and
20 (B) as clauses (i) and (ii), respectively;

21 (3) in clause (i)(I), as redesignated, by insert-
22 ing “(A)” before “(i)(I)”;

23 (4) in subparagraph (A)(ii), as redesignated, by
24 striking the period at the end and inserting “; and”;
25 and

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

1 “(B) is located not less than 90 miles from
2 the nearest medium or large hub airport.”.

3 (6) The Secretary may waive the requirements
4 of this subsection as a result of geographic charac-
5 teristics resulting in undue difficulty accessing the
6 nearest medium or large hub airport.

7 (b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Sec-
8 tion 41731 is amended by adding at the end the following:

9 “(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Sub-
10 section (a)(1)(B) shall not apply with respect to locations
11 in the State of Alaska.”.

12 **SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-**
13 **CATIONS THAT AVERAGE 10 OR MORE**
14 **ENPLANEMENTS PER DAY.**

15 (a) IN GENERAL.—Section 41731(a)(1) is amend-
16 ed—

17 (1) in subparagraph (A), by redesignating
18 clauses (i) through (iii) as subclauses (I) through
19 (III), respectively;

20 (2) by redesignating subparagraphs (A) and
21 (B) as clauses (i) and (ii), respectively;

22 (3) in clause (i)(I), as redesignated, by insert-
23 ing “(A)” before “(i)(I)”;

1 (4) in subparagraph (A)(ii), as redesignated, by
2 striking the period at the end and inserting “; and”;
3 and

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

5 “(B) had an average of 10 enplanements
6 per day or more in the most recent calendar
7 year for which enplanement data is available to
8 the Administrator.”.

9 (b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Sec-
10 tion 41731 is amended by adding at the end the following:

11 “(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Sub-
12 section (a)(1)(B) shall not apply with respect to locations
13 in the State of Alaska.”.

14 (c) WAIVERS.—Such section is further amended by
15 adding at the end the following:

16 “(d) WAIVERS.—The Administrator may waive sub-
17 section (a)(1)(B) with respect to a location if the Adminis-
18 trator determines that the reason the location averages
19 fewer than 10 enplanements per day is not because of in-
20 herent issues with the location.”.

21 SUBTITLE C—MISCELLANEOUS

22 **SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

24 (1) by striking the section heading and insert-
25 ing the following:

1 **“§ 47129. Resolution of airport-air carrier and foreign**
2 **air carrier disputes concerning airport**
3 **fees” ;**

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

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

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

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

15 (6) by striking “air carriers” and inserting “air
16 carriers or foreign air carriers”; and

17 (7) by striking “(as defined in section 40102 of
18 this title)” in subsection (a) and inserting “(as those
19 terms are defined in section 40102 of this title)”.

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

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

1 **SEC. 432. CONTRACT TOWER PROGRAM.**

2 (a) COST-BENEFIT REQUIREMENT.—Section
3 47124(b)(1) is amended—

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

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

6 “(B) If the Secretary determines that a tower already
7 operating under this program has a benefit to cost ratio
8 of less than 1.0, the airport sponsor or State or local gov-
9 ernment having jurisdiction over the airport shall not be
10 required to pay the portion of the costs that exceeds the
11 benefit for a period of 18 months after such determination
12 is made.

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

19 (b) COSTS EXCEEDING BENEFITS.—Subparagraph
20 (D) of section 47124(b)(3) is amended—

21 (1) by striking “benefit.” and inserting “ben-
22 efit, with the maximum allowable local cost share
23 capped at 20 percent.”.

24 (c) FUNDING.—Subparagraph (E) of section
25 47124(b)(3) is amended—

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

1 (2) by striking “2007” and inserting “2007,
2 \$9,500,000 for fiscal year 2010, and \$10,000,000
3 for fiscal year 2011” after “2007,”; and

4 (3) by inserting after “paragraph.” the fol-
5 lowing: “If the Secretary finds that all or part of an
6 amount made available under this subparagraph is
7 not required during a fiscal year to carry out this
8 paragraph, the Secretary may use during such fiscal
9 year the amount not so required to carry out the
10 program continued under subsection (b)(1) of this
11 section.”.

12 (d) FEDERAL SHARE.—Subparagraph (C) of section
13 47124(b)(4) is amended by striking “\$1,500,000.” and in-
14 serting “\$2,000,000.”.

15 (e) SAFETY AUDITS.—Section 41724 is amended by
16 adding at the end the following:

17 “(c) SAFETY AUDITS.—The Secretary shall establish
18 uniform standards and requirements for safety assess-
19 ments of air traffic control towers that receive funding
20 under this section in accordance with the Administration’s
21 safety management system.”.

22 **SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED**
23 **FORCES.**

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

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

5 (2) the United States is indebted to the mem-
6 bers of the Armed Forces, many of whom are in
7 grave danger due to their engagement in, or expo-
8 sure to, combat;

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

14 (4) the unique demands of military service often
15 preclude members of the Armed Forces from pur-
16 chasing discounted advance airline tickets in order
17 to visit their loved ones at home; and

18 (5) it is the patriotic duty of the people of the
19 United States to support the members of the Armed
20 Forces who are defending the Nation's interests
21 around the world at great personal sacrifice.

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

24 (1) establish for all members of the Armed
25 Forces on active duty reduced air fares that are

1 comparable to the lowest airfare for ticketed flights;
2 and

3 (2) offer flexible terms that allow members of
4 the Armed Forces on active duty to purchase, mod-
5 ify, or cancel tickets without time restrictions, fees
6 (including baggage fees), ancillary costs, or pen-
7 alties.

8 **SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN**
9 **THE LAS VEGAS MCCARRAN INTERNATIONAL**
10 **AIRPORT ENVIRONS OVERLAY DISTRICT FOR**
11 **TRANSIENT LODGING AND ASSOCIATED FA-**
12 **CILITIES.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law and except as provided in subsection (b), Clark
15 County, Nevada, is authorized to permit transient lodging,
16 including hotels, and associated facilities, including en-
17 closed auditoriums, concert halls, sports arenas, and
18 places of public assembly, on lands in the Las Vegas
19 McCarran International Airport Environs Overlay District
20 that fall below the forecasted 2017 65 dB day-night an-
21 nual average noise level (DNL), as identified in the Noise
22 Exposure Map Notice published by the Federal Aviation
23 Administration in the Federal Register on July 24, 2007
24 (72 Fed. Reg. 40357), and adopted into the Clark County
25 Development Code in June 2008.

1 (b) LIMITATION.—No structure may be permitted
2 under subsection (a) that would constitute a hazard to air
3 navigation, result in an increase to minimum flight alti-
4 tudes, or otherwise pose a significant adverse impact on
5 airport or aircraft operations.

6 **TITLE V—SAFETY**

7 **SUBTITLE A—AVIATION SAFETY**

8 **SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

9 Not later than December 31, 2009, the Administrator
10 of the Federal Aviation Administration shall issue a plan
11 to develop an installation and deployment schedule for sys-
12 tems the Administration is installing to alert controllers
13 and flight crews to potential runway incursions. The plan
14 shall be integrated into the annual Federal Aviation Ad-
15 ministration NextGen Implementation Plan.

16 **SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-** 17 **TIFICATES.**

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

21 “(3) JUDICIAL REVIEW.—A person substantially af-
22 fected by an order of the Board under this subsection, or
23 the Administrator when the Administrator decides that an
24 order of the Board will have a significant adverse impact
25 on carrying out this part, may obtain judicial review of

1 the order under section 46110 of this title. The Adminis-
2 trator shall be made a party to the judicial review pro-
3 ceedings. The findings of fact of the Board in any such
4 case are conclusive if supported by substantial evidence.”.

5 (b) CONFORMING AMENDMENT.—Section 1153(c) is
6 amended by striking “section 44709 or” and inserting
7 “section 44703(d), 44709, or”.

8 **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**
9 **TYPE CERTIFICATES AND SUPPLEMENTAL**
10 **TYPE CERTIFICATES.**

11 Section 44704(a) is amended by adding at the end
12 the following:

13 “(5) RELEASE OF DATA.—

14 “(A) Notwithstanding any other provision of
15 law, the Administrator may designate, without the
16 consent of the owner of record, engineering data in
17 the agency’s possession related to a type certificate
18 or a supplemental type certificate for an aircraft, en-
19 gine, propeller or appliance as public data, and
20 therefore releasable, upon request, to a person seek-
21 ing to maintain the airworthiness of such product, if
22 the Administrator determines that—

23 “(i) the certificate containing the requested
24 data has been inactive for 3 years;

1 “(ii) the owner of record, or the owner of
2 record’s heir, of the type certificate or supple-
3 mental certificate has not been located despite
4 a search of due diligence by the agency; and

5 “(iii) the designation of such data as pub-
6 lic data will enhance aviation safety.

7 “(B) In this section, the term ‘engineering
8 data’ means type design drawings and specifications
9 for the entire product or change to the product, in-
10 cluding the original design data, and any associated
11 supplier data for individual parts or components ap-
12 proved as part of the particular aeronautical product
13 certificate.”.

14 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

15 Section 44704(e) is amended—

16 (1) by striking “Beginning 7 years after the
17 date of enactment of this subsection,” in paragraph
18 (1) and inserting “Effective January 1, 2013,”;

19 (2) by striking “testing” in paragraph (2) and
20 inserting “production”; and

21 (3) by striking paragraph (3) and inserting the
22 following:

23 “(3) ISSUANCE OF CERTIFICATE BASED ON DE-
24 SIGN ORGANIZATION CERTIFICATION.—The Adminis-

1 trator may rely on the Design Organization for cer-
2 tification of compliance under this section.”.

3 **SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**
4 **DATABASE SYSTEMS.**

5 (a) IN GENERAL.—Chapter 401 is amended by add-
6 ing at the end thereof the following:

7 **“§ 40130. FAA access to criminal history records or**
8 **databases systems**

9 “(a) ACCESS TO RECORDS OR DATABASES SYS-
10 TEMS.—

11 “(1) Notwithstanding section 534 of title 28
12 and the implementing regulations for such section
13 (28 C.F.R. part 20), the Administrator of the Fed-
14 eral Aviation Administration is authorized to access
15 a system of documented criminal justice information
16 maintained by the Department of Justice or by a
17 State but may do so only for the purpose of carrying
18 out its civil and administrative responsibilities to
19 protect the safety and security of the National Air-
20 space System or to support the missions of the De-
21 partment of Justice, the Department of Homeland
22 Security, and other law enforcement agencies. The
23 Administrator shall be subject to the same condi-
24 tions or procedures established by the Department
25 of Justice or State for access to such an information

1 system by other governmental agencies with access
2 to the system.

3 “(2) The Administrator may not use the access
4 authorized under paragraph (1) to conduct criminal
5 investigations.

6 “(b) DESIGNATED EMPLOYEES.—The Administrator
7 shall, by order, designate those employees of the Adminis-
8 tration who shall carry out the authority described in sub-
9 section (a). Such designated employees may—

10 “(1) have access to and receive criminal history,
11 driver, vehicle, and other law enforcement informa-
12 tion contained in the law enforcement databases of
13 the Department of Justice, or of any jurisdiction in
14 a State in the same manner as a police officer em-
15 ployed by a State or local authority of that State
16 who is certified or commissioned under the laws of
17 that State;

18 “(2) use any radio, data link, or warning sys-
19 tem of the Federal Government and of any jurisdic-
20 tion in a State that provides information about
21 wanted persons, be-on-the-lookout notices, or war-
22 rant status or other officer safety information to
23 which a police officer employed by a State or local
24 authority in that State who is certified or commis-

1 sion under the laws of that State has access and in
 2 the same manner as such police officer; or

3 “(3) receive Federal, State, or local government
 4 communications with a police officer employed by a
 5 State or local authority in that State in the same
 6 manner as a police officer employed by a State or
 7 local authority in that State who is commissioned
 8 under the laws of that State.

9 “(c) **SYSTEM OF DOCUMENTED CRIMINAL JUSTICE**
 10 **INFORMATION DEFINED.**—In this section the term ‘sys-
 11 tem of documented criminal justice information’ means
 12 any law enforcement databases, systems, or communica-
 13 tions containing information concerning identification,
 14 criminal history, arrests, convictions, arrest warrants, or
 15 wanted or missing persons, including the National Crime
 16 Information Center and its incorporated criminal history
 17 databases and the National Law Enforcement Tele-
 18 communications System.”.

19 (b) **CONFORMING AMENDMENT.**—The table of con-
 20 tents for chapter 401 is amended by inserting after the
 21 item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems”.

22 **SEC. 506. PILOT FATIGUE.**

23 (a) **FLIGHT AND DUTY TIME REGULATIONS.**—

24 (1) **IN GENERAL.**—In accordance with para-
 25 graph (2), the Administrator of the Federal Aviation

1 Administration shall issue regulations, based on the
2 best available scientific information—

3 (A) to specify limitations on the hours of
4 flight and duty time allowed for pilots to ad-
5 dress problems relating to pilot fatigue; and

6 (B) to require part 121 air carriers to de-
7 velop and implement fatigue risk management
8 plans.

9 (2) DEADLINES.—The Administrator shall
10 issue—

11 (A) not later than 180 days after the date
12 of enactment of this Act, a notice of proposed
13 rulemaking under paragraph (1); and

14 (B) not later than one year after the date
15 of enactment of this Act, a final rule under
16 paragraph (1).

17 (b) FATIGUE RISK MANAGEMENT PLAN.—

18 (1) SUBMISSION OF FATIGUE RISK MANAGE-
19 MENT PLAN BY PART 121 AIR CARRIERS.—Not later
20 than 90 days after the date of enactment of this
21 Act, each part 121 air carrier shall submit to the
22 Administrator for review and approval a fatigue risk
23 management plan.

1 (2) CONTENTS OF PLAN.—A fatigue risk man-
2 agement plan submitted by a part 121 air carrier
3 under paragraph (1) shall include the following:

4 (A) Current flight time and duty period
5 limitations.

6 (B) A rest scheme that enables the man-
7 agement of fatigue, including annual training to
8 increase awareness of—

9 (i) fatigue;

10 (ii) the effects of fatigue on pilots;

11 and

12 (iii) fatigue countermeasures.

13 (C) Development and use of a methodology
14 that continually assesses the effectiveness of the
15 program, including the ability of the program—

16 (i) to improve alertness; and

17 (ii) to mitigate performance errors.

18 (3) PLAN UPDATES.—A part 121 air carrier
19 shall update its fatigue risk management plan under
20 paragraph (1) every 2 years and submit the update
21 to the Administrator for review and approval.

22 (4) APPROVAL.—

23 (A) INITIAL APPROVAL OR MODIFICA-
24 TION.—Not later than 9 months after the date
25 of enactment of this Act, the Administrator

1 shall review and approve or require modification
2 to fatigue risk management plans submitted
3 under this subsection to ensure that pilots are
4 not operating aircraft while fatigued.

5 (B) UPDATE APPROVAL OR MODIFICA-
6 TION.—Not later than 9 months after submis-
7 sion of a plan update under paragraph (3), the
8 Administrator shall review and approve or re-
9 quire modification to such update.

10 (5) CIVIL PENALTIES.—A violation of this sub-
11 section by a part 121 air carrier shall be treated as
12 a violation of chapter 447 of title 49, United States
13 Code, for purposes of the application of civil pen-
14 alties under chapter 463 of that title.

15 (6) LIMITATION ON APPLICABILITY.—The re-
16 quirements of this subsection shall cease to apply to
17 a part 121 air carrier on and after the effective date
18 of the regulations to be issued under subsection (a).

19 (c) EFFECT OF COMMUTING ON FATIGUE.—

20 (1) IN GENERAL.—Not later than 60 days after
21 the date of enactment of this Act, the Administrator
22 shall enter into appropriate arrangements with the
23 National Academy of Sciences to conduct a study of
24 the effects of commuting on pilot fatigue and report
25 its findings to the Administrator.

1 (2) STUDY.—In conducting the study, the Na-
2 tional Academy of Sciences shall consider—

3 (A) the prevalence of pilot commuting in
4 the commercial air carrier industry, including
5 the number and percentage of pilots who com-
6 mute;

7 (B) information relating to commuting by
8 pilots, including distances traveled, time zones
9 crossed, time spent, and methods used;

10 (C) research on the impact of commuting
11 on pilot fatigue, sleep, and circadian rhythms;

12 (D) commuting policies of commercial air
13 carriers (including passenger and all-cargo air
14 carriers), including pilot check-in requirements
15 and sick leave and fatigue policies;

16 (E) post-conference materials from the
17 Federal Aviation Administration’s June 2008
18 symposium entitled “Aviation Fatigue Manage-
19 ment Symposium: Partnerships for Solutions”;

20 (F) Federal Aviation Administration and
21 international policies and guidance regarding
22 commuting; and

23 (G) any other matters as the Adminis-
24 trator considers appropriate.

1 (3) PRELIMINARY FINDINGS.—Not later than
2 90 days after the date of entering into arrangements
3 under paragraph (1), the National Academy of
4 Sciences shall submit to the Administrator its pre-
5 liminary findings under the study.

6 (4) REPORT.—Not later than 6 months after
7 the date of entering into arrangements under para-
8 graph (1), the National Academy of Sciences shall
9 submit a report to the Administrator containing its
10 findings under the study and any recommendations
11 for regulatory or administrative actions by the Fed-
12 eral Aviation Administration concerning commuting
13 by pilots.

14 (5) RULEMAKING.—Following receipt of the re-
15 port of the National Academy of Sciences under
16 paragraph (4), the Administrator shall—

17 (A) consider the findings and recommenda-
18 tions in the report; and

19 (B) update, as appropriate based on sci-
20 entific data, regulations required by subsection
21 (a) on flight and duty time.

22 **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**
23 **FIXED WING EMERGENCY MEDICAL SERVICE**
24 **OPERATORS AND PATIENTS.**

25 (a) COMPLIANCE REGULATIONS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), not later than 18 months after the date
3 of enactment of this Act, helicopter and fixed wing
4 aircraft certificate holders providing emergency med-
5 ical services shall comply with part 135 of title 14,
6 Code of Federal Regulations, if there is a medical
7 crew on board, without regard to whether there are
8 patients on board.

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

13 (A) the weather minimums and duty and
14 rest time regulations under such part 135 of
15 such title shall apply; and

16 (B) the weather reporting requirement at
17 the destination shall not apply until such time
18 as the Administrator of the Federal Aviation
19 Administration determines that portable, reli-
20 able, and accurate ground-based weather meas-
21 uring and reporting systems are available.

22 (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION
23 PROGRAM.—

24 (1) INITIATION.—Not later than 60 days after
25 the date of enactment of this Act, the Administrator

1 of the Federal Aviation Administration shall initiate
2 a rulemaking—

3 (A) to create a standardized checklist of
4 risk evaluation factors based on Notice
5 8000.301, which was issued by the Administra-
6 tion on August 1, 2005; and

7 (B) to require helicopter and fixed wing
8 aircraft emergency medical service operators to
9 use the checklist created under subparagraph
10 (A) to determine whether a mission should be
11 accepted.

12 (2) COMPLETION.—The rulemaking initiated
13 under paragraph (1) shall be completed not later
14 than 18 months after it is initiated.

15 (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-
16 PATCH PROCEDURES.—

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

21 (A) to require that helicopter and fixed
22 wing emergency medical service operators for-
23 malize and implement performance based flight
24 dispatch and flight-following procedures; and

1 (B) to develop a method to assess and en-
2 sure that such operators comply with the re-
3 quirements described in subparagraph (A).

4 (2) COMPLETION.—The rulemaking initiated
5 under paragraph (1) shall be completed not later
6 than 18 months after it is initiated.

7 (d) IMPROVING SITUATIONAL AWARENESS.—Within
8 1 year after the date of enactment of this Act, any heli-
9 copter or fixed-wing aircraft used for emergency medical
10 service shall have on board a device that performs the
11 function of a terrain awareness and warning system and
12 a means of displaying that information that meets the re-
13 quirements of the applicable Federal Aviation Administra-
14 tion Technical Standard Order or other guidance pre-
15 scribed by the Administrator.

16 (e) IMPROVING THE DATA AVAILABLE ON AIR MED-
17 ICAL OPERATIONS.—

18 (1) IN GENERAL.—The Administrator of the
19 Federal Aviation Administration shall require each
20 certificate holder for helicopters and fixed-wing air-
21 craft used for emergency medical service operations
22 to report not later than 1 year after the date of en-
23 actment of this Act and annually thereafter on—

24 (A) the number of aircraft and helicopters
25 used to provide air ambulance services, the reg-

1 istration number of each of these aircraft or
2 helicopters, and the base location of each of
3 these aircraft or helicopters;

4 (B) the number of flights and hours flown
5 by each such aircraft or helicopter used by the
6 certificate holder to provide such services dur-
7 ing the reporting period;

8 (C) the number of flights and the purpose
9 of each flight for each aircraft or helicopter
10 used by the certificate holder to provide such
11 services during the reporting period;

12 (D) the number of flight requests for a
13 helicopter providing helicopter air ambulance
14 services that were accepted or declined by the
15 certificate holder and the type of each such
16 flight request (such as scene response, inter-fa-
17 cility transport, organ transport, or ferry or
18 repositioning flight);

19 (E) the number of accidents involving heli-
20 copters operated by the certificate holder while
21 providing helicopter air ambulance services and
22 a description of the accidents;

23 (F) the number of flights and hours flown
24 under instrument flight rules by helicopters op-

1 erated by the certificate holder while providing
2 helicopter air ambulance services;

3 (G) the time of day of each flight flown by
4 helicopters operated by the certificate holder
5 while providing helicopter air ambulance serv-
6 ices; and

7 (H) The number of incidents where more
8 helicopters arrive to transport patients than is
9 needed in a flight request or scene response.

10 (2) REPORT TO CONGRESS.—The Adminis-
11 trator of the Federal Aviation Administration shall
12 report to Congress on the information received pur-
13 suant to paragraph (1) of this subsection no later
14 than 18 months after the date of enactment of this
15 Act.

16 (f) IMPROVING THE DATA AVAILABLE TO NTSB IN-
17 VESTIGATORS AT CRASH SITES.—

18 (1) STUDY.—Not later than 120 days after the
19 date of enactment of this Act, the Administrator of
20 the Federal Aviation Administration shall issue a re-
21 port that indicates the availability, survivability, size,
22 weight, and cost of devices that perform the function
23 of recording voice communications and flight data
24 information on existing and new helicopters and ex-

1 isting and new fixed wing aircraft used for emer-
2 gency medical service operations.

3 (2) RULEMAKING.—Not later than 1 year after
4 the date of enactment of this Act, the Administrator
5 of the Federal Aviation Administration shall issue
6 regulations that require devices that perform the
7 function of recording voice communications and
8 flight data information on board aircraft described
9 in paragraph (1).

10 **SEC. 508. CABIN CREW COMMUNICATION.**

11 (a) IN GENERAL.—Section 44728 is amended—

12 (1) by redesignating subsection (f) as sub-
13 section (g); and

14 (2) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) MINIMUM LANGUAGE SKILLS.—

17 “(1) IN GENERAL.—No certificate holder may
18 use any person to serve, nor may any person serve,
19 as a flight attendant under this part, unless that
20 person has demonstrated to an individual qualified
21 to determine proficiency the ability to read, speak,
22 and write English well enough to—

23 “(A) read material written in English and
24 comprehend the information;

1 “(B) speak and understand English suffi-
2 ciently to provide direction to, and understand
3 and answer questions from, English-speaking
4 individuals;

5 “(C) write incident reports and statements
6 and log entries and statements; and

7 “(D) carry out written and oral instruc-
8 tions regarding the proper performance of their
9 duties.

10 “(2) FOREIGN FLIGHTS.—The requirements of
11 paragraph (1) do not apply to service as a flight at-
12 tendant serving solely between points outside the
13 United States.”.

14 (b) ADMINISTRATION.—The Administrator of the
15 Federal Aviation Administration shall work with certifi-
16 cate holders to which section 44728(f) of title 49, United
17 States Code, applies to facilitate compliance with the re-
18 quirements of section 44728(f)(1) of that title.

19 **SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDER-**
20 **STANDING WITH OSHA.**

21 (a) IN GENERAL.—Within 6 months after the date
22 of enactment of this Act, the Administrator of the Federal
23 Aviation Administration shall—

24 (1) establish milestones, in consultation with
25 the Occupational Safety and Health Administration,

1 through a report to Congress for the completion of
2 work begun under the August 2000 memorandum of
3 understanding between the 2 Administrations and to
4 address issues needing further action in the Admin-
5 istrations' joint report in December 2000; and

6 (2) initiate development of a policy statement to
7 set forth the circumstances in which Occupational
8 Safety and Health Administration requirements may
9 be applied to crewmembers while working in the air-
10 craft.

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

15 (1) The establishment of a coordinating body
16 similar to the Aviation Safety and Health Joint
17 Team established by the August 2000 memorandum
18 of understanding that includes representatives des-
19 ignated by both Administrations—

20 (A) to examine the applicability of current
21 and future Occupational Safety and Health Ad-
22 ministration regulations;

23 (B) to recommend policies for facilitating
24 the training of Federal Aviation Administration
25 inspectors; and

1 (C) to make recommendations that will
2 govern the inspection and enforcement of safety
3 and health standards on board aircraft in oper-
4 ation and all work-related environments.

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

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

10 (B) the measures required of an employer
11 under the standard; and

12 (C) the compliance obligations of an em-
13 ployer under the standard.

14 **SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLE-**
15 **MENTATION OF REQUIRED NAVIGATION PER-**
16 **FORMANCE APPROACH PROCEDURES.**

17 (a) IN GENERAL.—

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

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

5 (b) DOT INSPECTOR GENERAL REVIEW OF OPER-
6 ATIONAL AND APPROACH PROCEDURES BY A THIRD
7 PARTY.—

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

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

18 (A) an assessment of the extent to which
19 the Administration is relying or intends to rely
20 on a third party for the development of new
21 procedures and a determination of whether the
22 Administration has established sufficient mech-
23 anisms and staffing to provide safety oversight
24 functions, which may include quality assurance
25 processes, flight checks, integration of proce-

1 dures into the National Aviation System, and
2 operational assessments of procedures developed
3 by third parties; and

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

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

17 **SEC. 511. IMPROVED SAFETY INFORMATION.**

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

23 (1) provision for the expiration of a certificate
24 for an aircraft registered as of the date of enactment

1 of this Act, with re-registration requirements for
2 those aircraft that remain eligible for registration;

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

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

9 **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**
10 **IMPROVEMENTS.**

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

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

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

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

4 (C) to verify by inspection that the car-
5 rier's corrective action adequately corrects the
6 problem that was disclosed; and

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

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

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

16 (b) GAO STUDY.—

17 (1) IN GENERAL.—The Comptroller General
18 shall conduct a study of the Voluntary Disclosure
19 Reporting Program.

20 (2) REVIEW.—In conducting the study, the
21 Comptroller General shall examine, at a minimum,
22 whether—

23 (A) there is evidence that voluntary dislo-
24 sure is resulting in regulated entities discov-
25 ering and correcting violations to a greater ex-

1 tent than would otherwise occur if there was no
2 program for immunity from enforcement action;

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

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

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

23 (3) REPORT.—Not later than one year after the
24 date of enactment of this Act, the Comptroller Gen-
25 eral shall submit a report to the Senate Committee

1 on Commerce, Science, and Transportation and the
2 House of Representatives Committee on Transpor-
3 tation and Infrastructure on the results of the study
4 conducted under this subsection.

5 **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPEC-**
6 **TIONS.**

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

9 “(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT
10 STANDARDS INSPECTORS.—

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

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

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

1 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

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

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

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

19 Within 30 days after the date of enactment of this
20 Act, the Comptroller General shall initiate a review and
21 investigation of air safety issues identified by Federal
22 Aviation Administration employees and reported to the
23 Administrator. The Comptroller General shall report the
24 Government Accountability Office’s findings and rec-
25 ommendations to the Administrator, the Senate Com-

1 mittee on Commerce, Science, and Transportation, and
2 the House of Representatives Committee on Transpor-
3 tation and Infrastructure on an annual basis.

4 **SEC. 515. NATIONAL REVIEW TEAM.**

5 (a) **IN GENERAL.**—Within 180 days after the date
6 of enactment of this Act, the Administrator of the Federal
7 Aviation Administration shall establish a national review
8 team within the Administration to conduct periodic, unan-
9 nounced, and random reviews of the Administration’s
10 oversight of air carriers and report annually its findings
11 and recommendations to the Administrator, the Senate
12 Commerce, Science, and Transportation Committee, and
13 the House of Representatives Committee on Transpor-
14 tation and Infrastructure.

15 (b) **LIMITATION.**—The Administrator shall prohibit a
16 member of the National Review Team from participating
17 in any review or audit of an air carrier under subsection
18 (a) if the member has previously had responsibility for in-
19 specting, or overseeing the inspection of, the operations
20 of that air carrier.

21 (c) **INSPECTOR GENERAL REPORTS.**—The Inspector
22 General of the Department of Transportation shall provide
23 progress reports to the Senate Committee on Commerce,
24 Science, and Transportation and the House of Represent-

1 atives Committee on Transportation and Infrastructure on
2 the review teams and their effectiveness.

3 **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

4 (a) REVIEW.—Within 1 year after the date of enact-
5 ment of this Act, the Administrator of the Federal Avia-
6 tion Administration shall conduct a comprehensive review
7 and evaluation of its Academy and facility training efforts.

8 (b) FACILITY TRAINING PROGRAM.—The Adminis-
9 trator shall—

10 (1) clarify responsibility for oversight and direc-
11 tion of the Academy’s facility training program at
12 the national level;

13 (2) communicate information concerning that
14 responsibility to facility managers; and

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

18 (A) the number of available on-the-job-
19 training instructors;

20 (B) available classroom space;

21 (C) the number of available simulators;

22 (D) training requirements; and

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

1 **SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPER-**
2 **ATIONAL ERRORS.**

3 (a) PLAN.—The Administrator of the Federal Avia-
4 tion Administration shall develop a plan for the reduction
5 of runway incursions by reviewing every commercial serv-
6 ice airport (as defined in section 47102 of title 49, United
7 States Code) in the United States and initiating action
8 to improve airport lighting, provide better signage, and
9 improve runway and taxiway markings.

10 (b) PROCESS.—Within 1 year after the date of enact-
11 ment of this Act, the Administrator of the Federal Avia-
12 tion Administration shall develop a process for tracking
13 and investigating operational errors and runway incur-
14 sions that includes—

15 (1) identifying the office responsible for estab-
16 lishing regulations regarding operational errors and
17 runway incursions;

18 (2) identifying who is responsible for tracking
19 and investigating operational errors and runway in-
20 cursions and taking remedial actions;

21 (3) identifying who is responsible for tracking
22 operational errors and runway incursions, including
23 a process for lower level employees to report to high-
24 er supervisory levels; and

25 (4) periodic random audits of the oversight
26 process.

1 **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**
 2 **TION OFFICE.**

3 Section 106 is amended by adding at the end the fol-
 4 lowing:

5 “(s) AVIATION SAFETY WHISTLEBLOWER INVES-
 6 TIGATION OFFICE.—

7 “(1) ESTABLISHMENT.—There is established in
 8 the Administration an Aviation Safety Whistleblower
 9 Investigation Office.

10 “(2) DIRECTOR.—

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

14 “(B) QUALIFICATIONS.—The Director
 15 shall have a demonstrated ability in investiga-
 16 tions and knowledge of or experience in avia-
 17 tion.

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

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

26 “(3) COMPLAINTS AND INVESTIGATIONS.—

1 “(A) AUTHORITY OF DIRECTOR.—The Di-
2 rector shall—

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

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

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

1 “(B) DISCLOSURE OF IDENTITIES.—The
2 Director shall not disclose the identity of an in-
3 dividual who submits a complaint or informa-
4 tion under subparagraph (A)(i) unless—

5 “(i) the individual consents to the dis-
6 closure in writing; or

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

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

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

1 standard of the Administration or any other
2 provision of Federal law relating to aviation
3 safety may have occurred.

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

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

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

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

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

8 “(B) summaries of those submissions;

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) MONTHLY TEAM REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

1 repair stations when safety concerns warrant such
2 inspections.

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

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

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

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

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

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

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

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

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

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

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

9 “(f) DEFINITIONS.—In this section:

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

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

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

“44730. Inspection of foreign repair stations”.

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

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

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

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

9 (1) a part 121 air carrier;

10 (2) a part 145 repair station or a person au-
11 thORIZED under section 43.17 of title 14, Code of
12 Federal Regulations;

13 (3) a person that provides contract maintenance
14 workers or services to a part 145 repair station or
15 part 121 air carrier, and the individual—

16 (A) meets the requirements of the part
17 121 air carrier or the part 145 repair station;

18 (B) performs the work under the direct su-
19 pervision and control of the part 121 air carrier
20 or the part 145 repair station directly in charge
21 of the maintenance services; and

22 (C) carries out the work in accordance
23 with the part 121 air carrier's maintenance
24 manual;

1 (4) by the holder of a type certificate, produc-
2 tion certificate, or other production approval issued
3 under part 21 of title 14, Code of Federal Regula-
4 tions, and the holder of such certificate or ap-
5 proval—

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

9 (B) is acting in conjunction with a part
10 121 air carrier or a part 145 repair station.

11 (d) DEFINITIONS.—In this section:

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

17 (2) PART 121 AIR CARRIER.—The term “part
18 121 air carrier” has the meaning given that term in
19 section 44730(f)(1) of title 49, United States Code.

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

1 **SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration shall submit to Congress a report that—

5 (1) describes the use throughout the United
6 States of explosive pest control devices in mitigating
7 bird strikes in flight operations;

8 (2) evaluates the utility, cost-effectiveness, and
9 safety of using explosive pest control devices in wild-
10 life management; and

11 (3) evaluates the potential impact on flight
12 safety and operations if explosive pest control de-
13 vices were made unavailable or more costly during
14 subsequent calendar years.

15 **SUBTITLE B—FLIGHT SAFETY**

16 **SEC. 551. FAA PILOT RECORDS DATABASE.**

17 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-
18 CANTS.—Section 44703(h) is amended by adding at the
19 end the following:

20 “(16) APPLICABILITY.—This subsection shall
21 cease to be effective on the date specified in regula-
22 tions issued under subsection (i).”.

23 (b) ESTABLISHMENT OF FAA PILOT RECORDS
24 DATABASE.—Section 44703 is amended—

25 (1) by redesignating subsections (i) and (j) as
26 subsections (j) and (k), respectively; and

1 (2) by inserting after subsection (h) the fol-
2 lowing:

3 “(i) FAA PILOT RECORDS DATABASE.—

4 “(1) IN GENERAL.—Before allowing an indi-
5 vidual to begin service as a pilot, an air carrier shall
6 access and evaluate, in accordance with the require-
7 ments of this subsection, information pertaining to
8 the individual from the pilot records database estab-
9 lished under paragraph (2).

10 “(2) PILOT RECORDS DATABASE.—The Admin-
11 istrator shall establish an electronic database (in this
12 subsection referred to as the ‘database’) containing
13 the following records:

14 “(A) FAA RECORDS.—From the Adminis-
15 trator—

16 “(i) records that are maintained by
17 the Administrator concerning current air-
18 man certificates, including airman medical
19 certificates and associated type ratings and
20 information on any limitations to those
21 certificates and ratings;

22 “(ii) records that are maintained by
23 the Administrator concerning any failed at-
24 tempt of an individual to pass a practical
25 test required to obtain a certificate or type

1 rating under part 61 of title 14, Code of
2 Federal Regulations; and

3 “(iii) summaries of legal enforcement
4 actions resulting in a finding by the Ad-
5 ministrator of a violation of this title or a
6 regulation prescribed or order issued under
7 this title that was not subsequently over-
8 turned.

9 “(B) AIR CARRIER AND OTHER
10 RECORDS.—From any air carrier or other per-
11 son (except a branch of the Armed Forces, the
12 National Guard, or a reserve component of the
13 Armed Forces) that has employed an individual
14 as a pilot of a civil or public aircraft, or from
15 the trustee in bankruptcy for such air carrier or
16 person—

17 “(i) records pertaining to the indi-
18 vidual that are maintained by the air car-
19 rier (other than records relating to flight
20 time, duty time, or rest time), including
21 records under regulations set forth in—

22 “(I) section 121.683 of title 14,
23 Code of Federal Regulations;

24 “(II) paragraph (A) of section
25 VI, appendix I, part 121 of such title;

1 “(III) paragraph (A) of section
2 IV, appendix J, part 121 of such title;

3 “(IV) section 125.401 of such
4 title; and

5 “(V) section 135.63(a)(4) of such
6 title; and

7 “(ii) other records pertaining to the
8 individual’s performance as a pilot that are
9 maintained by the air carrier or person
10 concerning—

11 “(I) the training, qualifications,
12 proficiency, or professional com-
13 petence of the individual, including
14 comments and evaluations made by a
15 check airman designated in accord-
16 ance with section 121.411, 125.295,
17 or 135.337 of such title;

18 “(II) any disciplinary action
19 taken with respect to the individual
20 that was not subsequently overturned;
21 and

22 “(III) any release from employ-
23 ment or resignation, termination, or
24 disqualification with respect to em-
25 ployment.

1 “(C) NATIONAL DRIVER REGISTER
2 RECORDS.—In accordance with section
3 30305(b)(8) of this title, from the chief driver
4 licensing official of a State, information con-
5 cerning the motor vehicle driving record of the
6 individual.

7 “(3) WRITTEN CONSENT; RELEASE FROM LI-
8 ABILITY.—An air carrier—

9 “(A) shall obtain the written consent of an
10 individual before accessing records pertaining to
11 the individual under paragraph (1); and

12 “(B) may, notwithstanding any other pro-
13 vision of law or agreement to the contrary, re-
14 quire an individual with respect to whom the
15 carrier is accessing records under paragraph (1)
16 to execute a release from liability for any claim
17 arising from accessing the records or the use of
18 such records by the air carrier in accordance
19 with this section (other than a claim arising
20 from furnishing information known to be false
21 and maintained in violation of a criminal stat-
22 ute).

23 “(4) REPORTING.—

24 “(A) REPORTING BY ADMINISTRATOR.—
25 The Administrator shall enter data described in

1 paragraph (2)(A) into the database promptly to
2 ensure that an individual's records are current.

3 “(B) REPORTING BY AIR CARRIERS AND
4 OTHER PERSONS.—

5 “(i) IN GENERAL.—Air carriers and
6 other persons shall report data described
7 in paragraphs (2)(B) and (2)(C) to the
8 Administrator promptly for entry into the
9 database.

10 “(ii) DATA TO BE REPORTED.—Air
11 carriers and other persons shall report, at
12 a minimum, under clause (i) the following
13 data described in paragraph (2)(B):

14 “(I) Records that are generated
15 by the air carrier or other person
16 after the date of enactment of the
17 FAA Air Transportation Moderniza-
18 tion and Safety Improvement Act.

19 “(II) Records that the air carrier
20 or other person is maintaining, on
21 such date of enactment, pursuant to
22 subsection (h)(4).

23 “(5) REQUIREMENT TO MAINTAIN RECORDS.—
24 The Administrator—

1 “(A) shall maintain all records entered into
2 the database under paragraph (2) pertaining to
3 an individual until the date of receipt of notifi-
4 cation that the individual is deceased; and

5 “(B) may remove the individual’s records
6 from the database after that date.

7 “(6) RECEIPT OF CONSENT.—The Adminis-
8 trator shall not permit an air carrier to access
9 records pertaining to an individual from the data-
10 base under paragraph (1) without the air carrier
11 first demonstrating to the satisfaction of the Admin-
12 istrator that the air carrier has obtained the written
13 consent of the individual.

14 “(7) RIGHT OF PILOT TO REVIEW CERTAIN
15 RECORDS AND CORRECT INACCURACIES.—Notwith-
16 standing any other provision of law or agreement,
17 the Administrator, upon receipt of written request
18 from an individual—

19 “(A) shall make available, not later than
20 30 days after the date of the request, to the in-
21 dividual for review all records referred to in
22 paragraph (2) pertaining to the individual; and

23 “(B) shall provide the individual with a
24 reasonable opportunity to submit written com-

1 ments to correct any inaccuracies contained in
2 the records.

3 “(8) REASONABLE CHARGES FOR PROCESSING
4 REQUESTS AND FURNISHING COPIES.—The Adminis-
5 trator may establish a reasonable charge for the cost
6 of processing a request under paragraph (1) or (7)
7 and for the cost of furnishing copies of requested
8 records under paragraph (7).

9 “(9) PRIVACY PROTECTIONS.—

10 “(A) USE OF RECORDS.—An air carrier
11 that accesses records pertaining to an individual
12 under paragraph (1) may use the records only
13 to assess the qualifications of the individual in
14 deciding whether or not to hire the individual as
15 a pilot. The air carrier shall take such actions
16 as may be necessary to protect the privacy of
17 the individual and the confidentiality of the
18 records accessed, including ensuring that infor-
19 mation contained in the records is not divulged
20 to any individual that is not directly involved in
21 the hiring decision.

22 “(B) DISCLOSURE OF INFORMATION.—

23 “(i) IN GENERAL.—Except as pro-
24 vided by clause (ii), information collected
25 by the Administrator under paragraph (2)

1 shall be exempt from the disclosure re-
2 quirements of section 552 of title 5.

3 “(ii) EXCEPTIONS.—Clause (i) shall
4 not apply to—

5 “(I) de-identified, summarized in-
6 formation to explain the need for
7 changes in policies and regulations;

8 “(II) information to correct a
9 condition that compromises safety;

10 “(III) information to carry out a
11 criminal investigation or prosecution;

12 “(IV) information to comply with
13 section 44905, regarding information
14 about threats to civil aviation; and

15 “(V) such information as the Ad-
16 ministrator determines necessary, if
17 withholding the information would not
18 be consistent with the safety respon-
19 sibilities of the Federal Aviation Ad-
20 ministration.

21 “(10) PERIODIC REVIEW.—Not later than 18
22 months after the date of enactment of the FAA Air
23 Transportation Modernization and Safety Improve-
24 ment Act, and at least once every 3 years thereafter,
25 the Administrator shall transmit to Congress a

1 statement that contains, taking into account recent
2 developments in the aviation industry—

3 “(A) recommendations by the Adminis-
4 trator concerning proposed changes to Federal
5 Aviation Administration records, air carrier
6 records, and other records required to be in-
7 cluded in the database under paragraph (2); or

8 “(B) reasons why the Administrator does
9 not recommend any proposed changes to the
10 records referred to in subparagraph (A).

11 “(11) REGULATIONS FOR PROTECTION AND SE-
12 CURITY OF RECORDS.—The Administrator shall pre-
13 scribe such regulations as may be necessary—

14 “(A) to protect and secure—

15 “(i) the personal privacy of any indi-
16 vidual whose records are accessed under
17 paragraph (1); and

18 “(ii) the confidentiality of those
19 records; and

20 “(B) to preclude the further dissemination
21 of records received under paragraph (1) by the
22 person who accessed the records.

23 “(12) GOOD FAITH EXCEPTION.—Notwith-
24 standing paragraph (1), an air carrier may allow an
25 individual to begin service as a pilot, without first

1 obtaining information described in paragraph (2)(B)
2 from the database pertaining to the individual, if—

3 “(A) the air carrier has made a docu-
4 mented good faith attempt to access the infor-
5 mation from the database; and

6 “(B) has received written notice from the
7 Administrator that the information is not con-
8 tained in the database because the individual
9 was employed by an air carrier or other person
10 that no longer exists or by a foreign govern-
11 ment or other entity that has not provided the
12 information to the database.

13 “(13) LIMITATIONS ON ELECTRONIC ACCESS TO
14 RECORDS.—

15 “(A) ACCESS BY INDIVIDUALS DES-
16 IGNATED BY AIR CARRIERS.—For the purpose
17 of increasing timely and efficient access to
18 records described in paragraph (2), the Admin-
19 istrator may allow, under terms established by
20 the Administrator, an individual designated by
21 an air carrier to have electronic access to the
22 database.

23 “(B) TERMS.—The terms established by
24 the Administrator under subparagraph (A) for
25 allowing a designated individual to have elec-

1 tronic access to the database shall limit such
2 access to instances in which information in the
3 database is required by the designated indi-
4 vidual in making a hiring decision concerning a
5 pilot applicant and shall require that the des-
6 ignated individual provide assurances satisfac-
7 tory to the Administrator that—

8 “(i) the designated individual has re-
9 ceived the written consent of the pilot ap-
10 plicant to access the information; and

11 “(ii) information obtained using such
12 access will not be used for any purpose
13 other than making the hiring decision.

14 “(14) REGULATIONS.—

15 “(A) IN GENERAL.—The Administrator
16 shall issue regulations to carry out this sub-
17 section.

18 “(B) EFFECTIVE DATE.—The regulations
19 shall specify the date on which the requirements
20 of this subsection take effect and the date on
21 which the requirements of subsection (h) cease
22 to be effective.

23 “(C) EXCEPTIONS.—Notwithstanding sub-
24 paragraph (B)—

1 “(i) the Administrator shall begin to
2 establish the database under paragraph (2)
3 not later than 90 days after the date of en-
4 actment of the FAA Air Transportation
5 Modernization and Safety Improvement
6 Act;

7 “(ii) the Administrator shall maintain
8 records in accordance with paragraph (5)
9 beginning on the date of enactment of that
10 Act; and

11 “(iii) air carriers and other persons
12 shall maintain records to be reported to
13 the database under paragraph (4)(B) in
14 the period beginning on such date of enact-
15 ment and ending on the date that is 5
16 years after the requirements of subsection
17 (h) cease to be effective pursuant to sub-
18 paragraph (B).

19 “(15) SPECIAL RULE.—During the one-year pe-
20 riod beginning on the date on which the require-
21 ments of this section become effective pursuant to
22 paragraph (15)(B), paragraph (7)(A) shall be ap-
23 plied by substituting ‘45 days’ for ‘30 days’.”.

24 (c) CONFORMING AMENDMENTS.—

1 (1) LIMITATION ON LIABILITY; PREEMPTION OF
2 STATE LAW.—Section 44703(j) (as redesignated by
3 subsection (b)(1) of this section) is amended—

4 (A) in the subsection heading by striking
5 “LIMITATION” and inserting “LIMITATIONS”;

6 (B) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A) by striking “paragraph (2)” and
9 inserting “subsection (h)(2) or (i)(3)”;

10 (ii) in subparagraph (A) by inserting
11 “or accessing the records of that individual
12 under subsection (i)(1)” before the semi-
13 colon; and

14 (iii) in the matter following subpara-
15 graph (D) by striking “subsection (h)” and
16 inserting “subsection (h) or (i)”;

17 (C) in paragraph (2) by striking “sub-
18 section (h)” and inserting “subsection (h) or
19 (i)”;

20 (D) in paragraph (3), in the matter pre-
21 ceding subparagraph (A), by inserting “or who
22 furnished information to the database estab-
23 lished under subsection (i)(2)” after “sub-
24 section (h)(1)”;

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

1 “(4) PROHIBITION ON ACTIONS AND PRO-
2 CEEDINGS AGAINST AIR CARRIERS.—

3 “(A) HIRING DECISIONS.—An air carrier
4 may refuse to hire an individual as a pilot if the
5 individual did not provide written consent for
6 the air carrier to receive records under sub-
7 section (h)(2)(A) or (i)(3)(A) or did not execute
8 the release from liability requested under sub-
9 section (h)(2)(B) or (i)(3)(B).

10 “(B) ACTIONS AND PROCEEDINGS.—No
11 action or proceeding may be brought against an
12 air carrier by or on behalf of an individual who
13 has applied for or is seeking a position as a
14 pilot with the air carrier if the air carrier re-
15 fused to hire the individual after the individual
16 did not provide written consent for the air car-
17 rier to receive records under subsection
18 (h)(2)(A) or (i)(3)(A) or did not execute a re-
19 lease from liability requested under subsection
20 (h)(2)(B) or (i)(3)(B).”.

21 (2) LIMITATION ON STATUTORY CONSTRUC-
22 TION.—Section 44703(k) (as redesignated by sub-
23 section (b)(1) of this section) is amended by striking
24 “subsection (h)” and inserting “subsection (h) or
25 (i)”.

1 **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

2 (a) IN GENERAL.—Within 60 days after the date of
3 enactment of this Act, the Administrator shall initiate and
4 complete a rulemaking to require part 121 air carriers—

5 (1) to implement, as part of their safety man-
6 agement systems—

7 (A) an Aviation Safety Action Program;

8 (B) a Flight Operations Quality Assurance
9 Program;

10 (C) a Line Operational Safety Audit Pro-
11 gram; and

12 (D) a Flight Crew Fatigue Risk Manage-
13 ment Program;

14 (2) to implement appropriate privacy protection
15 safeguards with respect to data included in such
16 programs; and

17 (3) to provide appropriate collaboration and
18 operational oversight of regional/commuter air car-
19 riers by affiliated major air carriers that include—

20 (A) periodic safety audits of flight oper-
21 ations;

22 (B) training, maintenance, and inspection
23 programs; and

24 (C) provisions for the exchange of safety
25 information.

1 (b) EFFECT ON ADVANCED QUALIFICATION PRO-
2 GRAM.—Implementation of the programs under subsection
3 (a)(1) neither limits nor invalidates the Federal Aviation
4 Administration’s advanced qualification program.

5 (c) LIMITATIONS ON DISCIPLINE AND ENFORCE-
6 MENT.—The Administrator shall require that each of the
7 programs described in subsection (a)(1)(A) and (B) estab-
8 lish protections for an air carrier or employee submitting
9 data or reports against disciplinary or enforcement actions
10 by any Federal agency or employer. The protections shall
11 not be less than the protections provided under Federal
12 Aviation Administration Advisory Circulars governing
13 those programs, including Advisory Circular AC No. 120–
14 66 and AC No. 120–82.

15 (d) CVR DATA.—The Administrator, acting in col-
16 laboration with aviation industry interested parties, shall
17 consider the merits and feasibility of incorporating cockpit
18 voice recorder data in safety oversight practices.

19 (e) ENFORCEMENT CONSISTENCY.—Within 9 months
20 after the date of enactment of this Act, the Administrator
21 shall—

22 (1) develop and implement a plan that will en-
23 sure that the FAA’s safety enforcement plan is con-
24 sistently enforced; and

1 (2) ensure that the FAA’s safety oversight pro-
2 gram is reviewed periodically and updated as nec-
3 essary.

4 **SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES**
5 **TO SAFETY RECOMMENDATIONS.**

6 (a) **IN GENERAL.**—The first sentence of section
7 1135(a) is amended by inserting “to the National Trans-
8 portation Safety Board” after “shall give”.

9 (b) **AIR CARRIER SAFETY RECOMMENDATIONS.**—
10 Section 1135 is amended—

11 (1) by redesignating subsections (c) and (d) as
12 subsections (d) and (e), respectively; and

13 (2) by inserting after subsection (b) the fol-
14 lowing:

15 “(c) **ANNUAL REPORT ON AIR CARRIER SAFETY**
16 **RECOMMENDATIONS.**—

17 “(1) **IN GENERAL.**—The Secretary shall submit
18 an annual report to the Congress and the Board on
19 the recommendations made by the Board to the Sec-
20 retary regarding air carrier operations conducted
21 under part 121 of title 14, Code of Federal Regula-
22 tions.

23 “(2) **RECOMMENDATIONS TO BE COVERED.**—
24 The report shall cover—

1 “(A) any recommendation for which the
2 Secretary has developed, or intends to develop,
3 procedures to adopt the recommendation or
4 part of the recommendation, but has yet to
5 complete the procedures; and

6 “(B) any recommendation for which the
7 Secretary, in the preceding year, has issued a
8 response under subsection (a)(2) or (a)(3) re-
9 fusing to carry out all or part of the procedures
10 to adopt the recommendation.

11 “(3) CONTENTS.—

12 “(A) PLANS TO ADOPT RECOMMENDA-
13 TIONS.—For each recommendation of the
14 Board described in paragraph (2)(A), the report
15 shall contain—

16 “(i) a description of the recommenda-
17 tion;

18 “(ii) a description of the procedures
19 planned for adopting the recommendation
20 or part of the recommendation;

21 “(iii) the proposed date for completing
22 the procedures; and

23 “(iv) if the Secretary has not met a
24 deadline contained in a proposed timeline
25 developed in connection with the rec-

1 ommendation under subsection (b), an ex-
2 planation for not meeting the deadline.

3 “(B) REFUSALS TO ADOPT RECOMMENDA-
4 TIONS.—For each recommendation of the
5 Board described in paragraph (2)(B), the re-
6 port shall contain—

7 “(i) a description of the recommenda-
8 tion; and

9 “(ii) a description of the reasons for
10 the refusal to carry out all or part of the
11 procedures to adopt the recommendation.”.

12 (c) IMPLEMENTATION OF NTSB SAFETY REC-
13 COMMENDATIONS.—

14 (1) INSPECTION.—As part of the annual inspec-
15 tion of general aviation aircraft, the Administrator
16 of the Federal Aviation Administration (referred to
17 in this section as the “Administrator”) shall require
18 a detailed inspection of each emergency locator
19 transmitter (referred to in this section as “ELT”)
20 installed in general aviation aircraft operating in the
21 United States to ensure that each ELT is mounted
22 and retained in accordance with the manufacturer’s
23 specifications.

24 (2) MOUNTING AND RETENTION.—

1 (A) IN GENERAL.—Not later than 90 days
2 after the date of the enactment of this Act, the
3 Administrator shall determine if the ELT
4 mounting requirements and retention tests
5 specified by Technical Standard Orders C91a
6 and C126 are adequate to assess retention ca-
7 pabilities in ELT designs.

8 (B) REVISION.—Based on the results of
9 the determination conducted under subpara-
10 graph (A), the Administrator shall make any
11 necessary revisions to the requirements and
12 tests referred to in subparagraph (A) to ensure
13 that emergency locator transmitters are prop-
14 erly retained in the event of an airplane acci-
15 dent.

16 (3) REPORT.—Upon the completion of the revi-
17 sions required under paragraph (2)(B), the Adminis-
18 trator shall submit a report on the implementation
19 of this subsection to—

20 (A) the Committee on Commerce, Science,
21 and Transportation of the Senate; and

22 (B) the Committee on Transportation and
23 Infrastructure of the House of Representatives.

1 **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**
2 **SURANCE, AVIATION SAFETY ACTION, AND**
3 **LINE OPERATIONAL SAFETY AUDIT PRO-**
4 **GRAMS.**

5 (a) LIMITATION ON DISCLOSURE AND USE OF IN-
6 FORMATION.—

7 (1) IN GENERAL.—Except as provided by this
8 section, a party in a judicial proceeding may not use
9 discovery to obtain—

10 (A) an Aviation Safety Action Program re-
11 port;

12 (B) Flight Operational Quality Assurance
13 Program data; or

14 (C) a Line Operations Safety Audit Pro-
15 gram report.

16 (2) FOIA NOT APPLICABLE.—Section 522 of
17 title 5, United States Code, shall not apply to re-
18 ports or data described in paragraph (1).

19 (3) EXCEPTIONS.—Nothing in paragraph (1) or
20 (2) prohibits the FAA from disclosing information
21 contained in reports or data described in paragraph
22 (1) if withholding the information would not be con-
23 sistent with the FAA's safety responsibilities, includ-
24 ing—

1 (A) a summary of information, with identi-
2 fying information redacted, to explain the need
3 for changes in policies or regulations;

4 (B) information provided to correct a con-
5 dition that compromises safety, if that condition
6 continues uncorrected; or

7 (C) information provided to carry out a
8 criminal investigation or prosecution.

9 (b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS
10 AND DATA.—Except as provided in subsection (c), a court
11 may allow discovery by a party of an Aviation Safety Ac-
12 tion Program report, Flight Operational Quality Assur-
13 ance Program data, or a Line Operations Safety Audit
14 Program report if, after an in camera review of the infor-
15 mation, the court determines that a party to a claim or
16 defense in the proceeding shows a particularized need for
17 the report or data that outweighs the need for confiden-
18 tiality of the report or data, considering the confidential
19 nature of the report or data, and upon a showing that
20 the report or data is both relevant to the preparation of
21 a claim or defense and not otherwise known or available.

22 (c) PROTECTIVE ORDER.—When a court allows dis-
23 covery, in a judicial proceeding, of an Aviation Safety Ac-
24 tion Program report, Flight Operational Quality Assur-

1 ance Program data, or a Line Operations Safety Audit
2 Program report, the court shall issue a protective order—

3 (1) to limit the use of the information contained
4 in the report or data to the judicial proceeding;

5 (2) to prohibit dissemination of the report or
6 data to any person that does not need access to the
7 report for the proceeding; and

8 (3) to limit the use of the report or data in the
9 proceeding to the uses permitted for privileged self-
10 analysis information as defined under the Federal
11 Rules of Evidence.

12 (d) SEALED INFORMATION.—A court may allow an
13 Aviation Safety Action Program report, Flight Oper-
14 ational Quality Assurance Program data, or a Line Oper-
15 ations Safety Audit Program report to be admitted into
16 evidence in a judicial proceeding only if the court places
17 the report or data under seal to prevent the use of the
18 report or data for purposes other than for the proceeding.

19 (e) SAFETY RECOMMENDATIONS.—This section does
20 not prevent the National Transportation Safety Board
21 from referring at any time to information contained in an
22 Aviation Safety Action Program report, Flight Oper-
23 ational Quality Assurance Program data, or a Line Oper-
24 ations Safety Audit Program report in making safety rec-
25 ommendations.

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

5 **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**
6 **TESTING, AND CERTIFICATION REQUIRE-**
7 **MENTS.**

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

12 (1) classroom instruction requirements gov-
13 erning curriculum content and hours of instruction;

14 (2) crew leadership training; and

15 (3) initial and recurrent testing requirements
16 for pilots, including the rigor and consistency of
17 testing programs such as check rides.

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

21 (c) CERTIFICATION.—The Administrator shall ini-
22 tiate a rulemaking to re-evaluate FAA regulations gov-
23 erning the minimum requirements—

24 (1) to become a commercial pilot;

1 (2) to receive an Air Transport Pilot Certificate
2 to become a captain; and

3 (3) to transition to a new type of aircraft.

4 (d) REMEDIAL TRAINING PROGRAMS.—

5 (1) IN GENERAL.—The Administrator shall ini-
6 tiate a rulemaking to require part 121 air carriers
7 to establish remedial training programs for
8 flightcrew members who have demonstrated perform-
9 ance deficiencies or experienced failures in the train-
10 ing environment.

11 (2) DEADLINES.—The Administrator shall—

12 (A) not later than 180 days after the date
13 of enactment of this Act, issue a notice of pro-
14 posed rulemaking under paragraph (1); and

15 (B) not later than 24 months after the
16 date of enactment of this Act, issue a final rule
17 for the rulemaking.

18 (e) STICK PUSHER TRAINING AND WEATHER EVENT
19 TRAINING.—

20 (1) MULTIDISCIPLINARY PANEL.—Not later
21 than 120 days after the date of enactment of this
22 Act, the Administrator shall convene a multidisci-
23 plinary panel of specialists in aircraft operations,
24 flightcrew member training, human factors, and
25 aviation safety to study and submit to the Adminis-

1 trator a report on methods to increase the famili-
2 arity of flightcrew members with, and improve the
3 response of flightcrew members to, stick pusher sys-
4 tems, icing conditions, and microburst and
5 windshear weather events.

6 (2) REPORT TO CONGRESS.—Not later than one
7 year after the date on which the Administrator con-
8 venes the panel, the Administrator shall—

9 (A) submit a report to the Committee on
10 Transportation and Infrastructure of the House
11 of Representatives and the Committee on Com-
12 merce, Science, and Transportation based on
13 the findings of the panel; and

14 (B) with respect to stick pusher systems,
15 initiate appropriate actions to implement the
16 recommendations of the panel.

17 **SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFES-**
18 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

19 (a) AVIATION RULEMAKING COMMITTEE.—

20 (1) IN GENERAL.—The Administrator of the
21 Federal Aviation Administration shall conduct an
22 aviation rulemaking committee proceeding with
23 stakeholders to develop procedures for each part 121
24 air carrier to take the following actions:

1 (A) Establish flightcrew member men-
2 toring programs under which the air carrier will
3 pair highly experienced flightcrew members who
4 will serve as mentor pilots and be paired with
5 newly employed flightcrew members. Mentor pi-
6 lots should be provided, at a minimum, specific
7 instruction on techniques for instilling and rein-
8 forcing the highest standards of technical per-
9 formance, airmanship, and professionalism in
10 newly employed flightcrew members.

11 (B) Establish flightcrew member profes-
12 sional development committees made up of air
13 carrier management and labor union or profes-
14 sional association representatives to develop, ad-
15 minister, and oversee formal mentoring pro-
16 grams of the carrier to assist flightcrew mem-
17 bers to reach their maximum potential as safe,
18 seasoned, and proficient flightcrew members.

19 (C) Establish or modify training programs
20 to accommodate substantially different levels
21 and types of flight experience by newly em-
22 ployed flightcrew members.

23 (D) Establish or modify training programs
24 for second-in-command flightcrew members at-
25 tempting to qualify as pilot-in-command

1 flightcrew members for the first time in a spe-
2 cific aircraft type and ensure that such pro-
3 grams include leadership and command train-
4 ing.

5 (E) Ensure that recurrent training for pi-
6 lots in command includes leadership and com-
7 mand training.

8 (F) Such other actions as the aviation
9 rulemaking committee determines appropriate
10 to enhance flightcrew member professional de-
11 velopment.

12 (2) COMPLIANCE WITH STERILE COCKPIT
13 RULE.—Leadership and command training described
14 in paragraphs (1)(D) and (1)(E) shall include in-
15 struction on compliance with flightcrew member du-
16 ties under part 121.542 of title 14, Code of Federal
17 Regulations.

18 (3) STREAMLINED PROGRAM REVIEW.—

19 (A) IN GENERAL.—As part of the rule-
20 making required by subsection (a), the Admin-
21 istrator shall establish a streamlined process for
22 part 121 air carriers that have in effect, as of
23 the date of enactment of this Act, the programs
24 required by paragraph (1).

1 (B) EXPEDITED APPROVALS.—Under the
2 streamlined process, the Administrator shall—

3 (i) review the programs of such part
4 121 air carriers to determine whether the
5 programs meet the requirements set forth
6 in the final rule referred to in subsection
7 (b)(2); and

8 (ii) expedite the approval of the pro-
9 grams that the Administrator determines
10 meet such requirements.

11 (b) DEADLINES.—The Administrator shall issue—

12 (1) not later than 180 days after the date of
13 enactment of this Act, a notice of proposed rule-
14 making under subsection (a); and

15 (2) not later than 24 months after such date of
16 enactment, a final rule under subsection (a).

17 **SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALI-**
18 **FICATIONS.**

19 (a) REQUIREMENTS.—The Administrator of the Fed-
20 eral Aviation Administration shall conduct a rulemaking
21 proceeding to require part 121 air carriers to develop and
22 implement means and methods for ensuring that
23 flightcrew members have proper qualifications and experi-
24 ence.

25 (b) MINIMUM EXPERIENCE REQUIREMENT.—

1 (1) IN GENERAL.—The final rule prescribed
2 under subsection (a) shall, among any other require-
3 ments established by the rule, require that a pilot—

4 (A) have not less than 800 hours of flight
5 time before serving as a flightcrew member for
6 a part 121 air carrier; and

7 (B) demonstrate the ability to—

8 (i) function effectively in a multipilot
9 environment;

10 (ii) function effectively in an air car-
11 rier operational environment;

12 (iii) function effectively in adverse
13 weather conditions, including icing condi-
14 tions if the pilot is expected to be oper-
15 ating aircraft in icing conditions;

16 (iv) function effectively during high
17 altitude operations; and

18 (v) adhere to the highest professional
19 standards.

20 (2) HOURS OF FLIGHT EXPERIENCE IN DIF-
21 FICULT OPERATIONAL CONDITIONS.—The total num-
22 ber of hours of flight experience required by the Ad-
23 ministrator under paragraph (1) for pilots shall in-
24 clude a number of hours of flight experience in dif-
25 ficult operational conditions that may be encoun-

1 tered by an air carrier that the Administrator deter-
2 mines to be sufficient to enable a pilot to operate an
3 aircraft safely in such conditions.

4 (c) DEADLINES.—The Administrator shall issue—

5 (1) not later than 180 days after the date of
6 enactment of this Act, a notice of proposed rule-
7 making under subsection (a); and

8 (2) not later than December 31, 2011, a final
9 rule under subsection (a).

10 (d) DEFAULT REQUIREMENTS.—If the Adminis-
11 trator fails to meet the deadline established by subsection
12 (c)(2), then all flightcrew members for part 121 air car-
13 riers shall meet the requirements established by subpart
14 G of part 61 of the Federal Aviation Administration’s reg-
15 ulations (14 C.F.R. 61.151 et seq.).

16 (e) DEFINITIONS.—In this section:

17 (1) FLIGHTCREW MEMBER.—The term
18 “flightcrew member” has the meaning given that
19 term in section 1.1 of the Federal Aviation Adminis-
20 tration’s regulations (14 C.F.R. 1.1)).

21 (2) PART 121 AIR CARRIER.—The term “part
22 121 air carrier” has the meaning given that term by
23 section 41720(d)(1) of title 49, United States Code.

1 **SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DE-**
2 **VICES ON FLIGHT DECK.**

3 (a) IN GENERAL.—Chapter 447, as amended by sec-
4 tion 521 of this Act, is further amended by adding at the
5 end thereof the following:

6 **“§ 44731. Use of certain devices on flight deck**

7 “(a) IN GENERAL.—It is unlawful for any member
8 of the flight crew of an aircraft used to provide air trans-
9 portation under part 121 of title 14, Code of Federal Reg-
10 ulations, to use a personal wireless communications device
11 or laptop computer while at the crew member’s duty sta-
12 tion on the flight deck of such an aircraft while the air-
13 craft is being operated.

14 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
15 the use of a personal wireless communications device or
16 laptop computer for a purpose directly related to operation
17 of the aircraft, or for emergency, safety-related, or em-
18 ployment-related communications, in accordance with pro-
19 cedures established by the air carrier or the Federal Avia-
20 tion Administration.

21 “(c) ENFORCEMENT.—In addition to the penalties
22 provided under section 46301 of this title applicable to any
23 violation of this section, the Administrator of the Federal
24 Aviation Administration may enforce compliance with this
25 section under section 44709.

1 “(d) PERSONAL WIRELESS COMMUNICATIONS DE-
2 VICE DEFINED.—The term ‘personal wireless communica-
3 tions device’ means a device through which personal wire-
4 less services (as defined in section 332(c)(7)(C)(i) of the
5 Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)))
6 are transmitted.”.

7 (b) PENALTY.—Section 44711(a) is amended—

8 (1) by striking “or” after the semicolon in
9 paragraph (8);

10 (2) by striking “title.” in paragraph (9) and in-
11 serting “title; or”; and

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

13 “(10) violate section 44730 of this title or any
14 regulation issued thereunder.”.

15 (c) CONFORMING AMENDMENT.—The table of con-
16 tents for chapter 447 is amended by adding at the end
17 thereof the following:

“44731. Use of certain devices on flight deck”.

18 (d) REGULATIONS.—Within 30 days after the date
19 of enactment of this Act, the Secretary of Transportation
20 shall initiate a rulemaking procedure for regulations under
21 section 44730 of title 49, United States Code, and shall
22 issue a final rule thereunder within 1 year after the date
23 of enactment of this Act.

24 (e) STUDY.—

1 (1) IN GENERAL.—The Administrator of the
2 Federal Aviation Administration shall review rel-
3 evant air carrier data and carry out a study—

4 (A) to identify common sources of distrac-
5 tion for the cockpit flight crew on commercial
6 aircraft; and

7 (B) to determine the safety impacts of
8 such distractions.

9 (2) REPORT.—Not later than 6 months after
10 the date of the enactment of this Act, the Adminis-
11 trator shall submit a report to the Committee on
12 Commerce, Science, and Transportation of the Sen-
13 ate and the Committee on Transportation and Infra-
14 structure of the House of Representatives that con-
15 tains—

16 (A) the findings of the study conducted
17 under paragraph (1); and

18 (B) recommendations about ways to reduce
19 distractions for cockpit flight crews.

20 **SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**
21 **RIERS.**

22 The Administrator shall, not less frequently than
23 once each year, perform random, unannounced, on-site in-
24 spections of air carriers that provide air transportation
25 pursuant to a contract with a part 121 air carrier to en-

1 sure that such air carriers are complying with all applica-
2 ble safety standards of the Administration.

3 **SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH**
4 **RESPECT TO THE TRAINING, HIRING, AND OP-**
5 **ERATION OF AIRCRAFT BY PILOTS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Administrator shall
8 issue a final rule with respect to the Notice of Proposed
9 Rulemaking published in the Federal Register on January
10 12, 2009 (74 Fed. Reg. 1280), relating to training pro-
11 grams for flight crew members and aircraft dispatchers.

12 (b) EXPERT PANEL TO REVIEW PART 121 AND PART
13 135 TRAINING HOURS.—

14 (1) ESTABLISHMENT.—Not later than 60 days
15 after the date of enactment of this Act, the Adminis-
16 trator shall convene a multidisciplinary expert panel
17 comprised of, at a minimum, air carrier representa-
18 tives, training facility representatives, instructional
19 design experts, aircraft manufacturers, safety orga-
20 nization representatives, and labor union representa-
21 tives.

22 (2) ASSESSMENT AND RECOMMENDATIONS.—
23 The panel shall assess and make recommendations
24 concerning—

1 (A) the best methods and optimal time
2 needed for flightcrew members of part 121 air
3 carriers and flightcrew members of part 135 air
4 carriers to master aircraft systems, maneuvers,
5 procedures, take offs and landings, and crew co-
6 ordination;

7 (B) the optimal length of time between
8 training events for such crewmembers, includ-
9 ing recurrent training events;

10 (C) the best methods to reliably evaluate
11 mastery by such crewmembers of aircraft sys-
12 tems, maneuvers, procedures, take offs and
13 landings, and crew coordination; and

14 (D) the best methods to allow specific aca-
15 demic training courses to be credited pursuant
16 to section 11(d) toward the total flight hours
17 required to receive an airline transport pilot
18 certificate.

19 (3) REPORT.—Not later than one year after the
20 date of enactment of this Act, the Administrator
21 shall submit a report to the House of Representa-
22 tives Committee on Transportation and Infrastruc-
23 ture and the Senate Committee on Commerce,
24 Science, and Transportation based on the findings of
25 the panel.

1 **SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Administrator shall
4 submit to Congress a plan for overseeing pilot schools cer-
5 tified under part 141 of title 14, Code of Federal Regula-
6 tions, that includes—

7 (1) ensuring that the curriculum and course
8 outline requirements for such schools under subpart
9 C of such part are being met; and

10 (2) conducting on-site inspections of each such
11 school not less frequently than once every 2 years.

12 (b) GAO STUDY.—The Comptroller General shall
13 conduct a comprehensive study of flight schools, flight
14 education, and academic training requirements for certifi-
15 cation of an individual as a pilot.

16 (c) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Comptroller General shall
18 submit a report to the House of Representatives Com-
19 mittee on Transportation and Infrastructure and the Sen-
20 ate Committee on Commerce, Science, and Transportation
21 on the results of the study.

22 **SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS**
23 **AND GATE AGENTS.**

24 (a) IN GENERAL.—Chapter 447, as amended by sec-
25 tion 558 of this Act, is further amended by adding at the
26 end the following:

1 **“§ 44732. Training of flight attendants and gate**
2 **agents**

3 “(a) TRAINING REQUIRED.—In addition to other
4 training required under this chapter, each air carrier shall
5 provide initial and annual recurring training for flight at-
6 tendants and gate agents employed or contracted by such
7 air carrier regarding—

8 “(1) serving alcohol to passengers;

9 “(2) recognizing intoxicated passengers; and

10 “(3) dealing with disruptive passengers.

11 “(b) SITUATIONAL TRAINING.—In carrying out the
12 training required under subsection (a), each air carrier
13 shall provide situational training to flight attendants and
14 gate agents on the proper method for dealing with intoxi-
15 cated passengers who act in a belligerent manner.

16 “(c) DEFINITIONS.—In this section:

17 “(1) AIR CARRIER.—The term ‘air carrier’
18 means a person or commercial enterprise that has
19 been issued an air carrier operating certificate under
20 section 44705.

21 “(2) FLIGHT ATTENDANT.—The term ‘flight at-
22 tendant’ has the meaning given the term in section
23 44728(f).

24 “(3) GATE AGENT.—The term ‘gate agent’
25 means an individual working at an airport whose re-

1 sponsibilities include facilitating passenger access to
2 commercial aircraft.

3 “(4) PASSENGER.—The term ‘passenger’ means
4 an individual traveling on a commercial aircraft,
5 from the time at which the individual arrives at the
6 airport from which such aircraft departs until the
7 time the individual leaves the airport to which such
8 aircraft arrives.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for chapter 447 is amended by adding at the end the fol-
11 lowing:

 “44732. Training of flight attendants and gate agents”.

12 (c) RULEMAKING.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of Trans-
14 portation shall issue regulations to carry out section
15 44730 of title 49, United States Code, as added by sub-
16 section (a).

17 **SEC. 563. DEFINITIONS.**

18 In this subtitle:

19 (1) AVIATION SAFETY ACTION PROGRAM.—The
20 term “Aviation Safety Action Program” means the
21 program described under Federal Aviation Adminis-
22 tration Advisory Circular No. 120–66B that permits
23 employees of participating air carriers and repair
24 station certificate holders to identify and report safe-

1 ty issues to management and to the Administration
2 for resolution.

3 (2) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator.

5 (3) AIR CARRIER.—The term “air carrier” has
6 the meaning given that term by section 40102(2) of
7 title 49, United States Code.

8 (4) FAA.—The term “FAA” means the Fed-
9 eral Aviation Administration.

10 (5) FLIGHT OPERATIONAL QUALITY ASSURANCE
11 PROGRAM.—The term “Flight Operational Quality
12 Assurance Program” means the voluntary safety
13 program authorized under section 13.401 of title 14,
14 Code of Federal Regulations, that permits commer-
15 cial air carriers and pilots to share confidential ag-
16 gregate information with the Administration to per-
17 mit the Administration to target resources to ad-
18 dress operational risk issues.

19 (6) LINE OPERATIONS SAFETY AUDIT PRO-
20 GRAM.—The term “Line Operations Safety Audit
21 Program” has the meaning given that term by Fed-
22 eral Aviation Administration Advisory Circular
23 Number 120–90.

1 (7) PART 121 AIR CARRIER.—The term “part
2 121 air carrier” has the meaning given that term by
3 section 41719(d)(1) of title 49, United States Code.

4 **SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Administrator of
7 the Federal Aviation Administration shall initiate a study
8 of air quality in aircraft cabins to—

9 (1) assess bleed air quality on the full range of
10 commercial aircraft operating in the United States;

11 (2) identify oil-based contaminants, hydraulic
12 fluid toxins, and other air toxins that appear in
13 cabin air and measure the quantity and prevalence,
14 or absence of those toxins through a comprehensive
15 sampling program;

16 (3) determine the specific amount and duration
17 of toxic fumes present in aircraft cabins that con-
18 stitutes a health risk to passengers;

19 (4) develop a systematic reporting standard for
20 smoke and fume events in aircraft cabins;

21 (5) identify the potential health risks to individ-
22 uals exposed to toxic fumes during flight; and

23 (6) determine the extent to which the installa-
24 tion of sensors and air filters on commercial aircraft
25 would provide a public health benefit.

1 (b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CAB-
2 INS.—For purposes of conducting the study required by
3 subsection (a), the Administrator of the Federal Aviation
4 Administration shall require domestic air carriers to allow
5 air quality monitoring on their aircraft in a manner that
6 imposes no significant costs on the air carrier and does
7 not interfere with the normal operation of the aircraft.

8 **TITLE VI—AVIATION RESEARCH**

9 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

10 (a) IN GENERAL.—Section 44511(f) is amended—

11 (1) by striking “establish a 4-year pilot” in
12 paragraph (1) and inserting “maintain an”; and

13 (2) by inserting “pilot” in paragraph (4) before
14 “program” the first time it appears; and

15 (3) by striking “program, including rec-
16 ommendations as to the need for establishing a per-
17 manent airport cooperative research program.” in
18 paragraph (4) and inserting “program.”.

19 (b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

20 Not more than \$15,000,000 per year for fiscal years 2010
21 and 2011 may be appropriated to the Secretary of Trans-
22 portation from the amounts made available each year
23 under subsection (a) for the Airport Cooperative Research
24 Program under section 44511 of this title, of which not
25 less than \$5,000,000 per year shall be for research activi-

1 ties related to the airport environment, including reduction
2 of community exposure to civil aircraft noise, reduction of
3 civil aviation emissions, or addressing water quality issues.

4 **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**
5 **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

6 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—
7 From amounts made available under section 48102(a) of
8 title 49, United States Code, the Administrator of the
9 Federal Aviation Administration shall establish a research
10 program related to reducing civilian aircraft energy use,
11 emissions, and source noise with equivalent safety through
12 grants or other measures, which may include cost-sharing,
13 authorized under section 106(l)(6) of such title, including
14 reimbursable agreements with other Federal agencies.

15 (b) ESTABLISHMENT OF CONSORTIUM.—

16 (1) DESIGNATION AS CONSORTIUM.—Not later
17 than 180 days after the date of the enactment of
18 this Act, the Administrator shall designate, using a
19 competitive process, one or more institutions or enti-
20 ties described in paragraph (2) as a Consortium for
21 Continuous Low Energy, Emissions, and Noise
22 (CLEEN) to perform research in accordance with
23 this section.

24 (2) PARTICIPATION.—The Administrator shall
25 include educational and research institutions or pri-

1 vate sector entities that have existing facilities and
2 experience for developing and testing noise, emis-
3 sions and energy reduction engine and aircraft tech-
4 nology, and developing alternative fuels in the re-
5 search program required by subsection (a).

6 (3) COORDINATION MECHANISMS.—In con-
7 ducting the research program, the Consortium des-
8 ignated under paragraph (1) shall—

9 (A) coordinate its activities with the De-
10 partment of Agriculture, the Department of
11 Energy, the National Aeronautics and space
12 Administration, and other relevant Federal
13 agencies; and

14 (B) consult on a regular basis with the
15 Commercial Aviation Alternative Fuels Initia-
16 tive.

17 (c) PERFORMANCE OBJECTIVES.—Not later than
18 January 1, 2016, the research program shall accomplish
19 the following objectives:

20 (1) Certifiable aircraft technology that reduces
21 fuel burn 33 percent compared to current tech-
22 nology, reducing energy consumption and carbon di-
23 oxide emissions.

24 (2) Certifiable engine technology that reduces
25 landing and takeoff cycle nitrogen oxide emissions

1 by 60 percent, at a pressure ratio of 30 over the
2 International Civil Aviation Organization standard
3 adopted at the 6th Meeting of the Committee on
4 Aviation Environmental Protection, with commensu-
5 rate reductions over the full pressure ratio range,
6 while limiting or reducing other gaseous or particle
7 emissions.

8 (3) Certifiable aircraft technology that reduces
9 noise levels by 32 Effective Perceived Noise in deci-
10 bels (EPNdb) cumulative, relative to Stage 4 stand-
11 ards.

12 (4) Advance qualification and environmental as-
13 surance of alternative aviation fuels to support a
14 goal of having 20 percent of the jet fuel available for
15 purchase by United States commercial airlines and
16 cargo carriers be alternative fuels.

17 (5) Determination of the extent to which new
18 engine and aircraft technologies may be used to ret-
19 rofit or re-engine aircraft so as to increase the level
20 of penetration into the commercial fleet.

21 **SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECH-**
22 **NOLOGY FOR CIVILIAN AIRCRAFT.**

23 (a) IN GENERAL.—From amounts made available
24 under section 48102(a) of title 49, United States Code,
25 the Secretary of Transportation shall establish a research

1 program related to developing jet fuel from natural gas,
2 biomass and other renewable sources through grants or
3 other measures authorized under section 106(l)(6) of such
4 title, including reimbursable agreements with other Fed-
5 eral agencies.

6 (b) PARTICIPATION IN PROGRAM.—The Secretary
7 shall—

8 (1) include educational and research institu-
9 tions that have existing facilities and experience in
10 the research, small-scale development, testing, or
11 evaluation of technologies related to the creation,
12 processing, and production of a variety of feedstocks
13 into aviation fuel under the program required by
14 subsection (a); and

15 (2) consider utilizing the existing capacity in
16 Aeronautics research at Langley Research Center of
17 the National Aeronautics and Space Administration
18 to carry out the program required by subsection (a).

19 (c) DESIGNATION OF INSTITUTION AS A CENTER OF
20 EXCELLENCE.—Not later than 180 days after the date
21 of the enactment of this Act, the Administrator of the
22 Federal Aviation Administration shall designate an insti-
23 tution described in subsection (b) as a Center of Excel-
24 lence for Alternative Jet-Fuel Research in Civil Aircraft.
25 The Center of Excellence shall be a member of the

1 CLEEN Consortium established under section 602(b),
2 and shall be part of a Joint Center of Excellence with the
3 Partnership for Air Transportation Noise and Emission
4 Reduction FAA Center of Excellence.

5 **SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECH-**
6 **NOLOGY FOR CIVILIAN AIRCRAFT.**

7 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—
8 From amounts made available under section 48102(a) of
9 title 49, United States Code, the Secretary of Transpor-
10 tation shall establish a research program related to devel-
11 oping jet fuel from clean coal through grants or other
12 measures authorized under section 106(l)(6) of such title,
13 including reimbursable agreements with other Federal
14 agencies. The program shall include participation by edu-
15 cational and research institutions that have existing facili-
16 ties and experience in the development and deployment of
17 technology that processes coal to aviation fuel.

18 (b) DESIGNATION OF INSTITUTION AS A CENTER OF
19 EXCELLENCE.—Within 6 months after the date of enact-
20 ment of this Act, the Administrator of the Federal Avia-
21 tion Administration shall designate an institution de-
22 scribed in subsection (a) as a Center of Excellence for
23 Coal-to-Jet-Fuel Research.

1 **SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD**
2 **PAVEMENTS.**

3 (a) CONTINUATION OF PROGRAM.—The Adminis-
4 trator of the Federal Aviation Administration shall con-
5 tinue the program to consider awards to nonprofit con-
6 crete and asphalt pavement research foundations to im-
7 prove the design, construction, rehabilitation, and repair
8 of airfield pavements to aid in the development of safer,
9 more cost effective, and more durable airfield pavements.

10 (b) USE OF GRANTS OR COOPERATIVE AGREE-
11 MENTS.—The Administrator may use grants or coopera-
12 tive agreements in carrying out this section.

13 **SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**
14 **ER RESEARCH.**

15 Within 60 days after the date of enactment of this
16 Act, the Administrator of the Federal Aviation Adminis-
17 tration shall—

18 (1) initiate evaluation of proposals that would
19 increase capacity throughout the air transportation
20 system by reducing existing spacing requirements
21 between aircraft of all sizes, including research on
22 the nature of wake vortices;

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

1 (3) establish research projects on—

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

4 (B) oceanic weather, including convective
5 weather;

6 (C) en route turbulence prediction and de-
7 tection; and

8 (D) all hazards during oceanic operations,
9 where commercial traffic is high and only rudi-
10 mentary satellite sensing is available, to reduce
11 the hazards presented to commercial aviation.

12 **SEC. 607. INCORPORATION OF UNMANNED AIRCRAFT SYS-**
13 **TEMS INTO FAA PLANS AND POLICIES.**

14 (a) RESEARCH.—

15 (1) EQUIPMENT.—Section 44504, as amended
16 by section 216 of this Act, is further amended—

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

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

21 (C) by striking “emitted.” in subsection
22 (b)(8) and inserting “emitted; and”;

23 (D) by adding at the end of subsection (b)
24 the following:

1 “(9) in conjunction with other Federal agencies
2 as appropriate, to develop technologies and methods
3 to assess the risk of and prevent defects, failures,
4 and malfunctions of products, parts, and processes,
5 for use in all classes of unmanned aircraft systems
6 that could result in a catastrophic failure.”.

7 (2) HUMAN FACTORS; SIMULATIONS.—Section
8 44505(b) is amended—

9 (A) by striking “and” after the semicolon
10 in paragraph (4);

11 (B) by striking “programs.” in paragraph
12 (5)(C) and inserting “programs; and”; and

13 (C) by adding at the end thereof the fol-
14 lowing:

15 “(6) to develop a better understanding of the
16 relationship between human factors and unmanned
17 aircraft systems air safety; and

18 “(7) to develop dynamic simulation models of
19 integrating all classes of unmanned aircraft systems
20 into the National Airspace System.”.

21 (b) NATIONAL ACADEMY OF SCIENCES ASSESS-
22 MENT.—

23 (1) IN GENERAL.—Within 3 months after the
24 date of enactment of this Act, the Administrator of
25 the Federal Aviation Administration shall enter into

1 an arrangement with the National Academy of
2 Sciences for an assessment of unmanned aircraft
3 systems that may include consideration of—

4 (A) human factors regarding unmanned
5 aircraft systems operation;

6 (B) “detect, sense and avoid technologies”
7 with respect to both cooperative and non-coop-
8 erative aircraft;

9 (C) spectrum issues and bandwidth re-
10 quirements;

11 (D) operation in suboptimal winds and ad-
12 verse weather conditions;

13 (E) mechanisms such as the use of tran-
14 sponders for letting other entities know where
15 the unmanned aircraft system is flying;

16 (F) airworthiness and system redundancy;

17 (G) flight termination systems for safety
18 and security;

19 (H) privacy issues;

20 (I) technologies for unmanned aircraft sys-
21 tems flight control;

22 (J) technologies for unmanned aircraft sys-
23 tems propulsion;

1 (K) unmanned aircraft systems operator
2 qualifications, medical standards, and training
3 requirements;

4 (L) unmanned aircraft systems mainte-
5 nance requirements and training requirements;
6 and

7 (M) any other unmanned aircraft systems-
8 related issue the Administrator believes should
9 be addressed.

10 (2) REPORT.—Within 12 months after initi-
11 ating the study, the National Academy shall submit
12 its report to the Administrator, the Senate Com-
13 mittee on Commerce, Science, and Transportation,
14 and the House of Representatives Committee on
15 Transportation and Infrastructure containing its
16 findings and recommendations.

17 (c) PILOT PROJECTS.—

18 (1) IN GENERAL.—Not later than 6 months
19 after the date of enactment of this Act, the Adminis-
20 trator of the Federal Aviation Administration shall
21 establish 3 2-year cost-shared pilot projects in
22 sparsely populated, low-density Class G air traffic
23 airspace new test sites to conduct experiments and
24 collect data in order to accelerate the safe integra-

1 tion of unmanned aircraft systems into the National
2 Airspace System as follows:

3 (A) 1 project shall address operational
4 issues required for integration of Category 1
5 unmanned aircraft systems defined as analo-
6 gous to RC models covered in the FAA Advi-
7 sory Circular AC 91–57.

8 (B) 1 project shall address operational
9 issues required for integration of Category 2
10 unmanned aircraft systems defined as non-
11 standard aircraft that perform special purpose
12 operations. Operators must provide evidence of
13 airworthiness and operator qualifications.

14 (C) 1 project shall address operational
15 issues required for integration of Category 3
16 unmanned aircraft systems defined as capable
17 of flying throughout all categories of airspace
18 and conforming to part 91 of title 14, Code of
19 Federal Regulations.

20 (D) All 3 pilot projects shall be operational
21 no later than 6 months after being established.

22 (2) USE OF CONSORTIA.—In conducting the
23 pilot projects, the Administrator shall encourage the
24 formation of participating consortia from the public

1 and private sectors, educational institutions, and
2 non-profit organization.

3 (3) REPORT.—Within 90 days after completing
4 the pilot projects, the Administrator shall transmit
5 a report to the Senate Committee on Commerce,
6 Science, and Transportation and the House of Rep-
7 resentatives Committee on Transportation and In-
8 frastructure setting forth the Administrator’s find-
9 ings and conclusions concerning the projects.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to the Ad-
12 ministrator for fiscal years 2010 and 2011 such
13 sums as may be necessary to conduct the pilot
14 projects.

15 (d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—
16 Within 30 days after the date of enactment of this Act,
17 the Administrator of the Federal Aviation Administration
18 shall approve and make available in print and on the Ad-
19 ministration’s website a 5-year “roadmap” for the intro-
20 duction of unmanned aircraft systems into the National
21 Airspace System being coordinated by its Unmanned Air-
22 craft Program Office. The Administrator shall update the
23 “roadmap” annually.

24 (e) UPDATED POLICY STATEMENT.—Not later than
25 90 days after the date of enactment of this Act, the Ad-

1 administrator shall issue a notice of proposed rulemaking to
2 update the Administration's most recent policy statement
3 on unmanned aircraft systems, Docket No. FAA-2006-
4 25714.

5 (f) EXPANDING THE USE OF UAS IN THE ARCTIC.—
6 Within 6 months after the date of enactment of this Act,
7 the Administrator, in consultation with the National Oce-
8 anic and Atmospheric Administration, the Coast Guard,
9 and other Federal agencies as appropriate, shall identify
10 permanent areas in the Arctic where small unmanned air-
11 craft may operate 24 hours per day from 2000 feet to
12 the surface and beyond line-of-sight for research and com-
13 mercial purposes. Within 12 months after the date of en-
14 actment of this Act, the Administrator shall have estab-
15 lished and implemented a single process for approving un-
16 manned aircraft use in the designated arctic regions re-
17 gardless of whether the unmanned aircraft is used as a
18 public aircraft, a civil aircraft, or as a model aircraft.

19 (g) SPECIAL RULE FOR MODEL AIRCRAFT.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law relating to the incorporation of un-
22 manned aircraft systems into FAA plans and poli-
23 cies,, including this section, the Administrator shall
24 not promulgate any rules or regulations regarding

1 model aircraft or aircraft being developed as model
2 aircraft if such aircraft is—

3 (A) flown strictly for recreational, sport,
4 competition, or academic purposes;

5 (B) operated in accordance with a commu-
6 nity-based set of safety guidelines and within
7 the programming of a nationwide community-
8 based organization; and

9 (C) limited to not more than 55 pounds
10 unless otherwise certified through a design, con-
11 struction, inspection, flight test, and operational
12 safety program currently administered by a
13 community-based organization.

14 (2) MODEL AIRCRAFT DEFINED.—For purposes
15 of this subsection, the term “model aircraft” means
16 a nonhuman-carrying (unmanned) radio-controlled
17 aircraft capable of sustained flight in the atmos-
18 phere, navigating the airspace and flown within vis-
19 ual line-of-sight of the operator for the exclusive and
20 intended use for sport, recreation, competition, or
21 academic purposes.

22 (h) DEFINITIONS.—In this section:

23 (1) ARCTIC.—The term “Arctic” means the
24 United States zone of the Chukchi, Beaufort, and
25 Bering Sea north of the Aleutian chain.

1 (2) PERMANENT AREAS.—The term “perma-
2 nent areas” means areas on land or water that pro-
3 vide for terrestrial launch and recovery of small un-
4 manned aircraft.

5 **SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE**
6 **IN APPLIED RESEARCH AND TRAINING IN**
7 **THE USE OF ADVANCED MATERIALS IN**
8 **TRANSPORT AIRCRAFT.**

9 Section 708(b) of the Vision 100—Century of Avia-
10 tion Reauthorization Act (49 U.S.C. 44504 note) is
11 amended by striking “\$500,000 for fiscal year 2004” and
12 inserting “\$1,000,000 for each of fiscal years 2008
13 through 2012”.

14 **SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**
15 **VEHICLES.**

16 (a) IN GENERAL.—Subchapter I of chapter 471 is
17 amended by inserting after section 47136 the following:

18 **“§47136A. Zero emission airport vehicles and infra-**
19 **structure**

20 “(a) IN GENERAL.—The Secretary of Transportation
21 shall establish a pilot program under which the sponsor
22 of a public-use airport may use funds made available
23 under section 47117 or section 48103 for use at such air-
24 ports or passenger facility revenue (as defined in section
25 40117(a)(6)) to carry out activities associated with the ac-

1 quision and operation of zero emission vehicles (as de-
2 fined in section 88.120–94 of title 40, Code of Federal
3 Regulations), including the construction or modification of
4 infrastructure to facilitate the delivery of fuel and services
5 necessary for the use of such vehicles. Any use of funds
6 authorized by the preceding sentence shall be considered
7 to be an authorized use of funds under section 47117 or
8 section 48103, or an authorized use of passenger facility
9 revenue (as defined in section 40117(a)(6)), as the case
10 may be.

11 “(b) LOCATION IN AIR QUALITY NONATTAINMENT
12 AREAS.—

13 “(1) IN GENERAL.—A public-use airport shall
14 be eligible for participation in the pilot program only
15 if the airport is located in an air quality nonattain-
16 ment area (as defined in section 171(2) of the Clean
17 Air Act (42 U.S.C. 7501(2))).

18 “(2) SHORTAGE OF CANDIDATES.—If the Sec-
19 retary receives an insufficient number of applications
20 from public-use airports located in such areas, then
21 the Secretary may consider applications from public-
22 use airports that are not located in such areas.

23 “(c) SELECTION CRITERIA.—In selecting from
24 among applicants for participation in the program, the
25 Secretary shall give priority consideration to applicants

1 that will achieve the greatest air quality benefits measured
2 by the amount of emissions reduced per dollar of funds
3 expended under the program.

4 “(d) FEDERAL SHARE.—Notwithstanding any other
5 provision of this subchapter, the Federal share of the costs
6 of a project carried out under the program shall be 50
7 percent.

8 “(e) TECHNICAL ASSISTANCE.—

9 “(1) IN GENERAL.—The sponsor of a public-use
10 airport carrying out activities funded under the pro-
11 gram may not use more than 10 percent of the
12 amounts made available under the program in any
13 fiscal year for technical assistance in carrying out
14 such activities.

15 “(2) ELIGIBLE CONSORTIUM.—To the max-
16 imum extent practicable, participants in the program
17 shall use an eligible consortium (as defined in sec-
18 tion 5506 of this title) in the region of the airport
19 to receive technical assistance described in para-
20 graph (1).

21 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—
22 The Secretary may develop and make available materials
23 identifying best practices for carrying out activities funded
24 under the program based on projects carried out under
25 section 47136 and other sources.”.

1 (b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not
2 later than 18 months after the date of enactment of the
3 FAA Air Transportation Modernization and Safety Im-
4 provement Act, the Secretary of Transportation shall
5 transmit a report to the Senate Committee on Commerce,
6 Science, and Transportation the House of Representatives
7 Committee on Transportation and Infrastructure con-
8 taining—

9 (1) an evaluation of the effectiveness of the
10 pilot program;

11 (2) an identification of all public-use airports
12 that expressed an interest in participating in the
13 program; and

14 (3) a description of the mechanisms used by the
15 Secretary to ensure that the information and know-
16 how gained by participants in the program is trans-
17 ferred among the participants and to other inter-
18 ested parties, including other public-use airports.

19 (c) CONFORMING AMENDMENT.—The table of con-
20 tents for chapter 471 is amended by inserting after the
21 item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

22 **SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT**
23 **POWER SOURCES.**

24 (a) IN GENERAL.—Subchapter I of chapter 471 is
25 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 report on—

16 (A) the current and potential impact of
17 wind farms on the national airspace system;

18 (B) the extent to which the Department of
19 Defense and the Federal Aviation Administra-
20 tion have guidance, processes, and procedures
21 in place to evaluate the impact of wind farms
22 on the implementation of the Next Generation
23 air traffic control system; and

24 (C) potential mitigation strategies, if nec-
25 essary, to ensure that wind farms do not have

1 an adverse impact on the implementation of the
2 Next Generation air traffic control system, in-
3 cluding the installation of navigational aides as-
4 sociated with that system.

5 (c) ISSUANCE OF GUIDELINES; PUBLIC INFORMA-
6 TION.—

7 (1) GUIDANCE.—Within 60 days after the Ad-
8 ministrator receives the Comptroller’s recommenda-
9 tions, the Administrator shall publish guidelines for
10 the construction and operation of wind farms to be
11 located in proximity to critical Federal Aviation Ad-
12 ministration facilities. The guidelines may include—

13 (A) the establishment of a zone system for
14 wind farms based on proximity to critical FAA
15 assets;

16 (B) the establishment of turbine height
17 and density limitations on such wind farms;

18 (C) requirements for notice to the Admin-
19 istration under section 44718(a) of title 49,
20 United States Code, before the construction, al-
21 teration, establishment, or expansion of a such
22 a wind farm; and

23 (D) any other requirements or rec-
24 ommendations designed to address Administra-
25 tion safety or operational concerns related to

1 the construction, alteration, establishment, or
2 expansion of such wind farms.

3 (2) PUBLIC ACCESS TO INFORMATION.—To the
4 extent feasible, taking into consideration security,
5 operational, and public safety concerns (as deter-
6 mined by the Administrator), the Administrator
7 shall provide public access to information regarding
8 the planning, construction, and operation of wind
9 farms in proximity to critical FAA facilities on, or
10 by linkage from, the homepage of the Federal Avia-
11 tion Administration’s public website.

12 (d) CONSULTATION WITH OTHER FEDERAL AGEN-
13 CIES.—In carrying out this section, the Administrator and
14 the Comptroller General shall consult, as appropriate, with
15 the Secretaries of the Army, the Navy, the Air Force,
16 Homeland Security, and Energy—

17 (1) to coordinate the requirements of each de-
18 partment for future air space needs;

19 (2) to determine what the acceptable risks are
20 to the existing infrastructure of each department;
21 and

22 (3) to define the different levels of risk for such
23 infrastructure.

24 (e) REPORTS.—The Administrator and the Comp-
25 troller General shall provide a copy of reports under sub-

1 sections (a) and (b), respectively, to the Senate Committee
2 on Homeland Security and Governmental Affairs, the Sen-
3 ate Committee on Armed Services, the House of Rep-
4 resentatives Committee on Homeland Security, the House
5 of Representatives Committee on Armed Services, and the
6 House of Representatives Committee on Science and
7 Technology, as appropriate.

8 (f) DEFINITIONS.—In this section:

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

11 (2) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Federal
13 Aviation Administration.

14 (3) CRITICAL FAA FACILITIES.—The term “crit-
15 ical FAA facilities” means facilities on which are lo-
16 cated navigational aides, surveillance systems, or
17 communications systems used by the Administration
18 in administration of the national airspace system.

19 (4) WIND FARM.—The term “wind farm”
20 means an installation of 1 or more wind turbines
21 used for the generation of electricity.

1 **SEC. 612. RESEARCH AND DEVELOPMENT FOR EQUIPMENT**
2 **TO CLEAN AND MONITOR THE ENGINE AND**
3 **APU BLEED AIR SUPPLIED ON PRESSURIZED**
4 **AIRCRAFT.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date of enactment of this Act, the Administrator of the
7 Federal Aviation Administration shall, to the degree prac-
8 ticable, implement a research program for the identifica-
9 tion or development of appropriate and effective air clean-
10 ing technology and sensor technology for the engine and
11 auxiliary power unit (APU) bleed air supplied to the pas-
12 senger cabin and flight deck of all pressurized aircraft.

13 (b) TECHNOLOGY REQUIREMENTS.—The technology
14 referred to in subsection (a) should, at a minimum, have
15 the capacity—

16 (1) to remove oil-based contaminants from the
17 bleed air supplied to the passenger cabin and flight
18 deck; and

19 (2) to detect and record oil-based contaminants
20 in the portion of the total air supplied to the pas-
21 senger cabin and flight deck from bleed air.

22 (c) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Administrator shall submit
24 to the Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Transportation
26 and Infrastructure of the House of Representatives a re-

1 port on the results of the research and development work
2 carried out under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums are as nec-
5 essary to carry out this section.

6 **TITLE VII—MISCELLANEOUS**

7 **SEC. 701. GENERAL AUTHORITY.**

8 (a) THIRD PARTY LIABILITY.—Section 44303(b) is
9 amended by striking “December 31, 2009,” and inserting
10 “December 31, 2012,”.

11 (b) EXTENSION OF PROGRAM AUTHORITY.—Section
12 44310 is amended by striking “December 31, 2013.” and
13 inserting “October 1, 2017.”.

14 (c) WAR RISK.—Section 44302(f)(1) is amended—

15 (1) by striking “September 30, 2009,” and in-
16 serting “September 30, 2011,”; and

17 (2) by striking “December 31, 2009,” and in-
18 serting “December 31, 2011,”.

19 **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

20 Within 6 months after the date of enactment of this
21 Act, the Administrator of the Federal Aviation Adminis-
22 tration shall develop a Human Intervention Management
23 Study program for cabin crews employed by commercial
24 air carriers in the United States.

1 **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

2 The Administrator of the Federal Aviation Adminis-
3 tration—

4 (1) shall establish a formal, structured certifi-
5 cation training program for the airport concessions
6 disadvantaged business enterprise program; and

7 (2) may appoint 3 additional staff to implement
8 the programs of the airport concessions disadvan-
9 taged business enterprise initiative.

10 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

11 (a) MARSHALL ISLANDS, FEDERATED STATES OF
12 MICRONESIA, AND PALAU.—Section 47115(j) is amended
13 by striking “2009,” and inserting “2011,”.

14 (b) MIDWAY ISLAND AIRPORT.—Section 186(d) of
15 the Vision 100—Century of Aviation Reauthorization Act
16 (117 Stat. 2518) is amended by striking “2009,” and in-
17 serting “2011,”.

18 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

19 Section 47107(s) is amended by striking paragraph
20 (3).

21 **SEC. 706. UPDATE ON OVERFLIGHTS.**

22 (a) IN GENERAL.—Section 45301(b) is amended to
23 read as follows:

24 “(b) LIMITATIONS.—

25 “(1) IN GENERAL.—In establishing fees under
26 subsection (a), the Administrator shall ensure that

1 the fees required by subsection (a) are reasonably
2 related to the Administration's costs, as determined
3 by the Administrator, of providing the services ren-
4 dered. Services for which costs may be recovered in-
5 clude the costs of air traffic control, navigation,
6 weather services, training, and emergency services
7 which are available to facilitate safe transportation
8 over the United States, and other services provided
9 by the Administrator or by programs financed by
10 the Administrator to flights that neither take off nor
11 land in the United States. The determination of
12 such costs by the Administrator is not subject to ju-
13 dicial review.

14 “(2) ADJUSTMENT OF FEES.—The Adminis-
15 trator shall adjust the overflight fees established by
16 subsection (a)(1) by expedited rulemaking and begin
17 collections under the adjusted fees by October 1,
18 2010. In developing the adjusted overflight fees, the
19 Administrator shall seek and consider the rec-
20 ommendations, if any, offered by the Aviation Rule-
21 making Committee for Overflight Fees that are in-
22 tended to ensure that overflight fees are reasonably
23 related to the Administrator's costs of providing air
24 traffic control and related services to overflights. In
25 addition, the Administrator may periodically modify

1 the fees established under this section either on the
2 Administrator's own initiative or on a recommenda-
3 tion from the Air Traffic Control Modernization
4 Board.

5 “(3) COST DATA.—The adjustment of overflight
6 fees under paragraph (2) shall be based on the costs
7 to the Administration of providing the air traffic
8 control and related activities, services, facilities, and
9 equipment using the available data derived from the
10 Administration's cost accounting system and cost al-
11 location system to users, as well as budget and oper-
12 ational data.

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

17 “(5) COSTS DEFINED.—In this subsection, the
18 term ‘costs’ means those costs associated with the
19 operation, maintenance, debt service, and overhead
20 expenses of the services provided and the facilities
21 and equipment used in such services, including the
22 projected costs for the period during which the serv-
23 ices will be provided.

24 “(6) PUBLICATION; COMMENT.—The Adminis-
25 trator shall publish in the Federal Register any fee

1 schedule under this section, including any adjusted
2 overflight fee schedule, and the associated collection
3 process as a proposed rule, pursuant to which public
4 comment will be sought and a final rule issued.”.

5 (b) ADMINISTRATIVE PROVISION.—Section
6 45303(c)(2) is amended to read as follows:

7 “(2) shall be available to the Administrator for
8 expenditure for purposes authorized by Congress for
9 the Federal Aviation Administration, however, fees
10 established by section 45301(a)(1) of this title shall
11 be available only to pay the cost of activities and
12 services for which the fee is imposed, including the
13 costs to determine, assess, review, and collect the
14 fee; and”.

15 **SEC. 707. TECHNICAL CORRECTIONS.**

16 Section 40122(g), as amended by section 307 of this
17 Act, is further amended—

18 (1) by striking “section 2302(b), relating to
19 whistleblower protection,” in paragraph (2)(A) and
20 inserting “sections 2301 and 2302,”;

21 (2) by striking “and” after the semicolon in
22 paragraph (2)(H);

23 (3) by striking “Plan.” in paragraph (2)(I)(iii)
24 and inserting “Plan;”;

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

3 “(J) section 5596, relating to back pay;
4 and

5 “(K) sections 6381 through 6387, relating
6 to Family and Medical Leave.”; and

7 (5) by adding at the end of paragraph (3)
8 “Notwithstanding any other provision of law, retro-
9 active to April 1, 1996, the Board shall have the
10 same remedial authority over such employee appeals
11 that it had as of March 31, 1996.”.

12 **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

13 (a) STUDY.—

14 (1) IN GENERAL.—The Comptroller General
15 shall conduct a study of the training of airway
16 transportation systems specialists of the Federal
17 Aviation Administration that includes—

18 (A) an analysis of the type of training pro-
19 vided to such specialists;

20 (B) an analysis of the type of training that
21 such specialists need to be proficient in the
22 maintenance of the latest technologies;

23 (C) actions that the Administration has
24 undertaken to ensure that such specialists re-
25 ceive up-to-date training on such technologies;

1 (D) the amount and cost of training pro-
2 vided by vendors for such specialists;

3 (E) the amount and cost of training pro-
4 vided by the Administration after developing in-
5 house training courses for such specialists;

6 (F) the amount and cost of travel required
7 of such specialists in receiving training; and

8 (G) a recommendation regarding the most
9 cost-effective approach to providing such train-
10 ing.

11 (2) REPORT.—Within 1 year after the date of
12 enactment of this Act, the Comptroller General shall
13 transmit a report on the study containing the Comp-
14 troller General’s findings and recommendations to
15 the Senate Committee on Commerce, Science, and
16 Transportation and the House of Representatives
17 Committee on Transportation and Infrastructure.

18 (b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of enactment of this Act, the Administrator
21 of the Federal Aviation Administration shall con-
22 tract with the National Academy of Sciences to con-
23 duct a study of the assumptions and methods used
24 by the Federal Aviation Administration to estimate
25 staffing needs for Federal Aviation Administration

1 air traffic controllers, system specialists, and engi-
2 neers to ensure proper maintenance, certification,
3 and operation of the National Airspace System. The
4 National Academy of Sciences shall consult with the
5 Exclusive Bargaining Representative certified under
6 section 7111 of title 5, United States Code, and the
7 Administration (including the Civil Aeronautical
8 Medical Institute) and examine data entailing
9 human factors, traffic activity, and the technology at
10 each facility.

11 (2) CONTENTS.—The study shall include—

12 (A) recommendations for objective staffing
13 standards that maintain the safety of the Na-
14 tional Airspace System; and

15 (B) the approximate length of time for de-
16 veloping such standards.

17 (3) REPORT.—Not later than 24 months after
18 executing a contract under subsection (a), the Na-
19 tional Academy of Sciences shall transmit a report
20 containing its findings and recommendations to the
21 Congress.

22 (c) AVIATION SAFETY INSPECTORS.—

23 (1) SAFETY STAFFING MODEL.—Within 12
24 months after the date of enactment of this Act, the
25 Administrator of the Federal Aviation Administra-

1 tion shall develop a staffing model for aviation safety
2 inspectors. In developing the model, the Adminis-
3 trator shall consult with representatives of the avia-
4 tion safety inspectors and other interested parties.

5 (2) SAFETY INSPECTOR STAFFING.—The Fed-
6 eral Aviation Administration aviation safety inspec-
7 tor staffing requirement shall be no less than the
8 staffing levels indicated as necessary in the staffing
9 model described under subsection (a).

10 (d) ALASKA FLIGHT SERVICE STATIONS.—Not later
11 than 180 days after the date of the enactment of this Act,
12 the Administrator, in conjunction with flight service sta-
13 tion personnel, shall submit a report to Congress on the
14 future of flight service stations in Alaska, which in-
15 cludes—

16 (1) an analysis of the number of flight service
17 specialists needed, the training needed by such per-
18 sonnel, and the need for a formal training and hir-
19 ing program for such personnel;

20 (2) a schedule for necessary inspection, up-
21 grades, and modernization of stations and equip-
22 ment; and

23 (3) a description of the interaction between
24 flight service stations operated by the Administra-

1 tion and flight service stations operated by contrac-
2 tors.

3 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**
4 **TIONAL PARKS.**

5 (a) SECRETARY OF THE INTERIOR AND OVER-
6 FLIGHTS OF NATIONAL PARKS.—

7 (1) Section 40128 is amended—

8 (A) by striking paragraph (8) of subsection
9 (f);

10 (B) by striking “Director” each place it
11 appears and inserting “Secretary of the Inte-
12 rior”;

13 (C) by striking “National Park Service” in
14 subsection (a)(2)(B)(vi) and inserting “Depart-
15 ment of the Interior”; and

16 (D) in subsection (b)—

17 (i) in paragraph (1)—

18 (I) in subparagraph (A)—

19 (aa) by striking “, in co-
20 operation with” and inserting
21 “and”; and

22 (bb) by striking “The air
23 tour” and all that follows; and

24 (II) by redesignating subpara-
25 graph (B) as subparagraph (C);

1 (III) by inserting after subpara-
2 graph (A) the following:

3 “(B) PROCESS AND APPROVAL.—The Fed-
4 eral Aviation Administration has sole authority
5 to control airspace over the United States. The
6 National Park Service has the sole responsi-
7 bility for conserving the scenery and natural re-
8 sources in National Parks and providing for the
9 enjoyment of the National Parks unimpaired
10 for future generations. Each air tour manage-
11 ment plan shall be—

12 “(i) developed through a public proc-
13 ess that complies with paragraph (4); and

14 “(ii) approved by the Administrator
15 and the Director.”; and

16 (IV) by adding at the end the fol-
17 lowing:

18 “(D) EXCEPTION.—An application to
19 begin commercial air tour operations at Crater
20 Lake National Park may be denied without the
21 establishment of an air tour management plan
22 by the Director of the National Park Service if
23 the Director determines that such operations
24 would unacceptably impact park resources or
25 visitor experiences.”; and

1 (ii) in paragraph (4)(C), by striking
2 “National Park Service” and inserting
3 “Department of the Interior”.

4 (2) The National Parks Air Tour Management
5 Act of 2000 (49 U.S.C. 40128 note) is amended—

6 (A) by striking “Director” in section
7 804(b) and inserting “Secretary of the Inte-
8 rior”;

9 (B) in section 805—

10 (i) by striking “Director of the Na-
11 tional Park Service” in subsection (a) and
12 inserting “Secretary of the Interior”;

13 (ii) by striking “Director” each place
14 it appears and inserting “Secretary of the
15 Interior”;

16 (iii) by striking “National Park Serv-
17 ice” each place it appears in subsection (b)
18 and inserting “Department of the Inte-
19 rior”;

20 (iv) by striking “National Park Serv-
21 ice” in subsection (d)(2) and inserting
22 “Department of the Interior”; and

23 (C) in section 807—

1 (i) by striking “National Park Serv-
2 ice” in subsection (a)(1) and inserting
3 “Department of the Interior”; and

4 (ii) by striking “Director of the Na-
5 tional Park Service” in subsection (b) and
6 inserting “Secretary of the Interior”.

7 (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-
8 MENT.—Paragraph (1) of subsection (a) of section 40128
9 is amended—

10 (1) by striking “and” after the semicolon in
11 subparagraph (B);

12 (2) by striking “lands.” in subparagraph (C)
13 and inserting “lands; and”; and

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

15 “(D) in accordance with a voluntary agree-
16 ment between the commercial air tour operator
17 and appropriate representatives of the national
18 park or tribal lands, as the case may be.”.

19 (c) MODIFICATION OF INTERIM OPERATING AU-
20 THORITY.—Section 40128(c)(2)(I) is amended to read as
21 follows:

22 “(I) may allow for modifications of the in-
23 terim operating authority without further envi-
24 ronmental process, if—

1 “(i) adequate information on the ex-
2 isting and proposed operations of the com-
3 mercial air tour operator is provided to the
4 Administrator and the Secretary by the op-
5 erator seeking operating authority;

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

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

13 (d) REPORTING REQUIREMENTS FOR COMMERCIAL
14 AIR TOUR OPERATORS.—

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

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

1 (B) any relevant characteristics of com-
2 mercial air tour operations, including the
3 routes, altitudes, duration, and time of day of
4 flights; and

5 (C) such other information as the Adminis-
6 trator and the Secretary may determine nec-
7 essary to administer the provisions of the Na-
8 tional Parks Air Tour Management Act of 2000
9 (49 U.S.C. 40128 note).

10 (2) **FORMAT.**—The report required by para-
11 graph (1) shall be submitted in such form as the Ad-
12 ministrators and the Secretary determine to be ap-
13 propriate.

14 (3) **EFFECT OF FAILURE TO REPORT.**—The Ad-
15 ministrators shall rescind the operating authority of
16 a commercial air tour operator that fails to file a re-
17 port not later than 180 days after the date for the
18 submittal of the report described in paragraph (1).

19 (4) **AUDIT OF REPORTS.**—Not later than 2
20 years after the date of the enactment of this Act,
21 and at such times thereafter as the Inspector Gen-
22 eral of the Department of Transportation determines
23 necessary, the Inspector General shall audit the re-
24 ports required by paragraph (1).

1 (e) COLLECTION OF FEES FROM AIR TOUR OPER-
2 ATIONS.—

3 (1) IN GENERAL.—The Secretary of the Inte-
4 rior shall assess a fee in an amount determined by
5 the Secretary under paragraph (2) on a commercial
6 air tour operator conducting commercial air tour op-
7 erations over a national park.

8 (2) AMOUNT OF FEE.—In determining the
9 amount of the fee assessed under paragraph (1), the
10 Secretary shall collect sufficient revenue, in the ag-
11 gregate, to pay for the expenses incurred by the
12 Federal Government to develop air tour management
13 plans for national parks.

14 (3) EFFECT OF FAILURE TO PAY FEE.—The
15 Administrator of the Federal Aviation Administra-
16 tion shall revoke the operating authority of a com-
17 mercial air tour operator conducting commercial air
18 tour operations over any national park, including the
19 Grand Canyon National Park, that has not paid the
20 fee assessed by the Secretary under paragraph (1)
21 by the date that is 180 days after the date on which
22 the Secretary determines the fee shall be paid.

23 (f) FUNDING FOR AIR TOUR MANAGEMENT
24 PLANS.—The Secretary of the Interior shall use the
25 amounts collected under subsection (e) to develop air tour

1 management plans under section 40128(b) of title 49,
2 United States Code, for the national parks the Secretary
3 determines would most benefit from such a plan.

4 (g) GUIDANCE TO DISTRICT OFFICES ON COMMER-
5 CIAL AIR TOUR OPERATORS.—The Administrator of the
6 Federal Aviation Administration shall provide to the Ad-
7 ministration’s district offices clear guidance on the ability
8 of commercial air tour operators to obtain—

9 (1) increased safety certifications;

10 (2) exemptions from regulations requiring safe-
11 ty certifications; and

12 (3) other information regarding compliance
13 with the requirements of this Act and other Federal
14 and State laws and regulations.

15 (h) OPERATING AUTHORITY OF COMMERCIAL AIR
16 TOUR OPERATORS.—

17 (1) TRANSFER OF OPERATING AUTHORITY.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), a commercial air tour operator that
20 obtains operating authority from the Adminis-
21 trator under section 40128 of title 49, United
22 States Code, to conduct commercial air tour op-
23 erations may transfer such authority to another
24 commercial air tour operator at any time.

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

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

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

19 (A) the operator submits an application; or

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

24 (3) INCREASE IN INTERIM OPERATING AUTHOR-
25 ITY.—The Administrator and the Secretary may in-

1 crease the interim operating authority while an air
 2 tour management plan is being developed for a park
 3 if—

4 (A) the Secretary determines that such an
 5 increase does not adversely impact park re-
 6 sources or visitor experiences; and

7 (B) the Administrator determines that
 8 granting interim operating authority does not
 9 adversely affect aviation safety or the manage-
 10 ment of the national airspace system.

11 (4) ENFORCEMENT OF OPERATING AUTHOR-
 12 ITY.—The Administrator is authorized and directed
 13 to enforce the requirements of this Act and any
 14 agency rules or regulations related to operating au-
 15 thority.

16 **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

17 (a) IN GENERAL.—Subchapter II of chapter 475 is
 18 amended by adding at the end the following:

19 “**§ 47534. Prohibition on operating certain aircraft**
 20 **weighing 75,000 pounds or less not com-**
 21 **plying with Stage 3 noise levels**

22 “(a) PROHIBITION.—Except as provided in sub-
 23 section (b), (c), or (d), a person may not operate a civil
 24 subsonic turbojet with a maximum weight of 75,000
 25 pounds or less to or from an airport in the United States

1 unless the Secretary of Transportation finds that the air-
2 craft complies with stage 3 noise levels.

3 “(b) EXCEPTION.—Subsection (a) shall not apply to
4 aircraft operated only outside the 48 contiguous States.

5 “(c) OPT-OUT.—Subsection (a) shall not apply at an
6 airport where the airport operator has notified the Sec-
7 retary that it wants to continue to permit the operation
8 of civil subsonic turbojets with a maximum weight of
9 75,000 pounds or less that do not comply with stage 3
10 noise levels. The Secretary shall post the notices received
11 under this subsection on its website or in another place
12 easily accessible to the public.

13 “(d) LIMITATION.—The Secretary shall permit a per-
14 son to operate Stage 1 and Stage 2 aircraft with a max-
15 imum weight of 75,000 pounds or less to or from an air-
16 port in the contiguous 48 States in order—

17 “(1) to sell, lease, or use the aircraft outside
18 the 48 contiguous States;

19 “(2) to scrap the aircraft;

20 “(3) to obtain modifications to the aircraft to
21 meet stage 3 noise levels;

22 “(4) to perform scheduled heavy maintenance
23 or significant modifications on the aircraft at a
24 maintenance facility located in the contiguous 48
25 states;

1 “(5) to deliver the aircraft to an operator leas-
2 ing the aircraft from the owner or return the air-
3 craft to the lessor;

4 “(6) to prepare or park or store the aircraft in
5 anticipation of any of the activities described in
6 paragraphs (1) through (5); or

7 “(7) to divert the aircraft to an alternative air-
8 port in the 48 contiguous States on account of
9 weather, mechanical, fuel air traffic control or other
10 safety reasons while conducting a flight in order to
11 perform any of the activities described in paragraphs
12 (1) through (6).

13 “(e) STATUTORY CONSTRUCTION.—Nothing in the
14 section may be construed as interfering with, nullifying,
15 or otherwise affecting determinations made by the Federal
16 Aviation Administration, or to be made by the Administra-
17 tion, with respect to applications under part 161 of title
18 14, Code of Federal Regulations, that were pending on
19 the date of enactment of the Aircraft Noise Reduction Act
20 of 2006.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 47531 is amended by striking
23 “47529, or 47530” and inserting “47529, 47530, or
24 47534”.

1 (2) Section 47532 is amended by striking
2 “47528–47531” and inserting “47528 through
3 47531 or 47534”.

4 (3) The table of contents for chapter 475 is
5 amended by inserting after the item relating to sec-
6 tion 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or
less not complying with Stage 3 noise levels”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on December 31, 2014.

9 **SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

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

16 **SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**
17 **PORT PROPERTIES.**

18 (a) IN GENERAL.—Within 1 year after the date of
19 enactment of this Act, the Administrator of the Federal
20 Aviation Administration shall establish a pilot program at
21 up to 4 public-use airports for local airport operators that
22 have submitted a noise compatibility program approved by
23 the Federal Aviation Administration under section 47504
24 of title 49, United States Code, under which such airport

1 operators may use funds made available under section
2 47117(e) of that title, or passenger facility revenue col-
3 lected under section 40117 of that title, in partnership
4 with affected neighboring local jurisdictions, to support
5 joint planning, engineering design, and environmental per-
6 mitting for the assembly and redevelopment of property
7 purchased with noise mitigation funds or passenger facil-
8 ity charge funds, to encourage airport-compatible land
9 uses and generate economic benefits to the local airport
10 authority and adjacent community.

11 (b) NOISE COMPATIBILITY MEASURES.—Section
12 47504(a)(2) is amended—

13 (1) by striking “and” after the semicolon in
14 subparagraph (D);

15 (2) by striking “operations.” in subparagraph
16 (E) and inserting “operations; and”; and

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

18 “(F) joint comprehensive land use planning in-
19 cluding master plans, traffic studies, environmental
20 evaluation and economic and feasibility studies, with
21 neighboring local jurisdictions undertaking commu-
22 nity redevelopment in the area where the land or
23 other property interest acquired by the airport oper-
24 ator pursuant to this subsection is located, to en-
25 courage and enhance redevelopment opportunities

1 that reflect zoning and uses that will prevent the in-
2 troduction of additional incompatible uses and en-
3 hance redevelopment potential.”.

4 (c) GRANT REQUIREMENTS.—The Administrator
5 may not make a grant under subsection (a) unless the
6 grant is made—

7 (1) to enable the airport operator and local ju-
8 risdictions undertaking the community redevelop-
9 ment effort to expedite redevelopment efforts;

10 (2) subject to a requirement that the local juris-
11 diction governing the property interests in question
12 has adopted zoning regulations that permit airport
13 compatible redevelopment; and

14 (3) subject to a requirement that, in deter-
15 mining the part of the proceeds from disposing of
16 the land that is subject to repayment or reinvest-
17 ment under section 47107(c)(2)(A) of title 49,
18 United States Code, the total amount of the grant
19 issued under this section shall be added to the
20 amount of any grants issued for acquisition of land.

21 (d) DEMONSTRATION GRANTS.—

22 (1) IN GENERAL.—The Administrator shall pro-
23 vide grants for up to 4 pilot property redevelopment
24 projects distributed geographically and targeted to
25 airports that demonstrate—

1 (A) a readiness to implement cooperative
2 land use management and redevelopment plans
3 with the adjacent community; and

4 (B) the probability of clear economic ben-
5 efit to the local community and financial return
6 to the airport through the implementation of
7 the redevelopment plan.

8 (2) FEDERAL SHARE.—

9 (A) Notwithstanding any other provision of
10 law, the Federal share of the allowable costs of
11 a project carried out under the pilot program
12 shall be 80 percent.

13 (B) In determining the allowable costs, the
14 Administrator shall deduct from the total costs
15 of the activities described in subsection (a) that
16 portion of the costs which is equal to that por-
17 tion of the total property to be redeveloped
18 under this section that is not owned or to be ac-
19 quired by the airport operator pursuant to the
20 noise compatibility program or that is not
21 owned by the affected neighboring local juris-
22 dictions or other public entities.

23 (3) MAXIMUM AMOUNT.—Not more than
24 \$5,000,000 in funds made available under section
25 47117(e) of title 49, United States Code, may be ex-

1 pended under the pilot program at any single public-
2 use airport.

3 (4) EXCEPTION.—Amounts paid to the Admin-
4 istrator under subsection (c)(3)—

5 (A) shall be in addition to amounts author-
6 ized under section 48203 of title 49, United
7 States Code;

8 (B) shall not be subject to any limitation
9 on grant obligations for any fiscal year; and

10 (C) shall remain available until expended.

11 (e) USE OF PASSENGER REVENUE.—An airport
12 sponsor that owns or operates an airport participating in
13 the pilot program may use passenger facility revenue col-
14 lected under section 40117 of title 49, United States Code,
15 to pay any project cost described in subsection (a) that
16 is not financed by a grant under the program.

17 (f) SUNSET.—This section, other than the amend-
18 ments made by subsections (b), shall not be in effect after
19 September 30, 2011.

20 (g) REPORT TO CONGRESS.—The Administrator shall
21 report to Congress within 18 months after making the
22 first grant under this section on the effectiveness of this
23 program on returning part 150 lands to productive use.

1 **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

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

4 **“§ 41724. Musical instruments**

5 “(a) IN GENERAL.—

6 “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-
7 GAGE.—An air carrier providing air transportation
8 shall permit a passenger to carry a violin, guitar, or
9 other musical instrument in the aircraft cabin with-
10 out charge if—

11 “(A) the instrument can be stowed safely
12 in a suitable baggage compartment in the air-
13 craft cabin or under a passenger seat; and

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

16 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-
17 GAGE.—An air carrier providing air transportation
18 shall permit a passenger to carry a musical instru-
19 ment that is too large to meet the requirements of
20 paragraph (1) in the aircraft cabin without charge
21 if—

22 “(A) the instrument is contained in a case
23 or covered so as to avoid injury to other pas-
24 sengers;

1 “(B) the weight of the instrument, includ-
2 ing the case or covering, does not exceed 165
3 pounds;

4 “(C) the instrument can be secured by a
5 seat belt to avoid shifting during flight;

6 “(D) the instrument does not restrict ac-
7 cess to, or use of, any required emergency exit,
8 regular exit, or aisle;

9 “(E) the instrument does not obscure any
10 passenger’s view of any illuminated exit, warn-
11 ing, or other informational sign;

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

16 “(G) the passenger wishing to carry the in-
17 strument in the aircraft cabin has purchased an
18 additional seat to accommodate the instrument.

19 “(3) LARGE INSTRUMENTS AS CHECKED BAG-
20 GAGE.—An air carrier shall transport as baggage,
21 without charge, a musical instrument that is the
22 property of a passenger traveling in air transpor-
23 tation that may not be carried in the aircraft cabin
24 if—

1 “(A) the sum of the length, width, and
2 height measured in inches of the outside linear
3 dimensions of the instrument (including the
4 case) does not exceed 150 inches; and

5 “(B) the weight of the instrument does not
6 exceed 165 pounds.

7 “(b) REGULATIONS.—The Secretary may prescribe
8 such regulations as may be necessary or appropriate to
9 implement subsection (a).”.

10 (b) CONFORMING AMENDMENT.—The table of con-
11 tents for chapter 417 is amended by inserting after the
12 item relating to section 41723 the following:

 “41724. Musical instruments”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect 30 days after the date of en-
15 actment of this Act.

16 **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

17 (a) AIRPORT PLANNING.—Section 47102(5) is
18 amended by striking “planning.” and inserting “planning
19 and a plan for recycling and minimizing the generation
20 of airport solid waste, consistent with applicable State and
21 local recycling laws, including the cost of a waste audit.”.

22 (b) MASTER PLAN.—Section 47106(a) is amended—

23 (1) by striking “and” in paragraph (4);

24 (2) by striking “proposed.” in paragraph (5)

25 and inserting “proposed; and”; and

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

2 “(6) if the project is for an airport that has an
3 airport master plan, the master plan addresses—

4 “(A) the feasibility of solid waste recycling
5 at the airport;

6 “(B) minimizing the generation of solid
7 waste at the airport;

8 “(C) operation and maintenance require-
9 ments;

10 “(D) the review of waste management con-
11 tracts;

12 “(E) the potential for cost savings or the
13 generation of revenue; and

14 “(F) training and education require-
15 ments.”.

16 **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**
17 **GRAM ADJUSTMENTS.**

18 (a) PURPOSE.—It is the purpose of the airport dis-
19 advantaged business enterprise program (49 U.S.C.
20 47107(e) and 47113) to ensure that minority- and women-
21 owned businesses do not face barriers because of their race
22 or gender and so that they have a fair opportunity to com-
23 pete in Federally assisted airport contracts and conces-
24 sions.

25 (b) FINDINGS.—The Congress finds the following:

1 (1) While significant progress has occurred due
2 to the enactment of the airport disadvantaged busi-
3 ness enterprise program (49 U.S.C. 47107(e) and
4 47113), discrimination continues to be a barrier for
5 minority- and women-owned businesses seeking to do
6 business in airport-related markets. This continuing
7 barrier merits the continuation of the airport dis-
8 advantaged business enterprise program.

9 (2) The Congress has received recent evidence
10 of discrimination from numerous sources, including
11 congressional hearings and roundtables, scientific re-
12 ports, reports issued by public and private agencies,
13 news stories, reports of discrimination by organiza-
14 tions and individuals, and discrimination lawsuits.
15 This evidence also shows that race- and gender-neu-
16 tral efforts alone are insufficient to address the
17 problem.

18 (3) This evidence demonstrates that discrimina-
19 tion across the nation poses a barrier to full and fair
20 participation in airport related businesses of women
21 business owners and minority business owners in the
22 racial groups detailed in parts 23 and 26 of title 49,
23 Code of Federal Regulations, and has impacted firm
24 development and many aspects of airport related
25 business in the public and private markets.

1 (4) This evidence provides a strong basis for
2 the continuation of the airport disadvantaged busi-
3 ness enterprise program and the airport concessions
4 disadvantaged business enterprise program.

5 (c) IN GENERAL.—Section 47107(e) is amended—

6 (1) by redesignating paragraph (8) as
7 paragraph (9); and

8 (2) by inserting after paragraph (7) the
9 following:

10 “(8) MANDATORY TRAINING PROGRAM FOR
11 AIRPORT CONCESSIONS.—

12 “(A) IN GENERAL.—Not later than
13 one year after the date of enactment of the
14 FAA Air Transportation Modernization
15 and Safety Improvement Act, the Sec-
16 retary shall establish a mandatory training
17 program for persons described in subpara-
18 graph (C) on the certification of whether a
19 small business concern in airport conces-
20 sions qualifies as a small business concern
21 owned and controlled by a socially and eco-
22 nomically disadvantaged individual for pur-
23 poses of paragraph (1).

24 “(B) IMPLEMENTATION.—The train-
25 ing program may be implemented by one

1 or more private entities approved by the
2 Secretary.

3 “(C) PARTICIPANTS.—A person re-
4 ferred to in paragraph (1) is an official or
5 agent of an airport owner or operator who
6 is required to provide a written assurance
7 under paragraph (1) that the airport
8 owner or operator will meet the percentage
9 goal of paragraph (1) or who is responsible
10 for determining whether or not a small
11 business concern in airport concessions
12 qualifies as a small business concern owned
13 and controlled by a socially and economi-
14 cally disadvantaged individual for purposes
15 of paragraph (1).

16 “(D) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There are authorized to be appro-
18 priated to the Secretary such sums as may
19 be necessary to carry out this paragraph.”.

20 (d) REPORT.—Not later than 24 months after the
21 date of enactment of this Act, the Secretary shall submit
22 a report to the Senate Committee on Commerce, Science,
23 and Transportation, the House of Representatives Com-
24 mittee on Transportation and Infrastructure, and other
25 appropriate committees of Congress on the results of the

1 training program conducted under section 47107(e)(8) of
2 title 49, United States Code, as added by subsection (a).

3 (e) DISADVANTAGED BUSINESS ENTERPRISE PER-
4 SONAL NET WORTH CAP; BONDING REQUIREMENTS.—
5 Section 47113 is amended by adding at the end the fol-
6 lowing:

7 “(e) PERSONAL NET WORTH CAP.—Not later than
8 180 days after the date of enactment of the FAA Air
9 Transportation Modernization and Safety Improvement
10 Act, the Secretary shall issue final regulations to adjust
11 the personal net worth cap used in determining whether
12 an individual is economically disadvantaged for purposes
13 of qualifying under the definition contained in subsection
14 (a)(2) and under section 47107(e). The regulations shall
15 correct for the impact of inflation since the Small Business
16 Administration established the personal net worth cap at
17 \$750,000 in 1989.

18 “(f) EXCLUSION OF RETIREMENT BENEFITS.—

19 “(1) IN GENERAL.—In calculating a business
20 owner’s personal net worth, any funds held in a
21 qualified retirement account owned by the business
22 owner shall be excluded, subject to regulations to be
23 issued by the Secretary.

24 “(2) REGULATIONS.—Not later than one year
25 after the date of enactment of the FAA Air Trans-

1 portation Modernization and Safety Improvement
2 Act, the Secretary shall issue final regulations to im-
3 plement paragraph (1), including consideration of
4 appropriate safeguards, such as a limit on the
5 amount of such accounts, to prevent circumvention
6 of personal net worth requirements.

7 “(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-
8 TORY BONDING REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish a program to eliminate barriers to small busi-
11 ness participation in airport-related contracts and
12 concessions by prohibiting excessive, unreasonable,
13 or discriminatory bonding requirements for any
14 project funded under this chapter or using passenger
15 facility revenues under section 40117.

16 “(2) REGULATIONS.—Not later than one year
17 after the date of enactment of the FAA Air Trans-
18 portation Modernization and Safety Improvement
19 Act, the Secretary shall issue a final rule to establish
20 the program under paragraph (1).”.

21 **SEC. 716. FRONT LINE MANAGER STAFFING.**

22 (a) STUDY.—Not later than 45 days after the date
23 of enactment of this Act, the Administrator of the Federal
24 Aviation Administration shall initiate a study on front line

1 manager staffing requirements in air traffic control facili-
2 ties.

3 (b) CONSIDERATIONS.—In conducting the study, the
4 Administrator may take into consideration—

5 (1) the number of supervisory positions of oper-
6 ation requiring watch coverage in each air traffic
7 control facility;

8 (2) coverage requirements in relation to traffic
9 demand;

10 (3) facility type;

11 (4) complexity of traffic and managerial respon-
12 sibilities;

13 (5) proficiency and training requirements; and

14 (6) such other factors as the Administrator con-
15 siders appropriate.

16 (c) DETERMINATIONS.—The Administrator shall
17 transmit any determinations made as a result of the study
18 to the Chief Operating Officer for the air traffic control
19 system.

20 (d) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Administrator shall submit
22 to the Senate Committee on Commerce, Science, and
23 Transportation and the House of Representatives Com-
24 mittee on Transportation and Infrastructure a report on
25 the results of the study and a description of any deter-

1 minations submitted to the Chief Operating Officer under
2 subsection (c).

3 **SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AM-**
4 **BULANCE SERVICES.**

5 (a) IN GENERAL.—The Comptroller General shall
6 conduct a study of the helicopter and fixed-wing air ambu-
7 lance industry. The study shall include information, anal-
8 ysis, and recommendations pertinent to ensuring a safe
9 air ambulance industry.

10 (b) REQUIRED INFORMATION.—In conducting the
11 study, the Comptroller General shall obtain detailed infor-
12 mation on the following aspects of the air ambulance in-
13 dustry:

14 (1) A review of the industry, for part 135 cer-
15 tificate holders and indirect carriers providing heli-
16 copter and fixed-wing air ambulance services, includ-
17 ing—

18 (A) a listing of the number, size, and loca-
19 tion of helicopter and fixed-wing aircraft and
20 their flight bases;

21 (B) affiliations of certificate holders and
22 indirect carriers with hospitals, governments,
23 and other entities;

24 (C) coordination of air ambulance services,
25 with each other, State and local emergency

1 medical services systems, referring entities, and
2 receiving hospitals;

3 (D) nature of services contracts, sources of
4 payment, financial relationships between certifi-
5 cate holders and indirect carriers providing air
6 ambulance services and referring entities, and
7 costs of operations; and

8 (E) a survey of business models for air
9 ambulance operations, including expenses,
10 structure, and sources of income.

11 (2) Air ambulance request and dispatch prac-
12 tices, including the various types of protocols, mod-
13 els, training, certifications, and air medical commu-
14 nications centers relating to part 135 certificate
15 holders and indirect carriers providing helicopter
16 and fixed-wing air ambulance services, including—

17 (A) the practices that emergency and med-
18 ical officials use to request an air ambulance;

19 (B) information on whether economic or
20 other nonmedical factors lead to air ambulance
21 transport when it is not medically needed, ap-
22 propriate, or safe; and

23 (C) the cause, occurrence, and extent of
24 delays in air ambulance transport.

1 (3) Economic and medical issues relating to the
2 air ambulance industry, including—

3 (A) licensing;

4 (B) certificates of need;

5 (C) public convenience and necessity re-
6 quirements;

7 (D) assignment of geographic coverage
8 areas;

9 (E) accreditation requirements;

10 (F) compliance with dispatch procedures;

11 and

12 (G) requirements for medical equipment
13 and personnel onboard the aircraft.

14 (4) Such other matters as the Comptroller Gen-
15 eral considers relevant to the purpose of the study.

16 (c) ANALYSIS AND RECOMMENDATIONS.—Based on
17 information obtained under subsection (b) and other infor-
18 mation the Comptroller General considers appropriate, the
19 report shall also include an analysis and specific rec-
20 ommendations, as appropriate, related to—

21 (1) the relationship between State regulation
22 and Federal preemption of rates, routes, and serv-
23 ices of air ambulances;

1 (2) the extent to which Federal law may impact
2 existing State regulation of air ambulances and the
3 potential effect of greater State regulation—

4 (A) in the air ambulance industry, on the
5 economic viability of air ambulance services, the
6 availability and coordination of service, and
7 costs of operations both in rural and highly
8 populated areas;

9 (B) on the quality of patient care and out-
10 comes; and

11 (C) on competition and safety; and

12 (3) whether systemic or other problems exist on
13 a statewide, regional, or national basis with the cur-
14 rent system governing air ambulances.

15 (d) REPORT.—Not later than June 1, 2010, the
16 Comptroller General shall submit a report to the Secretary
17 of Transportation, the Senate Committee on Commerce,
18 Science, and Transportation, and the House of Represent-
19 atives Committee on Transportation and Infrastructure
20 containing the Government Accountability Office’s find-
21 ings and recommendations regarding the study under this
22 section.

23 (e) ADOPTION OF RECOMMENDED POLICY
24 CHANGES.—Not later than 60 days after the date of re-
25 ceipt of the report under subsection (d), the Secretary

1 shall issue a report to the Senate Committee on Com-
 2 merce, Science, and Transportation, and the House of
 3 Representatives Committee on Transportation and Infra-
 4 structure that—

5 (1) specifies which, if any, policy changes rec-
 6 ommended by the Comptroller General and any
 7 other policy changes with respect to air ambulances
 8 the Secretary will adopt and implement; and

9 (2) includes recommendations for legislative
 10 change, if appropriate

11 (f) PART 135 CERTIFICATE HOLDER DEFINED.—In
 12 this section, the term “part 135 certificate holder” means
 13 a person holding a certificate issued under part 135 of
 14 title 14, Code of Federal Regulations.

15 **SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METRO-**
 16 **POLITAN WASHINGTON AIRPORTS AUTHOR-**
 17 **ITY.**

18 (a) IN GENERAL.—Section 49108 is repealed.

19 (b) CONFORMING REPEAL.—The table of sections for
 20 chapter 491 is amended by striking the item relating to
 21 section 49108.

22 **SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.**

23 Not later than 180 days after the date of enactment
 24 of this Act, the Administrator of the Federal Aviation Ad-
 25 ministration, in consultation with other Federal agencies,

1 shall submit a report to the Senate Committee on Com-
2 merce, Science, and Transportation, the House of Rep-
3 resentatives Committee on Science and Technology, and
4 the House of Representatives Committee on Energy and
5 Commerce that identifies—

6 (1) the current and anticipated need over the
7 next decade by civil aviation, including equipment
8 manufacturers, for aeronautical mobile telemetry
9 services; and

10 (2) the potential impact to the aerospace indus-
11 try of the introduction of a new radio service oper-
12 ating in the same spectrum allocated to the aero-
13 nautical mobile telemetry service.

14 **SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RE-**
15 **SOURCE MANAGEMENT TECHNIQUES.**

16 (a) **STUDY.**—The Administrator of the Federal Avia-
17 tion Administration shall conduct a study on aviation in-
18 dustry best practices with regard to flightcrew member
19 pairing, crew resource management techniques, and pilot
20 commuting.

21 (b) **REPORT.**—Not later than one year after the date
22 of enactment of this Act, the Administrator shall submit
23 a report to the House of Representatives Committee on
24 Transportation and Infrastructure and the Senate Com-

1 mittee on Commerce, Science, and Transportation on the
2 results of the study.

3 **SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**
4 **REDUNDANT, OR OTHERWISE UNNECESSARY**
5 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**
6 **MAT.**

7 (a) CONSOLIDATION OR ELIMINATION OF RE-
8 PORTS.—No later than 2 years after the date of enactment
9 of this Act, and every 2 years thereafter, the Adminis-
10 trator of the Federal Aviation Administration shall submit
11 a report to the Senate Committee on Commerce, Science,
12 and Transportation and the House of Representatives
13 Committee on Transportation and Infrastructure con-
14 taining—

15 (1) a list of obsolete, redundant, or otherwise
16 unnecessary reports the Administration is required
17 by law to submit to the Congress or publish that the
18 Administrator recommends eliminating or consoli-
19 dating with other reports; and

20 (2) an estimate of the cost savings that would
21 result from the elimination or consolidation of those
22 reports.

23 (b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Federal Aviation Administra-
3 tion—

4 (A) may not publish any report required or
5 authorized by law in printed format; and

6 (B) shall publish any such report by post-
7 ing it on the Administration’s website in an eas-
8 ily accessible and downloadable electronic for-
9 mat.

10 (2) EXCEPTION.—Paragraph (1) does not apply
11 to any report with respect to which the Adminis-
12 trator determines that—

13 (A) its publication in printed format is es-
14 sential to the mission of the Federal Aviation
15 Administration; or

16 (B) its publication in accordance with the
17 requirements of paragraph (1) would disclose
18 matter—

19 (i) described in section 552(b) of title
20 5, United States Code; or

21 (ii) the disclosure of which would have
22 an adverse impact on aviation safety or se-
23 curity, as determined by the Adminis-
24 trator.

1 **SEC. 722. LINE CHECK EVALUATIONS.**

2 Section 44729(h) is amended—

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

4 (2) by redesignating paragraph (3) as para-
5 graph (2).

6 **SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR**
7 **TRAFFIC CONTROL TOWER.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Administrator of the Federal Avia-
10 tion Administration shall report to the Committee on
11 Commerce, Science, and Transportation of the Senate,
12 and the Committee on Transportation and Infrastructure
13 of the House of Representatives, on the Federal Aviation
14 Administration's plan to staff the Newark Liberty Airport
15 air traffic control tower at negotiated staffing levels within
16 1 year after such date of enactment.

17 **SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
18 **IN COLD WEATHER STATES.**

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

1 **SEC. 725. AIR-RAIL CODESHARE STUDY.**

2 (a) CODESHARE STUDY.—Not later than 180 days
3 after the date of the enactment of this Act, the GAO shall
4 conduct a study of—

5 (1) the current airline and intercity passenger
6 rail codeshare arrangements;

7 (2) the feasibility and costs to taxpayers and
8 passengers of increasing intermodal connectivity of
9 airline and intercity passenger rail facilities and sys-
10 tems to improve passenger travel.

11 (b) CONSIDERATIONS.—The study shall consider—

12 (1) the potential benefits to passengers and
13 costs to taxpayers from the implementation of more
14 integrated scheduling between airlines and Amtrak
15 or other intercity passenger rail carriers achieved
16 through codesharing arrangements;

17 (2) airport operations that can improve
18 connectivity to intercity passenger rail facilities and
19 stations.

20 (c) REPORT.—Not later than 1 year after com-
21 mencing the study required by subsection (a), the Comp-
22 troller shall submit the report to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives. The report shall include any
26 conclusions of the Comptroller resulting from the study.

1 **SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE**
2 **NEW YORK/NEW JERSEY/PHILADELPHIA MET-**
3 **ROPOLITAN AREA AIRSPACE REDESIGN.**

4 Not later than 270 days after the date of the enact-
5 ment of this Act and every 180 days thereafter until the
6 completion of the New York/New Jersey/Philadelphia Met-
7 ropolitan Area Airspace Redesign, the Administrator of
8 the Federal Aviation Administration shall, in conjunction
9 with the Port Authority of New York and New Jersey and
10 the Philadelphia International Airport—

11 (1) monitor the air noise impacts of the New
12 York/New Jersey/Philadelphia Metropolitan Area
13 Airspace Redesign; and

14 (2) submit to Congress a report on the findings
15 of the Administrator with respect to the monitoring
16 described in paragraph (1).

17 **SEC. 727. STUDY ON AVIATION FUEL PRICES.**

18 (a) **IN GENERAL.**—Not later than 180 days after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall conduct a study and report to
21 Congress on the impact of increases in aviation fuel prices
22 on the Airport and Airway Trust Fund and the aviation
23 industry in general. The study shall include the impact
24 of increases in aviation fuel prices on—

25 (1) general aviation;

26 (2) commercial passenger aviation;

- 1 (3) piston aircraft purchase and use;
- 2 (4) the aviation services industry, including re-
- 3 pair and maintenance services;
- 4 (5) aviation manufacturing;
- 5 (6) aviation exports; and
- 6 (7) the use of small airport installations.

7 (b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—

8 In conducting the study required by subsection (a), the

9 Comptroller General shall use the average aviation fuel

10 price for fiscal year 2010 as a baseline and measure the

11 impact of increases in aviation fuel prices that range from

12 5 percent to 200 percent over the 2010 baseline.

13 **SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA**

14 **SUPPLEMENTAL AIRPORT.**

15 (a) DEFINITIONS.—In this section:

16 (1) COUNTY.—The term “County” means Clark

17 County, Nevada.

18 (2) PUBLIC LAND.—The term “public land”

19 means the land located at—

20 (A) sec. 23 and sec. 26, T. 26 S., R. 59

21 E., Mount Diablo Meridian;

22 (B) the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$

23 of sec. 6, T. 25 S., R. 59 E., Mount Diablo Me-

24 ridian, together with the SE $\frac{1}{4}$ of sec. 31, T.

25 24 S., R. 59 E., Mount Diablo Meridian; and

1 (C) sec. 8, T. 26 S., R. 60 E., Mount Dia-
2 blo Meridian.

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

5 (b) LAND CONVEYANCE.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date described in paragraph (2), subject to valid
8 existing rights, and notwithstanding the land use
9 planning requirements of sections 202 and 203 of
10 the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1712, 1713), the Secretary shall
12 convey to the County, without consideration, all
13 right, title, and interest of the United States in and
14 to the public land.

15 (2) DATE ON WHICH CONVEYANCE MAY BE
16 MADE.—The Secretary shall not make the convey-
17 ance described in paragraph (1) until the later of
18 the date on which the Administrator of the Federal
19 Aviation Administration has—

20 (A) approved an airport layout plan for an
21 airport to be located in the Ivanpah Valley; and

22 (B) with respect to the construction and
23 operation of an airport on the site conveyed to
24 the County pursuant to section 2(a) of the
25 Ivanpah Valley Airport Public Lands Transfer

1 Act (Public Law 106–362; 114 Stat. 1404),
2 issued a record of decision after the preparation
3 of an environmental impact statement or simi-
4 lar analysis required under the National Envi-
5 ronmental Policy Act of 1969 (42 U.S.C. 4321
6 et seq.).

7 (3) WITHDRAWAL.—Subject to valid existing
8 rights, the public land to be conveyed under para-
9 graph (1) is withdrawn from—

10 (A) location, entry, and patent under the
11 mining laws; and

12 (B) operation of the mineral leasing and
13 geothermal leasing laws.

14 (4) USE.—The public land conveyed under
15 paragraph (1) shall be used for the development of
16 flood mitigation infrastructure for the Southern Ne-
17 vada Supplemental Airport.

18 **SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUN-**
19 **TEER PILOTS OPERATING CHARITABLE MED-**
20 **ICAL FLIGHTS.**

21 In administering part 61.113(e) of title 14, Code of
22 Federal Regulations, the Administrator of the Federal
23 Aviation Administration shall allow an aircraft owner or
24 aircraft operator who has volunteered to provide transpor-
25 tation for an individual or individuals for medical purposes

1 to accept reimbursement to cover all or part of the fuel
2 costs associated with the operation from a volunteer pilot
3 organization.

4 **SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS**
5 **OXIDE, OR OTHER OXIDIZING GASES.**

6 (a) IN GENERAL.—The transportation within Alaska
7 of cylinders of compressed oxygen, nitrous oxide, or other
8 oxidizing gases aboard aircraft shall be exempt from com-
9 pliance with the requirements, under sections
10 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of
11 the Pipeline and Hazardous Material Safety Administra-
12 tion’s regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and
13 173.304(f)(3) and (f)(4)), that oxidizing gases transported
14 aboard aircraft be enclosed in outer packaging capable of
15 passing the flame penetration and resistance test and the
16 thermal resistance test, without regard to the end use of
17 the cylinders, if—

18 (1) there is no other practical means of trans-
19 portation for transporting the cylinders to their des-
20 tination and transportation by ground or vessel is
21 unavailable; and

22 (2) the transportation meets the requirements
23 of subsection (b).

24 (b) EXEMPTION REQUIREMENTS.—Subsection (a)
25 shall not apply to the transportation of cylinders of com-

1 pressed oxygen, nitrous oxide, or other oxidizing gases
2 aboard aircraft unless the following requirements are met:

3 (1) PACKAGING.—

4 (A) SMALLER CYLINDERS.—Each cylinder
5 with a capacity of not more than 116 cubic feet
6 shall be—

7 (i) fully covered with a fire or flame
8 resistant blanket that is secured in place;
9 and

10 (ii) placed in a rigid outer packaging
11 or an ATA 300 Category 1 shipping con-
12 tainer.

13 (B) LARGER CYLINDERS.—Each cylinder
14 with a capacity of more than 116 cubic feet but
15 not more than 281 cubic feet shall be—

16 (i) secured within a frame;

17 (ii) fully covered with a fire or flame
18 resistant blanket that is secured in place;
19 and

20 (iii) fitted with a securely attached
21 metal cap of sufficient strength to protect
22 the valve from damage during transpor-
23 tation.

24 (2) OPERATIONAL CONTROLS.—

1 (A) STORAGE; ACCESS TO FIRE EXTING-
2 GUISHERS.—Unless the cylinders are stored in
3 a Class C cargo compartment or its equivalent
4 on the aircraft, crew members shall have access
5 to the cylinders and at least 2 fire extinguishers
6 shall be readily available for use by the crew
7 members.

8 (B) SHIPMENT WITH OTHER HAZARDOUS
9 MATERIALS.—The cylinders may not be trans-
10 ported in the same aircraft with other haz-
11 ardous materials other than Division 2.2 mate-
12 rials with no subsidiary risk, Class 9 materials,
13 and ORM–D materials.

14 (3) AIRCRAFT REQUIREMENTS.—

15 (A) AIRCRAFT TYPE.—The transportation
16 shall be provided only aboard a passenger-car-
17 rying aircraft or a cargo aircraft.

18 (B) PASSENGER-CARRYING AIRCRAFT.—

19 (i) SMALLER CYLINDERS ONLY.—A
20 cylinder with a capacity of more than 116
21 cubic feet may not be transported aboard
22 a passenger-carrying aircraft.

23 (ii) MAXIMUM NUMBER.—Unless
24 transported in a Class C cargo compart-
25 ment or its equivalent, no more than 6 cyl-

1 inders in each cargo compartment may be
2 transported aboard a passenger-carrying
3 aircraft.

4 (C) CARGO AIRCRAFT.—A cylinder may
5 not be transported aboard a cargo aircraft un-
6 less it is transported in a Class B cargo com-
7 partment or a Class C cargo compartment or
8 its equivalent.

9 (c) DEFINITIONS.—Terms used in this section shall
10 have the meaning given those terms in parts 106, 107,
11 and 171 through 180 of the Pipeline and Hazardous Ma-
12 terial Safety Administration’s regulations (49 C.F.R.
13 parts 106, 107, and 171–180).

14 **SEC. 731. TECHNICAL CORRECTION.**

15 Section 159(b)(2)(C) of title I of division A of the
16 Consolidated Appropriations Act, 2010, is amended by
17 striking clauses (i) and (ii) and inserting the following:

18 “(i) requiring inspections of any con-
19 tainer containing a firearm or ammunition;
20 and

21 “(ii) the temporary suspension of fire-
22 arm carriage service if credible intelligence
23 information indicates a threat related to
24 the national rail system or specific routes
25 or trains.”.

1 **SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON**
2 **COMMERCIAL FLIGHTS.**

3 (a) PLAN DEVELOPMENT.—Not later than 270 days
4 after the date of the enactment of this Act, the Secretary
5 of Transportation and the Secretary of Commerce, in con-
6 sultation with interested representatives of the aviation in-
7 dustry and other relevant agencies, shall develop a plan
8 and process to allow Federal agencies to fly scientific in-
9 struments on commercial flights with airlines who volun-
10 teer, for the purpose of taking measurements to improve
11 weather forecasting.

12 **SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER**
13 **AT AN AIRCRAFT.**

14 (a) OFFENSE.—Chapter 2 of title 18, United States
15 Code, is amended by adding at the end the following:

16 **“§ 39A. Aiming a laser pointer at an aircraft**

17 “(a) Whoever knowingly aims the beam of a laser
18 pointer at an aircraft in the special aircraft jurisdiction
19 of the United States, or at the flight path of such an air-
20 craft, shall be fined under this title or imprisoned not
21 more than 5 years, or both.

22 “(b) As used in this section, the term ‘laser pointer’
23 means any device designed or used to amplify electro-
24 magnetic radiation by stimulated emission that emits a
25 beam designed to be used by the operator as a pointer

1 or highlighter to indicate, mark, or identify a specific posi-
2 tion, place, item, or object.

3 “(c) This section does not prohibit aiming a beam
4 of a laser pointer at an aircraft, or the flight path of such
5 an aircraft, by—

6 “(1) an authorized individual in the conduct of
7 research and development or flight test operations
8 conducted by an aircraft manufacturer, the Federal
9 Aviation Administration, or any other person author-
10 ized by the Federal Aviation Administration to con-
11 duct such research and development or flight test
12 operations;

13 “(2) members or elements of the Department of
14 Defense or Department of Homeland Security acting
15 in an official capacity for the purpose of research,
16 development, operations, testing or training; or

17 “(3) by an individual using a laser emergency
18 signaling device to send an emergency distress sig-
19 nal.

20 “(d) The Attorney General, in consultation with the
21 Secretary of Transportation, may provide by regulation,
22 after public notice and comment, such additional excep-
23 tions to this section, as may be necessary and appropriate.
24 The Attorney General shall provide written notification of
25 any proposed regulations under this section to the Com-

1 mittees on the Judiciary of the Senate and the House of
 2 Representatives, the Committee on Commerce, Science
 3 and Transportation of the Senate, and the Committee on
 4 Transportation and Infrastructure of the House of Rep-
 5 resentatives, not less than 90 days before such regulations
 6 become final.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of chapter 2 of title 18, United States
 9 Code, is amended by inserting after the item relating to
 10 section 39 the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

11 **SEC. 734. CRIMINAL PENALTY FOR UNAUTHORIZED RE-**
 12 **CORDING OR DISTRIBUTION OF SECURITY**
 13 **SCREENING IMAGES.**

14 (a) IN GENERAL.—Part I of title 18, United States
 15 Code, is amended by adding at the end the following:

16 **“CHAPTER 124—UNAUTHORIZED RECORD-**
 17 **ING AND DISTRIBUTION OF SECURITY**
 18 **SCREENING IMAGES**

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security
 screening images.

19 **“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RE-**
 20 **CORDING AND DISTRIBUTION OF SECURITY**
 21 **SCREENING IMAGES.**

22 “(a) IN GENERAL.—Except as specifically provided
 23 in subsection (b), it shall be unlawful for an individual—

1 “(1) to photograph or otherwise record an
2 image produced using advanced imaging technology
3 during the screening of an individual at an airport,
4 or upon entry into any building owned or operated
5 by the Federal Government, without express author-
6 ization pursuant to a Federal law or regulation; or

7 “(2) to knowingly distribute any such image to
8 any individual who is not authorized pursuant to a
9 Federal law or regulation to receive the image.

10 “(b) EXCEPTION.—The prohibition under subsection
11 (a) shall not apply to an individual who, while engaged
12 in or on account of the performance of official duties, dis-
13 tributes, photographs, or otherwise records an image de-
14 scribed in subsection (a) during the course of authorized
15 intelligence activities, a Federal, State, or local criminal
16 investigation or prosecution, or other lawful activities by
17 Federal, State, or local authorities, including training for
18 intelligence or law enforcement purposes.

19 “(c) PENALTY.—An individual who violates the pro-
20 hibition in subsection (a) shall be fined under this title,
21 imprisoned for not more than 1 year, or both.

22 “(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—
23 In this section, the term ‘advanced imaging technology’—

24 “(1) means a device that creates a visual image
25 of an individual showing the surface of the skin be-

1 neath clothing and revealing other objects on the
2 body that are covered by clothing;

3 “(2) may include devices using backscatter x-
4 rays or millimeter waves and devices referred to as
5 ‘whole-body imaging technology’ or ‘body scanning’;
6 and

7 “(3) does not include a device equipped with
8 software that produces a generic representation of
9 the human form instead of a visual image of an indi-
10 vidual.”.

11 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
12 The table of chapters for part I of title 18, United States
13 Code, is amended by inserting after the item relating to
14 chapter 123 the following:

“124. Unauthorized recording and distribution of security screening im-
ages 2731”.

15 **SEC. 735. APPROVAL OF APPLICATIONS FOR THE SECURITY**
16 **SCREENING OPT-OUT PROGRAM.**

17 Section 44920(b) of title 49, United States Code, is
18 amended to read as follows:

19 “(b) **APPROVAL OF APPLICATIONS.**—

20 “(1) **IN GENERAL.**—Not later than 30 days
21 after receiving an application submitted under sub-
22 section (a), the Under Secretary may approve the
23 application.

1 “(2) RECONSIDERATION OF REJECTED APPLI-
2 CATIONS.—Not later than 30 days after the date of
3 the enactment of the FAA Air Transportation Mod-
4 ernization and Safety Improvement Act, the Under
5 Secretary shall reconsider and approve any applica-
6 tion to have the screening of passengers and prop-
7 erty at an airport carried out by the screening per-
8 sonnel of a qualified private screening company that
9 was submitted under subsection (a) and was pending
10 on any day between January 1, 2011, and February
11 3, 2011, if Under Secretary determines that the ap-
12 plication demonstrates that having the screening of
13 passengers and property carried out by such screen-
14 ing personnel will provide security that is equal to
15 or greater than the level that would be provided by
16 Federal Government personnel.

17 “(3) REPORT.—If the Under Secretary denies
18 an application submitted under subsection (a), the
19 Under Secretary shall submit to the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate and the Committee on Transportation and Infra-
22 structure of the House of Representatives a report
23 that describes the reason for the denial of the appli-
24 cation.”.

1 **SEC. 736. CONVEYANCE OF LAND TO CITY OF MESQUITE,**
2 **NEVADA.**

3 (a) DEFINITIONS.—

4 (1) CITY.—The term “city” means the city of
5 Mesquite, Nevada.

6 (2) MAP.—The term “map” means the map en-
7 titled “Mesquite Airport Conveyance” and dated
8 February 6, 2011.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, acting through the Bu-
11 reau of Land Management.

12 (b) CONVEYANCE OF LAND TO CITY.—

13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this Act, subject to valid
15 existing rights, and notwithstanding the land use
16 planning requirements of sections 202 and 203 of
17 the Federal Land Policy and Management Act of
18 1976 (43 U.S.C. 1712, 1713), the Secretary shall
19 convey to the city, without consideration, all right,
20 title, and interest of the United States in and to the
21 land described in paragraph (2).

22 (2) DESCRIPTION OF LAND.—The land referred
23 to in paragraph (1) consists of land managed by the
24 Bureau of Land Management described on the map
25 as “Remnant Parcel”.

26 (3) MAP AND LEGAL DESCRIPTION.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date of enactment of this Act, the Sec-
3 retary shall finalize the legal description of the
4 parcel to be conveyed under this section.

5 (B) MINOR ERRORS.—The Secretary may
6 correct any minor error in—

- 7 (i) the map; or
8 (ii) the legal description.

9 (C) AVAILABILITY.—The map and legal
10 description shall be on file and available for
11 public inspection in the appropriate offices of
12 the Bureau of Land Management.

13 (4) COSTS.—The Secretary shall require the
14 city to pay all costs necessary for the preparation
15 and completion of any patents for, and transfers of
16 title to, the land described in paragraph (2).

17 (5) WITHDRAWAL.—Subject to valid existing
18 rights, until the date of the conveyance under para-
19 graph (1), the parcel of public land described in
20 paragraph (2) is withdrawn from—

21 (A) location, entry, and patent under the
22 public land mining laws; and

23 (B) operation of the mineral leasing, geo-
24 thermal leasing, and mineral materials laws.

1 (6) REVERSION.—If the land conveyed under
2 paragraph (1) ceases to be used by the city for the
3 purposes described in section 3(f) of Public Law 99–
4 548 (100 Stat. 3061), the land shall, at the discre-
5 tion of the Secretary, revert to the United States.

6 **SEC. 737. RONALD REAGAN WASHINGTON NATIONAL AIR-**
7 **PORT SLOTS.**

8 (a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—
9 Section 41718 is amended by adding at the end thereof
10 the following:

11 “(g) ADDITIONAL SLOTS.—

12 “(1) INITIAL INCREASE IN EXEMPTIONS.—
13 Within 95 days after the date of enactment of the
14 FAA Air Transportation Modernization and Safety
15 Improvement Act, the Secretary shall grant, by
16 order, 24 slot exemptions from the application of
17 sections 49104(a)(5), 49109, 49111(e), and 41714
18 of this title to air carriers to operate limited fre-
19 quencies and aircraft on routes between Ronald
20 Reagan Washington National Airport and airports
21 located beyond the perimeter described in section
22 49109 or, as provided in paragraph (2)(C), airports
23 located within that perimeter, and exemptions from
24 the requirements of subparts K and S of part 93,

1 Code of Federal Regulations, if the Secretary finds
2 that the exemptions will—

3 “(A) provide air transportation with do-
4 mestic network benefits in areas beyond the pe-
5 rimeter described in section 49109;

6 “(B) increase competition in multiple mar-
7 kets;

8 “(C) not reduce travel options for commu-
9 nities served by small hub airports and medium
10 hub airports within the perimeter described in
11 section 49109;

12 “(D) not result in meaningfully increased
13 travel delays;

14 “(E) enhance options for nonstop travel to
15 and from the beyond-perimeter airports that
16 will be served as a result of those exemptions;

17 “(F) have a positive impact on the overall
18 level of competition in the markets that will be
19 served as a result of those exemptions; and

20 “(G) produce public benefits, including the
21 likelihood that the service to airports located
22 beyond the perimeter described in section
23 49109 will result in lower fares, higher capaci-
24 ty, and a variety of service options.

1 “(2) NEW ENTRANTS AND LIMITED INCUM-
2 BENTS.—Of the exemptions made available under
3 paragraph (1), the Secretary shall make 10 available
4 to limited incumbent air carriers or new entrant air
5 carriers and 14 available to other incumbent air car-
6 riers.

7 “(3) IMPROVED NETWORK SLOTS.—If an in-
8 cumbent air carrier (other than a limited incumbent
9 air carrier) that uses a slot for service between Ron-
10 ald Reagan Washington National Airport and a
11 large hub airport located within the perimeter de-
12 scribed in section 49109 is granted an additional ex-
13 emption under this subsection, it shall, upon receiv-
14 ing the additional exemption, discontinue the use of
15 that slot for such within-perimeter service and oper-
16 ate, in place of such service, service between Ronald
17 Reagan Washington National Airport and an airport
18 located beyond the perimeter described in section
19 49109. The Secretary may not grant more than 2
20 slot exemptions under paragraph (1) to an air car-
21 rier with respect to the same airport, except in the
22 case of an airport serving a metropolitan area with
23 a population of more than 1 million persons.

24 “(4) CONDITIONS.—Beyond-perimeter flight op-
25 erations carried out by an air carrier using an ex-

1 exemption granted under this subsection shall be sub-
2 ject to the following conditions:

3 “(A) An air carrier may not operate a
4 multi-aisle or widebody aircraft in conducting
5 such operations.

6 “(B) An air carrier granted an exemption
7 under this subsection is prohibited from selling,
8 trading, leasing, or otherwise transferring the
9 rights to its beyond-perimeter exemptions, ex-
10 cept through an air carrier merger or acquisi-
11 tion.

12 “(5) OPERATIONS DEADLINE.—An air carrier
13 granted a slot exemption under this subsection shall
14 commence operations using that slot within 60 days
15 after the date on which the exemption was granted.

16 “(6) IMPACT STUDY.—Within 17 months after
17 granting the additional exemptions authorized by
18 paragraph (1) the Secretary shall complete a study
19 of the direct effects of the additional exemptions, in-
20 cluding the extent to which the additional exemp-
21 tions have—

22 “(A) caused congestion problems at the
23 airport;

1 “(B) had a negative effect on the financial
2 condition of the Metropolitan Washington Air-
3 ports Authority;

4 “(C) affected the environment in the area
5 surrounding the airport; and

6 “(D) resulted in meaningful loss of service
7 to small and medium markets within the perim-
8 eter described in section 49109.

9 “(7) ADDITIONAL EXEMPTIONS.—

10 “(A) DETERMINATION.—The Secretary
11 shall determine, on the basis of the study re-
12 quired by paragraph (6), whether—

13 “(i) the additional exemptions author-
14 ized by paragraph (1) have had a substan-
15 tial negative effect on Ronald Reagan
16 Washington National Airport, Washington
17 Dulles International Airport, or Baltimore/
18 Washington Thurgood Marshall Inter-
19 national Airport; and

20 “(ii) the granting of additional exemp-
21 tions under this paragraph may, or may
22 not, reasonably be expected to have a sub-
23 stantial negative effect on any of those air-
24 ports.

1 “(B) AUTHORITY TO GRANT ADDITIONAL
2 EXEMPTIONS.—Beginning 6 months after the
3 date on which the impact study is concluded,
4 the Secretary may grant up to 8 slot exemp-
5 tions to incumbent air carriers, in addition to
6 those granted under paragraph (1) of this sub-
7 section, if the Secretary determines that—

8 “(i) the additional exemptions author-
9 ized by paragraph (1) have not had a sub-
10 stantial negative effect on any of those air-
11 ports; and

12 “(ii) the granting of additional exemp-
13 tions under this subparagraph may not
14 reasonably be expected to have a negative
15 effect on any of those airports.

16 “(C) IMPROVED NETWORK SLOTS.—If an
17 incumbent air carrier (other than a limited in-
18 cumbent air carrier) that uses a slot for service
19 between Ronald Reagan Washington National
20 Airport and a large hub airport located within
21 the perimeter described in section 49109 is
22 granted an additional exemption under subpara-
23 graph (B), it shall, upon receiving the addi-
24 tional exemption, discontinue the use of that
25 slot for such within-perimeter service and oper-

1 ate, in place of such service, service between
2 Ronald Reagan Washington National Airport
3 and an airport located beyond the perimeter de-
4 scribed in section 49109.

5 “(D) CONDITIONS.—Beyond-perimeter
6 flight operations carried out by an air carrier
7 using an exemption granted under subpara-
8 graph (B) shall be subject to the following con-
9 ditions:

10 “(i) An air carrier may not operate a
11 multi-aisle or widebody aircraft in con-
12 ducting such operations.

13 “(ii) An air carrier granted an exemp-
14 tion under this subsection is prohibited
15 from selling, trading, leasing, or otherwise
16 transferring the rights to its beyond-perim-
17 eter exemptions, except through an air car-
18 rier merger or acquisition.

19 “(E) ADDITIONAL EXEMPTIONS NOT PER-
20 MITTED.—The Secretary may not grant exemp-
21 tions in addition to those authorized by para-
22 graph (1) if the Secretary determines that—

23 “(i) the additional exemptions author-
24 ized by paragraph (1) have had a substan-

1 tial negative effect on any of those air-
2 ports; or

3 “(ii) the granting of additional exemp-
4 tions under subparagraph (B) of this para-
5 graph may reasonably be expected to have
6 a substantial negative effect on 1 or more
7 of those airports.

8 “(h) SCHEDULING PRIORITY.—In administering this
9 section, the Secretary—

10 “(1) shall afford a scheduling priority to oper-
11 ations conducted by new entrant air carriers and
12 limited incumbent air carriers over operations con-
13 ducted by other air carriers granted additional slot
14 exemptions under subsection (g) for service to air-
15 ports located beyond the perimeter described in sec-
16 tion 49109; and

17 “(2) shall afford a scheduling priority to slots
18 currently held by limited incumbent air carriers for
19 service to airports located beyond the perimeter de-
20 scribed in section 49109, to the extent necessary to
21 protect viability of such service.”.

22 (b) HOURLY LIMITATION.—Section 41718(e)(2) is
23 amended—

24 (1) by striking “3 operations” and inserting “4
25 operations”; and

1 (2) by striking “subsections (a) and (b)” and
2 inserting “under this section”.

3 (c) LIMITED INCUMBENT DEFINITION.—Section
4 41714(h)(5) is amended—

5 (1) by inserting “not” after “shall” in subpara-
6 graph (B);

7 (2) by striking “and” after the semicolon in
8 subparagraph (B);

9 (3) by striking “Administration.” in subpara-
10 graph (C) and inserting “Administration; and”; and

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

12 “(D) for purposes of section 41718, an air
13 carrier that holds only slot exemptions”.

14 (d) REVENUES AND FEES AT THE METROPOLITAN
15 WASHINGTON AIRPORTS.—Section 49104(a) is amended
16 by striking paragraph (9) and inserting the following:

17 “(9) Notwithstanding any other provision of
18 law, revenues derived at either of the Metropolitan
19 Washington Airports, regardless of source, may be
20 used for operating and capital expenses (including
21 debt service, depreciation and amortization) at the
22 other airport.”.

23 **SEC. 738. ORPHAN EARMARKS ACT.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “Orphan Earmarks Act”.

1 (b) UNUSED EARMARKS.—

2 (1) DEFINITION.—In this subsection, the term
3 “earmark” means the following:

4 (A) A congressionally directed spending
5 item, as defined in Rule XLIV of the Standing
6 Rules of the Senate.

7 (B) A congressional earmark, as defined
8 for purposes of Rule XXI of the Rules of the
9 House of Representatives.

10 (2) RESCISSION.—Any earmark of funds pro-
11 vided for any Federal agency with more than 90 per-
12 cent of the appropriated amount remaining available
13 for obligation at the end of the 9th fiscal year fol-
14 lowing the fiscal year in which the earmark was
15 made available is rescinded effective at the end of
16 that 9th fiscal year, except that the agency head
17 may delay any such rescission if the agency head de-
18 termines that an additional obligation of the ear-
19 mark is likely to occur during the following 12-
20 month period.

21 (3) IDENTIFICATION AND REPORT.—

22 (A) AGENCY IDENTIFICATION.—Each Fed-
23 eral agency shall identify and report every
24 project that is an earmark with an unobligated

1 balance at the end of each fiscal year to the Di-
2 rector of OMB.

3 (B) ANNUAL REPORT.—The Director of
4 OMB shall submit to Congress and publically
5 post on the website of OMB an annual report
6 that includes—

7 (i) a listing and accounting for ear-
8 marks with unobligated balances summa-
9 rized by agency including the amount of
10 the original earmark, amount of the unob-
11 ligated balance, and the year when the
12 funding expires, if applicable;

13 (ii) the number of rescissions resulting
14 from this section and the annual savings
15 resulting from this section for the previous
16 fiscal year; and

17 (iii) a listing and accounting for ear-
18 marks provided for Federal agencies sched-
19 uled to be rescinded at the end of the cur-
20 rent fiscal year.

21 **SEC. 739. PRIVACY PROTECTIONS FOR AIRCRAFT PAS-**
22 **SENGER SCREENING WITH ADVANCED IMAG-**
23 **ING TECHNOLOGY.**

24 (a) IN GENERAL.—Section 44901 is amended by
25 adding at the end the following:

1 “(1) LIMITATIONS ON USE OF ADVANCED IMAGING
2 TECHNOLOGY FOR SCREENING PASSENGERS.—

3 “(1) IN GENERAL.—The Assistant Secretary of
4 Homeland Security (Transportation Security Admin-
5 istration) shall ensure that advanced imaging tech-
6 nology is used for the screening of passengers under
7 this section only in accordance with this subsection.

8 “(2) IMPLEMENTATION OF AUTOMATED TAR-
9 GET RECOGNITION SOFTWARE.—Beginning January
10 1, 2012, all advanced imaging technology used as a
11 primary screening method for passengers shall be
12 equipped with automatic target recognition software.

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

14 “(A) ADVANCED IMAGING TECHNOLOGY.—
15 The term ‘advanced imaging technology’—

16 “(i) means a device that creates a vis-
17 ual image of an individual showing the sur-
18 face of the skin beneath clothing and re-
19 vealing other objects on the body that are
20 covered by the clothing; and

21 “(ii) includes devices using
22 backscatter x-rays or millimeter waves and
23 devices referred to as ‘whole-body imaging
24 technology’ or ‘body scanning’.

1 “(B) AUTOMATIC TARGET RECOGNITION
2 SOFTWARE.—The term ‘automatic target rec-
3 ognition software’ means software installed on
4 an advanced imaging technology machine that
5 produces a generic image of the individual being
6 screened that is the same as the images pro-
7 duced for all other screened individuals.

8 “(C) PRIMARY SCREENING.—The term
9 ‘primary screening’ means the initial examina-
10 tion of any passenger at an airport checkpoint,
11 including using available screening technologies
12 to detect weapons, explosives, narcotics, or
13 other indications of unlawful action, in order to
14 determine whether to clear the passenger to
15 board an aircraft or to further examine the pas-
16 senger.”.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than March 1,
19 2012, the Assistant Secretary of Homeland Security
20 (Transportation Security Administration) shall sub-
21 mit to the appropriate congressional committees a
22 report on the implementation of section 44901(l) of
23 title 49, United States Code, as added by subsection
24 (a).

1 (2) ELEMENTS.—The report required by para-
2 graph (1) shall include the following:

3 (A) A description of all matters the Assist-
4 ant Secretary considers relevant to the imple-
5 mentation of such section.

6 (B) The status of the compliance of the
7 Transportation Security Administration with
8 the provisions of such section.

9 (C) If the Administration is not in full
10 compliance with such provisions—

11 (i) the reasons for such non-compli-
12 ance; and

13 (ii) a timeline depicting when the As-
14 sistant Secretary expects the Administra-
15 tion to achieve full compliance.

16 (3) SECURITY CLASSIFICATION.—The report re-
17 quired by paragraph (1) shall be submitted, to the
18 greatest extent practicable, in an unclassified for-
19 mat, with a classified annex, if necessary.

20 (4) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES DEFINED.—In this subsection, the term “ap-
22 propriate congressional committees” means—

23 (A) the Committee on Commerce, Science,
24 and Transportation and Committee on Home-

1 land Security and Governmental Affairs of the
2 Senate; and

3 (B) the Committee on Homeland Security
4 of the House of Representatives.

5 **SEC. 740. CONTROLLING HELICOPTER NOISE POLLUTION**
6 **IN RESIDENTIAL AREAS.**

7 Section 44715 is amended by adding at the end the
8 following:

9 “(g) CONTROLLING HELICOPTER NOISE POLLUTION
10 IN RESIDENTIAL AREAS.—

11 “(1) IN GENERAL.—Notwithstanding section
12 47502, not later than the date that is 1 year and
13 90 days after the date of the enactment of the FAA
14 Air Transportation Modernization and Safety Im-
15 provement Act, the Administrator of the Federal
16 Aviation Administration shall prescribe—

17 “(A) standards to measure helicopter
18 noise; and

19 “(B) regulations to control helicopter noise
20 pollution in residential areas.

21 “(2) RULEMAKING WITH RESPECT TO REDUC-
22 ING HELICOPTER NOISE POLLUTION IN NASSAU AND
23 SUFFOLK COUNTIES IN NEW YORK STATE.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of the enactment of the FAA Air

1 Transportation Modernization and Safety Im-
2 provement Act, and before finalizing the regula-
3 tions required by paragraph (1), the Adminis-
4 trator shall prescribe regulations with respect to
5 helicopters operating in the counties of Nassau
6 and Suffolk in the State of New York that in-
7 clude—

8 “(i) requirements with respect to the
9 flight paths and altitudes of helicopters fly-
10 ing over those counties to reduce helicopter
11 noise pollution; and

12 “(ii) penalties for failing to comply
13 with the requirements described in clause
14 (i).

15 “(B) APPLICABILITY OF CERTAIN RULE-
16 MAKING PROCEDURES.—The requirements of
17 Executive Order 12866 (58 Fed. Reg. 51735;
18 relating to regulatory planning and review) (or
19 any successor thereto) shall not apply to regula-
20 tions prescribed under subparagraph (A).

21 “(3) EXCEPTIONS FOR EMERGENCY, LAW EN-
22 FORCEMENT, AND MILITARY HELICOPTERS.—In pre-
23 scribing standards and regulations under paragraphs
24 (1) and (2), the Administrator may provide for ex-
25 ceptions to any requirements with respect to reduc-

1 ing helicopter noise pollution in residential areas for
 2 helicopter activity related to emergency, law enforce-
 3 ment, or military activities.”.

4 **TITLE VIII—AIRPORT AND AIR-**
 5 **WAY TRUST FUND PROVI-**
 6 **SIONS AND RELATED TAXES**

7 **SEC. 800. AMENDMENT OF 1986 CODE.**

8 Except as otherwise expressly provided, whenever in
 9 this title an amendment or repeal is expressed in terms
 10 of an amendment to, or repeal of, a section or other provi-
 11 sion, the reference shall be considered to be made to a
 12 section or other provision of the Internal Revenue Code
 13 of 1986.

14 **SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND**
 15 **AIRWAY TRUST FUND.**

16 (a) **FUEL TAXES.**—Subparagraph (B) of section
 17 4081(d)(2) is amended by striking “March 31, 2011” and
 18 inserting “September 30, 2013”.

19 (b) **TICKET TAXES.**—

20 (1) **PERSONS.**—Clause (ii) of section
 21 4261(j)(1)(A) is amended by striking “March 31,
 22 2011” and inserting “September 30, 2013”.

23 (2) **PROPERTY.**—Clause (ii) of section
 24 4271(d)(1)(A) is amended by striking “March 31,
 25 2011” and inserting “September 30, 2013”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on April 1, 2011.

3 **SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST**
4 **FUND EXPENDITURE AUTHORITY.**

5 (a) IN GENERAL.—Paragraph (1) of section 9502(d)
6 is amended—

7 (1) by striking “April 1, 2011” in the matter
8 preceding subparagraph (A) and inserting “October
9 1, 2013”, and

10 (2) by striking the semicolon at the end of sub-
11 paragraph (A) and inserting “or the FAA Air
12 Transportation Modernization and Safety Improve-
13 ment Act;”.

14 (b) CONFORMING AMENDMENT.—Paragraph (2) of
15 section 9502(e) is amended by striking “April 1, 2011”
16 and inserting “October 1, 2013”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on April 1, 2011.

19 **SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE**
20 **USED IN AVIATION.**

21 (a) RATE OF TAX ON AVIATION-GRADE KER-
22 OSENE.—

23 (1) IN GENERAL.—Subparagraph (A) of section
24 4081(a)(2) is amended by striking “and” at the end
25 of clause (ii), by striking the period at the end of

1 clause (iii) and inserting “, and”, and by adding at
2 the end the following new clause:

3 “(iv) in the case of aviation-grade ker-
4 osene, 35.9 cents per gallon.”.

5 (2) FUEL REMOVED DIRECTLY INTO FUEL
6 TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIA-
7 TION.—Subparagraph (C) of section 4081(a)(2) is
8 amended to read as follows:

9 “(C) TAXES IMPOSED ON FUEL USED IN
10 COMMERCIAL AVIATION.—In the case of avia-
11 tion-grade kerosene which is removed from any
12 refinery or terminal directly into the fuel tank
13 of an aircraft for use in commercial aviation by
14 a person registered for such use under section
15 4101, the rate of tax under subparagraph
16 (A)(iv) shall be 4.3 cents per gallon.”.

17 (3) EXEMPTION FOR AVIATION-GRADE KER-
18 OSENE REMOVED INTO AN AIRCRAFT.—Subsection
19 (e) of section 4082 is amended—

20 (A) by striking “kerosene” and inserting
21 “aviation-grade kerosene”,

22 (B) by striking “section
23 4081(a)(2)(A)(iii)” and inserting “section
24 4081(a)(2)(A)(iv)”, and

1 (C) by striking “KEROSENE” in the head-
2 ing and inserting “AVIATION-GRADE KER-
3 OSENE”.

4 (4) CONFORMING AMENDMENTS.—

5 (A) Clause (iii) of section 4081(a)(2)(A) is
6 amended by inserting “other than aviation-
7 grade kerosene” after “kerosene”.

8 (B) The following provisions are each
9 amended by striking “kerosene” and inserting
10 “aviation-grade kerosene”:

11 (i) Section 4081(a)(3)(A)(ii).

12 (ii) Section 4081(a)(3)(A)(iv).

13 (iii) Section 4081(a)(3)(D).

14 (C) Subparagraph (D) of section
15 4081(a)(3) is amended—

16 (i) by striking “paragraph (2)(C)(i)”
17 in clause (i) and inserting “paragraph
18 (2)(C)”, and

19 (ii) by striking “paragraph (2)(C)(ii)”
20 in clause (ii) and inserting “paragraph
21 (2)(A)(iv)”.

22 (D) Paragraph (4) of section 4081(a) is
23 amended—

1 (i) by striking “KEROSENE” in the
2 heading and inserting “AVIATION-GRADE
3 KEROSENE”, and

4 (ii) by striking “paragraph (2)(C)(i)”
5 and inserting “paragraph (2)(C)”.

6 (E) Paragraph (2) of section 4081(d) is
7 amended by striking “(a)(2)(C)(ii)” and insert-
8 ing “(a)(2)(A)(iv)”.

9 (b) RETAIL TAX ON AVIATION FUEL.—

10 (1) EXEMPTION FOR PREVIOUSLY TAXED
11 FUEL.—Paragraph (2) of section 4041(c) is amend-
12 ed by inserting “at the rate specified in subsection
13 (a)(2)(A)(iv) thereof” after “section 4081”.

14 (2) RATE OF TAX.—Paragraph (3) of section
15 4041(c) is amended to read as follows:

16 “(3) RATE OF TAX.—The rate of tax imposed
17 by this subsection shall be the rate of tax in effect
18 under section 4081(a)(2)(A)(iv) (4.3 cents per gallon
19 with respect to any sale or use for commercial avia-
20 tion).”.

21 (c) REFUNDS RELATING TO AVIATION-GRADE KER-
22 OSENE.—

23 (1) AVIATION-GRADE KEROSENE USED IN COM-
24 Mercial AVIATION.—Clause (ii) of section
25 6427(l)(4)(A) is amended by striking “specified in

1 section 4041(c) or 4081(a)(2)(A)(iii), as the case
2 may be,” and inserting “so imposed”.

3 (2) KEROSENE USED IN AVIATION.—Paragraph
4 (4) of section 6427(l) is amended by striking sub-
5 paragraphs (B) and (C) and inserting the following
6 new subparagraph:

7 “(B) PAYMENTS TO ULTIMATE, REG-
8 ISTERED VENDOR.—With respect to any ker-
9 osene used in aviation (other than kerosene to
10 which paragraph (6) applies), if the ultimate
11 purchaser of such kerosene waives (at such time
12 and in such form and manner as the Secretary
13 shall prescribe) the right to payment under
14 paragraph (1) and assigns such right to the ul-
15 timate vendor, then the Secretary shall pay
16 (without interest) the amount which would be
17 paid under paragraph (1) to such ultimate ven-
18 dor, but only if such ultimate vendor—

19 “(i) is registered under section 4101,
20 and

21 “(ii) meets the requirements of sub-
22 paragraph (A), (B), or (D) of section
23 6416(a)(1).”.

24 (3) AVIATION-GRADE KEROSENE NOT USED IN
25 AVIATION.—Subsection (l) of section 6427 is amend-

1 ed by redesignating paragraph (5) as paragraph (6)
2 and by inserting after paragraph (4) the following
3 new paragraph:

4 “(5) REFUNDS FOR AVIATION-GRADE KER-
5 OSENE NOT USED IN AVIATION.—If tax has been im-
6 posed under section 4081 at the rate specified in
7 section 4081(a)(2)(A)(iv) and the fuel is used other
8 than in an aircraft, the Secretary shall pay (without
9 interest) to the ultimate purchaser of such fuel an
10 amount equal to the amount of tax imposed on such
11 fuel reduced by the amount of tax that would be im-
12 posed under section 4041 if no tax under section
13 4081 had been imposed.”.

14 (4) CONFORMING AMENDMENTS.—

15 (A) Subparagraph (B) of section
16 4082(d)(2) is amended by striking
17 “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

18 (B) Paragraph (4) of section 6427(i) is
19 amended—

20 (i) by striking “(4)(C) or (5)” and in-
21 serting “(4)(B) or (6)”, and

22 (ii) by striking “, (l)(4)(C)(ii), and
23 (l)(5)” and inserting “and (l)(6)”.

24 (C) Subsection (l) of section 6427 is
25 amended by striking “DIESEL FUEL AND KER-

1 OSENE” in the heading and inserting “DIESEL
2 FUEL, KEROSENE, AND AVIATION FUEL”.

3 (D) Paragraph (1) of section 6427(l) is
4 amended by striking “paragraph (4)(C)(i)” and
5 inserting “paragraph (4)(B)”.

6 (E) Paragraph (4) of section 6427(l) is
7 amended—

8 (i) by striking “KEROSENE USED IN
9 AVIATION” in the heading and inserting
10 “AVIATION-GRADE KEROSENE USED IN
11 COMMERCIAL AVIATION”, and

12 (ii) in subparagraph (A)—

13 (I) by striking “kerosene” and
14 inserting “aviation-grade kerosene”,

15 (II) by striking “KEROSENE
16 USED IN COMMERCIAL AVIATION” in
17 the heading and inserting “IN GEN-
18 ERAL”.

19 (d) TRANSFERS TO THE AIRPORT AND AIRWAY
20 TRUST FUND.—

21 (1) IN GENERAL.—Subparagraph (C) of section
22 9502(b)(1) is amended to read as follows:

23 “(C) section 4081 with respect to aviation
24 gasoline and aviation-grade kerosene, and”.

1 (2) TRANSFERS ON ACCOUNT OF CERTAIN RE-
2 FUNDS.—

3 (A) IN GENERAL.—Subsection (d) of sec-
4 tion 9502 is amended—

5 (i) by striking “(other than subsection
6 (l)(4) thereof)” in paragraph (2), and

7 (ii) by striking “(other than payments
8 made by reason of paragraph (4) of section
9 6427(l))” in paragraph (3).

10 (B) CONFORMING AMENDMENTS.—

11 (i) Paragraph (4) of section 9503(b)
12 is amended by striking “or” at the end of
13 subparagraph (C), by striking the period
14 at the end of subparagraph (D) and insert-
15 ing a comma, and by inserting after sub-
16 paragraph (D) the following new subpara-
17 graphs:

18 “(E) section 4081 to the extent attrib-
19 utable to the rate specified in clause (ii) or (iv)
20 of section 4081(a)(2)(A), or

21 “(F) section 4041(c).”.

22 (ii) Subsection (c) of section 9503 is
23 amended by striking paragraph (5).

24 (iii) Subsection (a) of section 9502 is
25 amended—

1 (I) by striking “appropriated,
2 credited, or paid into” and inserting
3 “appropriated or credited to”, and

4 (II) by striking “, section
5 9503(e)(5),”.

6 (e) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to fuels removed, entered, or sold
8 after March 31, 2011.

9 (f) FLOOR STOCKS TAX.—

10 (1) IMPOSITION OF TAX.—In the case of avia-
11 tion-grade kerosene fuel which is held on April 1,
12 2011, by any person, there is hereby imposed a floor
13 stocks tax on aviation-grade kerosene equal to—

14 (A) the tax which would have been imposed
15 before such date on such kerosene had the
16 amendments made by this section been in effect
17 at all times before such date, reduced by

18 (B) the tax imposed before such date on
19 such kerosene under section 4081 of the Inter-
20 nal Revenue Code of 1986, as in effect on such
21 date.

22 (2) LIABILITY FOR TAX AND METHOD OF PAY-
23 MENT.—

1 (A) LIABILITY FOR TAX.—A person hold-
2 ing aviation-grade kerosene on April 1, 2011,
3 shall be liable for such tax.

4 (B) TIME AND METHOD OF PAYMENT.—
5 The tax imposed by paragraph (1) shall be paid
6 at such time and in such manner as the Sec-
7 retary of the Treasury shall prescribe.

8 (3) TRANSFER OF FLOOR STOCK TAX REVE-
9 NUES TO TRUST FUNDS.—For purposes of deter-
10 mining the amount transferred to the Airport and
11 Airway Trust Fund, the tax imposed by this sub-
12 section shall be treated as imposed by section
13 4081(a)(2)(A)(iv) of the Internal Revenue Code of
14 1986.

15 (4) DEFINITIONS.—For purposes of this sub-
16 section—

17 (A) AVIATION-GRADE KEROSENE.—The
18 term “aviation-grade kerosene” means aviation-
19 grade kerosene as such term is used within the
20 meaning of section 4081 of the Internal Rev-
21 enue Code of 1986.

22 (B) HELD BY A PERSON.—Aviation-grade
23 kerosene shall be considered as held by a person
24 if title thereto has passed to such person

1 (whether or not delivery to the person has been
2 made).

3 (C) SECRETARY.—The term “Secretary”
4 means the Secretary of the Treasury or the
5 Secretary’s delegate.

6 (5) EXCEPTION FOR EXEMPT USES.—The tax
7 imposed by paragraph (1) shall not apply to any
8 aviation-grade kerosene held by any person exclu-
9 sively for any use to the extent a credit or refund
10 of the tax is allowable under the Internal Revenue
11 Code of 1986 for such use.

12 (6) EXCEPTION FOR CERTAIN AMOUNTS OF
13 AVIATION-GRADE KEROSENE.—

14 (A) IN GENERAL.—No tax shall be im-
15 posed by paragraph (1) on any aviation-grade
16 kerosene held on April 1, 2011, by any person
17 if the aggregate amount of such aviation-grade
18 kerosene held by such person on such date does
19 not exceed 2,000 gallons. The preceding sen-
20 tence shall apply only if such person submits to
21 the Secretary (at the time and in the manner
22 required by the Secretary) such information as
23 the Secretary shall require for purposes of this
24 subparagraph.

1 (B) EXEMPT AVIATION-GRADE KER-
2 OSENE.—For purposes of subparagraph (A),
3 there shall not be taken into account any avia-
4 tion-grade kerosene held by any person which is
5 exempt from the tax imposed by paragraph (1)
6 by reason of paragraph (5).

7 (C) CONTROLLED GROUPS.—For purposes
8 of this subsection—

9 (i) CORPORATIONS.—

10 (I) IN GENERAL.—All persons
11 treated as a controlled group shall be
12 treated as 1 person.

13 (II) CONTROLLED GROUP.—The
14 term “controlled group” has the
15 meaning given to such term by sub-
16 section (a) of section 1563 of the In-
17 ternal Revenue Code of 1986; except
18 that for such purposes the phrase
19 “more than 50 percent” shall be sub-
20 stituted for the phrase “at least 80
21 percent” each place it appears in such
22 subsection.

23 (ii) NONINCORPORATED PERSONS
24 UNDER COMMON CONTROL.—Under regula-
25 tions prescribed by the Secretary, prin-

1 principles similar to the principles of subpara-
2 graph (A) shall apply to a group of per-
3 sons under common control if 1 or more of
4 such persons is not a corporation.

5 (7) OTHER LAWS APPLICABLE.—All provisions
6 of law, including penalties, applicable with respect to
7 the taxes imposed by section 4081 of the Internal
8 Revenue Code of 1986 on the aviation-grade ker-
9 osene involved shall, insofar as applicable and not
10 inconsistent with the provisions of this subsection,
11 apply with respect to the floor stock taxes imposed
12 by paragraph (1) to the same extent as if such taxes
13 were imposed by such section.

14 **SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION**
15 **ACCOUNT.**

16 (a) IN GENERAL.—Section 9502 is amended by add-
17 ing at the end the following new subsection:

18 “(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL
19 SYSTEM MODERNIZATION ACCOUNT.—

20 “(1) CREATION OF ACCOUNT.—There is estab-
21 lished in the Airport and Airway Trust Fund a sepa-
22 rate account to be known as the ‘Air Traffic Control
23 System Modernization Account’ consisting of such
24 amounts as may be transferred or credited to the

1 Air Traffic Control System Modernization Account
2 as provided in this subsection or section 9602(b).

3 “(2) TRANSFERS TO AIR TRAFFIC CONTROL
4 SYSTEM MODERNIZATION ACCOUNT.—On October 1,
5 2011, and annually thereafter the Secretary shall
6 transfer \$400,000,000 to the Air Traffic Control
7 System Modernization Account from amounts appro-
8 priated to the Airport and Airway Trust Fund under
9 subsection (b) which are attributable to taxes on
10 aviation-grade kerosene.

11 “(3) EXPENDITURES FROM ACCOUNT.—
12 Amounts in the Air Traffic Control System Mod-
13 ernization Account shall be available subject to ap-
14 propriation for expenditures relating to the mod-
15 ernization of the air traffic control system (including
16 facility and equipment account expenditures).”.

17 (b) CONFORMING AMENDMENT.—Paragraph (1) of
18 section 9502(d) is amended by striking “Amounts” and
19 inserting “Except as provided in subsection (f), amounts”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of the enactment
22 of this Act.

23 **SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**
24 **SHIP PROGRAMS.**

25 (a) FUEL SURTAX.—

1 (1) IN GENERAL.—Subchapter B of chapter 31
2 is amended by adding at the end the following new
3 section:

4 **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**
5 **A FRACTIONAL OWNERSHIP PROGRAM.**

6 “(a) IN GENERAL.—There is hereby imposed a tax
7 on any liquid used during any calendar quarter by any
8 person as a fuel in an aircraft which is—

9 “(1) registered in the United States, and

10 “(2) part of a fractional ownership aircraft pro-
11 gram.

12 “(b) AMOUNT OF TAX.—The rate of tax imposed by
13 subsection (a) is 14.1 cents per gallon.

14 “(c) FRACTIONAL OWNERSHIP AIRCRAFT PRO-
15 GRAM.—For purposes of this section—

16 “(1) IN GENERAL.—The term ‘fractional owner-
17 ship aircraft program’ means a program under
18 which—

19 “(A) a single fractional ownership program
20 manager provides fractional ownership program
21 management services on behalf of the fractional
22 owners,

23 “(B) 2 or more airworthy aircraft are part
24 of the program,

1 “(C) there are 1 or more fractional owners
2 per program aircraft, with at least 1 program
3 aircraft having more than 1 owner,

4 “(D) each fractional owner possesses at
5 least a minimum fractional ownership interest
6 in 1 or more program aircraft,

7 “(E) there exists a dry-lease aircraft ex-
8 change arrangement among all of the fractional
9 owners, and

10 “(F) there are multi-year program agree-
11 ments covering the fractional ownership, frac-
12 tional ownership program management services,
13 and dry-lease aircraft exchange aspects of the
14 program.

15 “(2) MINIMUM FRACTIONAL OWNERSHIP INTER-
16 EST.—

17 “(A) IN GENERAL.—The term ‘minimum
18 fractional ownership interest’ means, with re-
19 spect to each type of aircraft—

20 “(i) a fractional ownership interest
21 equal to or greater than $\frac{1}{16}$ of at least 1
22 subsonic, fixed wing or powered lift pro-
23 gram aircraft, or

1 “(ii) a fractional ownership interest
2 equal to or greater than $\frac{1}{32}$ of a least 1
3 rotorcraft program aircraft.

4 “(B) FRACTIONAL OWNERSHIP INTER-
5 EST.—The term ‘fractional ownership interest’
6 means—

7 “(i) the ownership of an interest in a
8 program aircraft,

9 “(ii) the holding of a multi-year lease-
10 hold interest in a program aircraft, or

11 “(iii) the holding of a multi-year
12 leasehold interest which is convertible into
13 an ownership interest in a program air-
14 craft.

15 “(3) DRY-LEASE AIRCRAFT EXCHANGE.—The
16 term ‘dry-lease aircraft exchange’ means an agree-
17 ment, documented by the written program agree-
18 ments, under which the program aircraft are avail-
19 able, on an as needed basis without crew, to each
20 fractional owner.

21 “(d) TERMINATION.—This section shall not apply to
22 liquids used as a fuel in an aircraft after September 30,
23 2013.”.

24 (2) CONFORMING AMENDMENT.—Subsection (e)
25 of section 4082 is amended by inserting “(other

1 than an aircraft described in section 4043(a))” after
2 “an aircraft”.

3 (3) TRANSFER OF REVENUES TO AIRPORT AND
4 AIRWAY TRUST FUND.—Subsection (1) of section
5 9502(b) is amended by redesignating subparagraphs
6 (B) and (C) as subparagraphs (C) and (D), respec-
7 tively, and by inserting after subparagraph (A) the
8 following new subparagraph:

9 “(B) section 4043 (relating to surtax on
10 fuel used in aircraft part of a fractional owner-
11 ship program),”.

12 (4) CLERICAL AMENDMENT.—The table of sec-
13 tions for subchapter B of chapter 31 is amended by
14 adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-
gram.”.

15 (b) FRACTIONAL OWNERSHIP PROGRAMS TREATED
16 AS NON-COMMERCIAL AVIATION.—Subsection (b) of sec-
17 tion 4083 is amended by adding at the end the following
18 new sentence: “For uses of aircraft before October 1,
19 2013, such term shall not include the use of any aircraft
20 which is part of a fractional ownership aircraft program
21 (as defined by section 4043(c)).”.

22 (c) EXEMPTION FROM TAX ON TRANSPORTATION OF
23 PERSONS.—Section 4261, as amended by this Act, is
24 amended by redesignating subsection (j) as subsection (k)

1 and by inserting after subsection (i) the following new sub-
2 section:

3 “(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL
4 OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be im-
5 posed by this section or section 4271 on any air transpor-
6 tation provided before October 1, 2013, by an aircraft
7 which is part of a fractional ownership aircraft program
8 (as defined by section 4043(c)).”.

9 (d) EFFECTIVE DATES.—

10 (1) SUBSECTION (a).—The amendments made
11 by subsection (a) shall apply to fuel used after
12 March 31, 2011.

13 (2) SUBSECTION (b).—The amendment made by
14 subsection (b) shall apply to uses of aircraft after
15 March 31, 2011.

16 (3) SUBSECTION (c).—The amendments made
17 by subsection (c) shall apply to taxable transpor-
18 tation provided after March 31, 2011.

19 **SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET**
20 **AIRCRAFT ON NONESTABLISHED LINES.**

21 (a) IN GENERAL.—the first sentence of section 4281
22 is amended by inserting “or when such aircraft is a tur-
23 bine engine powered aircraft” after “an established line”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable transportation provided
3 after March 31, 2011.

4 **SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLO-**
5 **SURES.**

6 (a) IN GENERAL.—Section 7275 (relating to penalty
7 for offenses relating to certain airline tickets and adver-
8 tising) is amended—

9 (1) by redesignating subsection (c) as sub-
10 section (d),

11 (2) by striking “subsection (a) or (b)” in sub-
12 section (d), as so redesignated, and inserting “sub-
13 section (a), (b), or (c)”, and

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c) NON-TAX CHARGES.—

17 “(1) IN GENERAL.—In the case of transpor-
18 tation by air for which disclosure on the ticket or
19 advertising for such transportation of the amounts
20 paid for passenger taxes is required by subsection
21 (a)(2) or (b)(1)(B), if such amounts are separately
22 disclosed, it shall be unlawful for the disclosure of
23 such amounts to include any amounts not attrib-
24 utable to such taxes.

1 “(2) INCLUSION IN TRANSPORTATION COST.—

2 Nothing in this subsection shall prohibit the inclu-
3 sion of amounts not attributable to the taxes im-
4 posed by subsection (a), (b), or (c) of section 4261
5 in the disclosure of the amount paid for transpor-
6 tation as required by subsection (a)(1) or (b)(1)(A),
7 or in a separate disclosure of amounts not attrib-
8 utable to such taxes.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable transportation provided
11 after March 31, 2011.

12 **SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING**
13 **EMERGENCY MEDICAL AIRCRAFT.**

14 (a) IN GENERAL.—Subsection (e) of section 147 is
15 amended by adding at the end the following new sentence:
16 “The preceding sentence shall not apply to any fixed-wing
17 aircraft equipped for, and exclusively dedicated to pro-
18 viding, acute care emergency medical services (within the
19 meaning of 4261(g)(2)).”

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to obligations issued after the date
22 of the enactment of this Act.

1 **SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST**
2 **FUND SOLVENCY.**

3 (a) IN GENERAL.—Paragraph (1) of section 9502(d)
4 is amended by adding at the end the following new sen-
5 tence: “Unless otherwise provided by this section, for pur-
6 poses of this paragraph for fiscal year 2012 or 2013, the
7 amount available for making expenditures for such fiscal
8 year shall not exceed 90 percent of the receipts of the Air-
9 port and Airway Trust Fund plus interest credited to such
10 Trust Fund for such fiscal year as estimated by the Sec-
11 retary of the Treasury.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply to fiscal years beginning after Sep-
14 tember 30, 2011.

15 **SEC. 810. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE**
16 **CARRIER BANKRUPTCY.**

17 (a) GENERAL RULES.—

18 (1) ROLLOVER OF AIRLINE PAYMENT
19 AMOUNT.—If a qualified airline employee receives
20 any airline payment amount and transfers any por-
21 tion of such amount to a traditional IRA within 180
22 days of receipt of such amount (or, if later, within
23 180 days of the date of the enactment of this Act),
24 then such amount (to the extent so transferred)
25 shall be treated as a rollover contribution described
26 in section 402(c) of the Internal Revenue Code of

1 1986. A qualified airline employee making such a
2 transfer may exclude from gross income the amount
3 transferred, in the taxable year in which the airline
4 payment amount was paid to the qualified airline
5 employee by the commercial passenger airline car-
6 rier.

7 (2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO
8 AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER
9 TO ROTH IRA.—A qualified airline employee who has
10 contributed an airline payment amount to a Roth
11 IRA that is treated as a qualified rollover contribu-
12 tion pursuant to section 125 of the Worker, Retiree,
13 and Employer Recovery Act of 2008, may transfer
14 to a traditional IRA, in a trustee-to-trustee transfer,
15 all or any part of the contribution (together with any
16 net income allocable to such contribution), and the
17 transfer to the traditional IRA will be deemed to
18 have been made at the time of the rollover to the
19 Roth IRA, if such transfer is made within 180 days
20 of the date of the enactment of this Act. A qualified
21 airline employee making such a transfer may exclude
22 from gross income the airline payment amount pre-
23 viously rolled over to the Roth IRA, to the extent an
24 amount attributable to the previous rollover was
25 transferred to a traditional IRA, in the taxable year

1 in which the airline payment amount was paid to the
2 qualified airline employee by the commercial pas-
3 senger airline carrier. No amount so transferred to
4 a traditional IRA may be treated as a qualified roll-
5 over contribution with respect to a Roth IRA within
6 the 5-taxable year period beginning with the taxable
7 year in which such transfer was made.

8 (3) EXTENSION OF TIME TO FILE CLAIM FOR
9 REFUND.—A qualified airline employee who excludes
10 an amount from gross income in a prior taxable year
11 under paragraph (1) or (2) may reflect such exclu-
12 sion in a claim for refund filed within the period of
13 limitation under section 6511(a) (or, if later, April
14 15, 2012).

15 (b) TREATMENT OF AIRLINE PAYMENT AMOUNTS
16 AND TRANSFERS FOR EMPLOYMENT TAXES.—For pur-
17 poses of chapter 21 of the Internal Revenue Code of 1986
18 and section 209 of the Social Security Act, an airline pay-
19 ment amount shall not fail to be treated as a payment
20 of wages by the commercial passenger airline carrier to
21 the qualified airline employee in the taxable year of pay-
22 ment because such amount is excluded from the qualified
23 airline employee's gross income under subsection (a).

24 (c) DEFINITIONS AND SPECIAL RULES.—For pur-
25 poses of this section—

1 (1) AIRLINE PAYMENT AMOUNT.—

2 (A) IN GENERAL.—The term “airline pay-
3 ment amount” means any payment of any
4 money or other property which is payable by a
5 commercial passenger airline carrier to a quali-
6 fied airline employee—

7 (i) under the approval of an order of
8 a Federal bankruptcy court in a case filed
9 after September 11, 2001, and before Jan-
10 uary 1, 2007, and

11 (ii) in respect of the qualified airline
12 employee’s interest in a bankruptcy claim
13 against the carrier, any note of the carrier
14 (or amount paid in lieu of a note being
15 issued), or any other fixed obligation of the
16 carrier to pay a lump sum amount.

17 The amount of such payment shall be deter-
18 mined without regard to any requirement to de-
19 duct and withhold tax from such payment
20 under sections 3102(a) and 3402(a).

21 (B) EXCEPTION.—An airline payment
22 amount shall not include any amount payable
23 on the basis of the carrier’s future earnings or
24 profits.

1 (2) QUALIFIED AIRLINE EMPLOYEE.—The term
2 “qualified airline employee” means an employee or
3 former employee of a commercial passenger airline
4 carrier who was a participant in a defined benefit
5 plan maintained by the carrier which—

6 (A) is a plan described in section 401(a) of
7 the Internal Revenue Code of 1986 which in-
8 cludes a trust exempt from tax under section
9 501(a) of such Code, and

10 (B) was terminated or became subject to
11 the restrictions contained in paragraphs (2) and
12 (3) of section 402(b) of the Pension Protection
13 Act of 2006.

14 (3) TRADITIONAL IRA.—The term “traditional
15 IRA” means an individual retirement plan (as de-
16 fined in section 7701(a)(37) of the Internal Revenue
17 Code of 1986) which is not a Roth IRA.

18 (4) ROTH IRA.—The term “Roth IRA” has the
19 meaning given such term by section 408A(b) of such
20 Code.

21 (d) SURVIVING SPOUSE.—If a qualified airline em-
22 ployee died after receiving an airline payment amount, or
23 if an airline payment amount was paid to the surviving
24 spouse of a qualified airline employee in respect of the
25 qualified airline employee, the surviving spouse of the

1 qualified airline employee may take all actions permitted
2 under section 125 of the Worker, Retiree and Employer
3 Recovery Act of 2008, or under this section, to the same
4 extent that the qualified airline employee could have done
5 had the qualified airline employee survived.

6 (e) EFFECTIVE DATE.—This section shall apply to
7 transfers made after the date of the enactment of this Act
8 with respect to airline payment amounts paid before, on,
9 or after such date.

10 **SEC. 811. APPLICATION OF LEVY TO PAYMENTS TO FED-**
11 **ERAL VENDORS RELATING TO PROPERTY.**

12 (a) IN GENERAL.—Section 6331(h)(3) of the Inter-
13 nal Revenue Code of 1986 is amended by striking “goods
14 or services” and inserting “property, goods, or services”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall apply to levies issued after the date of
17 the enactment of this Act.

18 **SEC. 812. MODIFICATION OF CONTROL DEFINITION FOR**
19 **PURPOSES OF SECTION 249.**

20 (a) IN GENERAL.—Section 249(a) of the Internal
21 Revenue Code of 1986 is amended by striking “, or a cor-
22 poration in control of, or controlled by,” and inserting “,
23 or a corporation in the same parent-subsiary controlled
24 group (within the meaning of section 1563(a)(1) as”.

1 (b) CONFORMING AMENDMENT.—Section 249(b) of
2 the Internal Revenue Code of 1986 is amended—

3 (1) by striking “subsection (a)—” and all that
4 follows through “The adjusted issue price” and in-
5 serting “subsection (a), the adjusted issue price”,
6 and

7 (2) by striking paragraph (2).

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to repurchases after the date of
10 the enactment of this Act.

11 **TITLE IX—BUDGETARY EFFECTS**

12 **SEC. 901. BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go-Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the Senate Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.

1 **TITLE X—RESCISSION OF UN-**
2 **USED TRANSPORTATION EAR-**
3 **MARKS AND GENERAL RE-**
4 **PORTING REQUIREMENT**

5 **SEC. 1001. DEFINITION.**

6 In this title, the term “earmark” means the following:

7 (1) A congressionally directed spending item, as
8 defined in Rule XLIV of the Standing Rules of the
9 Senate.

10 (2) A congressional earmark, as defined for
11 purposes of Rule XXI of the Rules of the House of
12 Representatives.

13 **SEC. 1002. RESCISSION.**

14 Any earmark of funds provided for the Department
15 of Transportation with more than 90 percent of the appro-
16 priated amount remaining available for obligation at the
17 end of the 9th fiscal year following the fiscal year in which
18 the earmark was made available is rescinded effective at
19 the end of that 9th fiscal year, except that the Secretary
20 of Transportation may delay any such rescission if the
21 Secretary determines that an additional obligation of the
22 earmark is likely to occur during the following 12-month
23 period.

1 **SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.**

2 (a) AGENCY IDENTIFICATION.—Each Federal agency
3 shall identify and report every project that is an earmark
4 with an unobligated balance at the end of each fiscal year
5 to the Director of OMB.

6 (b) ANNUAL REPORT.—The Director of OMB shall
7 submit to Congress and publically post on the website of
8 OMB an annual report that includes—

9 (1) a listing and accounting for earmarks with
10 unobligated balances summarized by agency includ-
11 ing the amount of the original earmark, amount of
12 the unobligated balance, and the year when the
13 funding expires, if applicable;

14 (2) the number of rescissions resulting from
15 this title and the annual savings resulting from this
16 title for the previous fiscal year; and

17 (3) a listing and accounting for earmarks pro-
18 vided for the Department of Transportation sched-
19 uled to be rescinded at the end of the current fiscal
20 year.

1 **TITLE XI—REPEAL OF EXPAN-**
2 **SION OF INFORMATION RE-**
3 **PORTING REQUIREMENTS**

4 **SEC. 1101. REPEAL OF EXPANSION OF INFORMATION RE-**
5 **PORTING REQUIREMENTS.**

6 (a) IN GENERAL.—Section 9006 of the Patient Pro-
7 tection and Affordable Care Act, and the amendments
8 made thereby, are hereby repealed; and the Internal Rev-
9 enue Code of 1986 shall be applied as if such section, and
10 amendments, had never been enacted.

11 (b) RESCISSION OF UNSPENT FEDERAL FUNDS TO
12 OFFSET LOSS IN REVENUES.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, of all available unobligated funds,
15 \$44,000,000,000 in appropriated discretionary funds
16 are hereby rescinded.

17 (2) IMPLEMENTATION.—The Director of the
18 Office of Management and Budget shall determine
19 and identify from which appropriation accounts the
20 rescission under paragraph (1) shall apply and the
21 amount of such rescission that shall apply to each
22 such account. Not later than 60 days after the date
23 of the enactment of this Act, the Director of the Of-
24 fice of Management and Budget shall submit a re-
25 port to the Secretary of the Treasury and Congress

1 of the accounts and amounts determined and identi-
 2 fied for rescission under the preceding sentence.

3 (3) EXCEPTION.—This subsection shall not
 4 apply to the unobligated funds of the Department of
 5 Defense, the Department of Veterans Affairs, or the
 6 Social Security Administration.

7 **TITLE XII—EMERGENCY MED-**
 8 **ICAL SERVICE PROVIDERS**
 9 **PROTECTION AND LIABILITY**
 10 **PROTECTION FOR CERTAIN**
 11 **VOLUNTEER PILOTS**

12 **SUBTITLE A—EMERGENCY MEDICAL SERVICE**
 13 **PROVIDERS PROTECTION**

14 **SEC. 1201. DALE LONG EMERGENCY MEDICAL SERVICE**
 15 **PROVIDERS PROTECTION ACT.**

16 (a) SHORT TITLE.—This subtitle may be cited as the
 17 “Dale Long Emergency Medical Service Providers Protec-
 18 tion Act”.

19 (b) ELIGIBILITY.—Section 1204 of title I of the Om-
 20 nibus Crime Control and Safe Streets Act of 1968 (42
 21 U.S.C. 3796b) is amended—

22 (1) in paragraph (7), by striking “public em-
 23 ployee member of a rescue squad or ambulance
 24 crew;” and inserting “employee or volunteer member

1 of a rescue squad or ambulance crew (including a
2 ground or air ambulance service) that—

3 “(A) is a public agency; or

4 “(B) is (or is a part of) a nonprofit entity
5 serving the public that—

6 “(i) is officially authorized or licensed
7 to engage in rescue activity or to provide
8 emergency medical services; and

9 “(ii) is officially designated as a pre-
10 hospital emergency medical response agen-
11 cy;”; and

12 (2) in paragraph (9)—

13 (A) in subparagraph (A), by striking “as a
14 chaplain” and all that follows through the semi-
15 colon, and inserting “or as a chaplain;”;

16 (B) in subparagraph (B)(ii), by striking
17 “or” after the semicolon;

18 (C) in subparagraph (C)(ii), by striking
19 the period and inserting “; or”; and

20 (D) by adding at the end the following:

21 “(D) a member of a rescue squad or am-
22 bulance crew who, as authorized or licensed by
23 law and by the applicable agency or entity (and
24 as designated by such agency or entity), is en-

1 gaging in rescue activity or in the provision of
2 emergency medical services.”.

3 (c) OFFSET.—Of the unobligated balances available
4 under the Department of Justice Assets Forfeiture Fund,
5 \$13,000,000 are permanently cancelled.

6 (d) EFFECTIVE DATE.—The amendments made by
7 subsection (b) shall apply only to injuries sustained on or
8 after June 1, 2009.

9 SUBTITLE B—LIABILITY PROTECTION

10 **SEC. 1211. SHORT TITLE.**

11 This subtitle may be cited as the “Volunteer Pilot
12 Protection Act of 2011”.

13 **SEC. 1212. FINDINGS AND PURPOSE.**

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

15 (1) Many volunteer pilots fly for public benefit
16 and provide valuable services to communities and in-
17 dividuals.

18 (2) In calendar year 2006, volunteer pilots pro-
19 vided long-distance, no-cost transportation for more
20 than 58,000 people during times of special need.

21 (b) PURPOSE.—The purpose of this title is to pro-
22 mote the activities of volunteer pilots that fly for public
23 benefit and to sustain the availability of the services that
24 such volunteers provide, including the following:

1 (1) Transportation at no cost to financially
2 needy medical patients for medical treatment, eval-
3 uation, and diagnosis.

4 (2) Flights for humanitarian and charitable
5 purposes.

6 (3) Other flights of compassion.

7 **SEC. 1213. LIABILITY PROTECTION FOR VOLUNTEER PI-**
8 **LOTS THAT FLY FOR PUBLIC BENEFIT.**

9 Section 4 of the Volunteer Protection Act of 1997
10 (42 U.S.C. 14503) is amended in subsection (a)(4)—

11 (1) by redesignating subparagraphs (A) and
12 (B) as clauses (i) and (ii), respectively;

13 (2) by striking “the harm” and inserting “(A)
14 except in the case of subparagraph (B), the harm”;

15 (3) in subparagraph (A)(ii), as redesignated by
16 this paragraph, by striking the period at the end and
17 inserting “; and”; and

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

19 “(B) the volunteer—

20 “(i) was operating an aircraft to promote
21 the activities of volunteer pilots that fly for
22 public benefit and to sustain the availability of
23 the services that such volunteers provide, in-
24 cluding transportation at no cost to financially
25 needy medical patients for medical treatment,

1 evaluation, and diagnosis, and for humanitarian
2 and charitable purposes; and
3 “(ii) was properly licensed and insured for
4 the operation of such aircraft.”.

Passed the Senate February 17, 2011.

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

S. 223

AN ACT

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.