

110TH CONGRESS  
1ST SESSION

# H. R. 2881

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## AN ACT

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “FAA Reauthorization Act of 2007”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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

Subtitle A—Funding of FAA Programs

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. FAA operations.
- Sec. 104. Research, engineering, and development.
- Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

- Sec. 111. PFC authority.
- Sec. 112. PFC eligibility for bicycle storage.
- Sec. 113. Noise compatibility projects.
- Sec. 114. Intermodal ground access project pilot program.
- Sec. 115. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

- Sec. 121. Update on overflights.
- Sec. 122. Registration fees.

Subtitle D—AIP Modifications

- Sec. 131. Amendments to AIP definitions.
- Sec. 132. Amendments to grant assurances.
- Sec. 133. Government share of project costs.
- Sec. 134. Amendments to allowable costs.
- Sec. 135. Uniform certification training for airport concessions under disadvantaged business enterprise program.
- Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.
- Sec. 137. Calculation of State apportionment fund.
- Sec. 138. Reducing apportionments.
- Sec. 139. Minimum amount for discretionary fund.
- Sec. 140. Marshall Islands, Micronesia, and Palau.
- Sec. 141. Use of apportioned amounts.
- Sec. 142. Sale of private airport to public sponsor.
- Sec. 143. Airport privatization pilot program.
- Sec. 144. Airport security program.
- Sec. 145. Sunset of pilot program for purchase of airport development rights.

- Sec. 146. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 147. Repeal of limitations on Metropolitan Washington Airports Authority.
- Sec. 148. Midway Island Airport.
- Sec. 149. Puerto Rico minimum guarantee.
- Sec. 150. Miscellaneous amendments.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM  
AND AIR TRAFFIC CONTROL MODERNIZATION

- Sec. 201. Mission statement; sense of Congress.
- Sec. 202. Next generation air transportation system joint planning and development office.
- Sec. 203. Next Generation Air Transportation Senior Policy Committee.
- Sec. 204. Automatic dependent surveillance-broadcast services.
- Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.
- Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.
- Sec. 208. DOT inspector general review of operational and approach procedures by a third party.
- Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.
- Sec. 210. NEXTGEN technology testbed.
- Sec. 211. Clarification of authority to enter into reimbursable agreements.
- Sec. 212. Definition of air navigation facility.
- Sec. 213. Improved management of property inventory.
- Sec. 214. Clarification to acquisition reform authority.
- Sec. 215. Assistance to foreign aviation authorities.
- Sec. 216. Front line manager staffing.
- Sec. 217. Flight service stations.
- Sec. 218. NextGen Research and Development Center of Excellence.
- Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

- Sec. 301. Age standards for pilots.
- Sec. 302. Judicial review of denial of airman certificates.
- Sec. 303. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 304. Inspection of foreign repair stations.
- Sec. 305. Runway safety.
- Sec. 306. Improved pilot licenses.
- Sec. 307. Aircraft fuel tank safety improvement.
- Sec. 308. Flight crew fatigue.
- Sec. 309. Occupational safety and health standards for flight attendants on board aircraft.
- Sec. 310. Aircraft surveillance in mountainous areas.
- Sec. 311. Off-airport, low-altitude aircraft weather observation technology.
- Sec. 312. Noncertificated maintenance providers.
- Sec. 313. Aircraft rescue and firefighting standards.

Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Commercial unmanned aircraft systems integration plan.
- Sec. 322. Special rules for certain unmanned aircraft systems.
- Sec. 323. Public unmanned aircraft systems.
- Sec. 324. Definitions.

#### TITLE IV—AIR SERVICE IMPROVEMENTS

- Sec. 401. Monthly air carrier reports.
- Sec. 402. Flight operations at Reagan National Airport.
- Sec. 403. EAS contract guidelines.
- Sec. 404. Essential air service reform.
- Sec. 405. Small community air service.
- Sec. 406. Air passenger service improvements.
- Sec. 407. Contents of competition plans.
- Sec. 408. Extension of competitive access reports.
- Sec. 409. Contract tower program.
- Sec. 410. Airfares for members of the Armed Forces.
- Sec. 411. Medical oxygen and portable respiratory assistive devices.
- Sec. 412. Repeal of essential air service local participation program.
- Sec. 413. GAO study of essential air service subsidy cap.
- Sec. 414. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 415. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.
- Sec. 416. Office of Rural Aviation.
- Sec. 417. Adjustments to compensation for significantly increased costs.
- Sec. 418. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 419. European Union rules for passenger rights.
- Sec. 420. Establishment of advisory committee for aviation consumer protection.
- Sec. 421. Denied boarding compensation.
- Sec. 422. Schedule reduction.
- Sec. 423. Expansion of dot airline consumer complaint investigations.

#### TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. CLEEN research, development, and implementation partnership.
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 507. Environmental mitigation pilot program.
- Sec. 508. Aircraft departure queue management pilot program.
- Sec. 509. High performance and sustainable air traffic control facilities.
- Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.
- Sec. 511. Continuation of air quality sampling.
- Sec. 512. Sense of Congress.
- Sec. 513. Airport noise compatibility planning study, Port Authority of New York and New Jersey.

#### TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. MSPB remedial authority for FAA employees.
- Sec. 603. FAA technical training and staffing.
- Sec. 604. Designee program.
- Sec. 605. Staffing model for aviation safety inspectors.
- Sec. 606. Safety critical staffing.
- Sec. 607. FAA air traffic controller staffing.
- Sec. 608. Assessment of training programs for air traffic controllers.
- Sec. 609. Collegiate training initiative study.
- Sec. 610. FAA Task Force on Air Traffic Control Facility Conditions.

#### TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.
- Sec. 703. Clarification of reinsurance authority.
- Sec. 704. Use of independent claims adjusters.
- Sec. 705. Extension of program authority.

#### TITLE VIII—MISCELLANEOUS

- Sec. 801. Air carrier citizenship.
- Sec. 802. Disclosure of data to Federal agencies in interest of national security.
- Sec. 803. FAA access to criminal history records and database systems.
- Sec. 804. Clarification of air carrier fee disputes.
- Sec. 805. Study on national plan of integrated airport systems.
- Sec. 806. Express carrier employee protection.
- Sec. 807. Consolidation and realignment of FAA facilities.
- Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.
- Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
- Sec. 810. Lost Nation Airport, Ohio.
- Sec. 811. Pollock Municipal Airport, Louisiana.
- Sec. 812. Human intervention and motivation study program.
- Sec. 813. Washington, D.C., Air Defense Identification Zone.
- Sec. 814. Merrill Field Airport, Anchorage, Alaska.
- Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.
- Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 817. Labor integration.
- Sec. 818. Pilot program for redevelopment of airport properties.
- Sec. 819. Helicopter operations over Long Island, New York.
- Sec. 820. Cabin temperature standards study.
- Sec. 821. Civil penalties technical amendments.
- Sec. 822. Realignment of terminal radar approach control at Palm Beach International Airport.
- Sec. 823. Study and report on alleviating congestion.
- Sec. 824. Airline personnel training enhancement.
- Sec. 825. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.

#### TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. Short title.
- Sec. 902. Definitions.
- Sec. 903. Interagency research initiative on the impact of aviation on the climate.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Centers of excellence.
- Sec. 907. Airport cooperative research program.
- Sec. 908. Unmanned aircraft systems.
- Sec. 909. Research grants program involving undergraduate students.
- Sec. 910. Research program on space weather and aviation.
- Sec. 911. Aviation gas research and development program.
- Sec. 912. Research reviews and assessments.
- Sec. 913. Review of FAA's aviation safety-related research programs.
- Sec. 914. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 915. Center for excellence in aviation employment.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

- Sec. 1001. Short title.
- Sec. 1002. Extension and modification of taxes funding airport and airway trust fund.

**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 apply only to fiscal  
 11 years beginning after September 30, 2007.

1           **TITLE I—AUTHORIZATIONS**  
2           **Subtitle A—Funding of FAA**  
3           **Programs**

4   **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**  
5                   **NOISE COMPATIBILITY PLANNING AND PRO-**  
6                   **GRAMS.**

7           (a) AUTHORIZATION.—Section 48103 is amended—

8                   (1) by striking “September 30, 2003” and in-  
9                   serting “September 30, 2007”; and

10                   (2) by striking paragraphs (1) through (4) and  
11                   inserting the following:

12                           “(1) \$3,800,000,000 for fiscal year 2008;

13                           “(2) \$3,900,000,000 fiscal year 2009;

14                           “(3) \$4,000,000,000 fiscal year 2010; and

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

16           (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)  
17 is amended by striking “September 30, 2007” and insert-  
18 ing “September 30, 2011”.

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

20           (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 48101(a) is amended by striking paragraphs (1) through  
22 (4) and inserting the following:

23                           “(1) \$3,120,000,000 for fiscal year 2008.

24                           “(2) \$3,246,000,000 for fiscal year 2009.

25                           “(3) \$3,259,000,000 for fiscal year 2010.

1           “(4) \$3,353,000,000 for fiscal year 2011.”.

2           (b) USE OF FUNDS.—Section 48101 is amended by  
3 striking subsections (c) through (i) and inserting the fol-  
4 lowing:

5           “(c) WAKE VORTEX MITIGATION.—Of amounts ap-  
6 propriated under subsection (a), such sums as may be nec-  
7 essary for each of fiscal years 2008 through 2011 may  
8 be used for the development and analysis of wake vortex  
9 mitigation, including advisory systems.

10          “(d) WEATHER HAZARDS.—

11           “(1) IN GENERAL.—Of amounts appropriated  
12 under subsection (a), such sums as may be nec-  
13 essary for each of fiscal years 2008 through 2011  
14 may be used for the development of in-flight and  
15 ground-based weather threat mitigation systems, in-  
16 cluding ground de-icing and anti-icing systems and  
17 other systems for predicting, detecting, and miti-  
18 gating the effects of certain weather conditions on  
19 both airframes and engines.

20           “(2) SPECIFIC HAZARDS.—Weather conditions  
21 referred to in paragraph (1) include—

22           “(A) ground-based icing threats such as  
23 ice pellets and freezing drizzle;

24           “(B) oceanic weather, including convective  
25 weather, and other hazards associated with oce-



1           anic operations (where commercial traffic is  
2           high and only rudimentary satellite sensing is  
3           available) to reduce the hazards presented to  
4           commercial aviation, including convective  
5           weather ice crystal ingestion threats; and

6                   “(C) en route turbulence prediction.

7           “(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts  
8           appropriated under subsection (a) and section 106(k)(1),  
9           such sums as may be necessary for each of fiscal years  
10          2008 through 2011 may be used to advance the develop-  
11          ment and implementation of safety management systems.

12          “(f) RUNWAY INCURSION REDUCTION PROGRAMS.—  
13          Of amounts appropriated under subsection (a),  
14          \$8,000,000 for fiscal year 2008, \$10,000,000 for fiscal  
15          year 2009, \$12,000,000 for fiscal year 2010, and  
16          \$12,000,000 for fiscal year 2011 may be used for the de-  
17          velopment and implementation of runway incursion reduc-  
18          tion programs.

19          “(g) RUNWAY STATUS LIGHTS.—Of amounts appro-  
20          priated under subsection (a), \$15,000,000 for fiscal year  
21          2008, \$27,000,000 for fiscal year 2009, \$12,000,000 for  
22          fiscal year 2010, and \$20,000,000 for 2011 may be used  
23          for the acquisition and installation of runway status lights.

1       “(h) ADDITIONAL PROGRAMS IN FISCAL YEAR  
2 2008.—Of amounts appropriated under subsection (a),  
3 \$19,500,000 for fiscal year 2008 may be used for—

4           “(1) system capacity, planning, and improve-  
5 ment;

6           “(2) operations concept validation;

7           “(3) NAS weather requirements;

8           “(4) Airspace Management Lab;

9           “(5) Local Area Augmentation System (LAAS);

10       and

11           “(6) wind profiling and weather research, Ju-  
12 neau.

13       “(i) ADDITIONAL PROGRAMS IN FISCAL YEARS  
14 2009–2011.—Of amounts appropriated under subsection  
15 (a), \$14,500,000 for each of fiscal years 2009, 2010, and  
16 2011 may be used for—

17           “(1) system capacity, planning, and improve-  
18 ment;

19           “(2) operations concept validation;

20           “(3) NAS weather requirements; and

21           “(4) Airspace Management Lab.”.

22 **SEC. 103. FAA OPERATIONS.**

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

1 “(A) \$8,726,000,000 for fiscal year 2008;

2 “(B) \$8,978,000,000 for fiscal year 2009;

3 “(C) \$9,305,000,000 for fiscal year 2010;

4 and

5 “(D) \$9,590,000,000 for fiscal year

6 2011.”.

7 (b) AUTHORIZED EXPENDITURES.—Section  
8 106(k)(2) is amended—

9 (1) by striking subparagraphs (A), (B), (C),  
10 (D), and (F);

11 (2) by redesignating subparagraphs (E) and  
12 (G) as subparagraphs (A) and (B), respectively; and

13 (3) in subparagraphs (A) and (B) (as so redesi-  
14 gnated) by striking “2004 through 2007” and in-  
15 serting “2008 through 2011”.

16 (c) AIRLINE DATA AND ANALYSIS.—There is author-  
17 ized to be appropriated to the Secretary of Transportation  
18 out of the Airport and Airway Trust Fund established by  
19 section 9502 of the Internal Revenue Code of 1986 (26  
20 U.S.C. 9502) to fund airline data collection and analysis  
21 by the Bureau of Transportation Statistics in the Re-  
22 search and Innovative Technology Administration of the  
23 Department of Transportation—

24 (1) \$4,000,000 for fiscal year 2008; and

1           (2) \$6,000,000 for each of fiscal years 2009,  
2           2010, and 2011.

3 **SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

4           Section 48102(a) is amended—

5           (1) in paragraph (11)(L) by striking “and”;

6           (2) in paragraph (12)(L) by striking the period  
7           at the end and inserting a semicolon; and

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

9           “(13) for fiscal year 2008, \$335,191,000, in-  
10          cluding—

11           “(A) \$7,350,000 for fire research and safe-  
12          ty;

13           “(B) \$4,086,000 for propulsion and fuel  
14          systems;

15           “(C) \$2,713,000 for advanced materials  
16          and structural safety;

17           “(D) \$3,574,000 for atmospheric hazards  
18          and digital system safety;

19           “(E) \$14,931,000 for aging aircraft;

20           “(F) \$2,202,000 for aircraft catastrophic  
21          failure prevention research;

22           “(G) \$14,651,000 for flightdeck mainte-  
23          nance, system integration, and human factors;

24           “(H) \$9,517,000 for aviation safety risk  
25          analysis;

- 1           “(I) \$15,254,000 for air traffic control,  
2           technical operations, and human factors;
- 3           “(J) \$6,780,000 for aeromedical research;
- 4           “(K) \$19,888,000 for weather programs;
- 5           “(L) \$6,310,000 for unmanned aircraft  
6           systems research;
- 7           “(M) \$18,100,000 for the Next Generation  
8           Air Transportation System Joint Planning and  
9           Development Office;
- 10          “(N) \$10,755,000 for wake turbulence;
- 11          “(O) \$20,469,000 for environment and en-  
12          ergy;
- 13          “(P) \$1,184,000 for system planning and  
14          resource management;
- 15          “(Q) \$3,415,000 for the William J.  
16          Hughes Technical Center Laboratory Facility;
- 17          “(R) \$74,200,000 for the Center for Ad-  
18          vanced Aviation System Development;
- 19          “(S) \$2,000,000 for the Airport Coopera-  
20          tive Research Program—capacity;
- 21          “(T) \$5,000,000 for the Airport Coopera-  
22          tive Research Program—environment;
- 23          “(U) \$5,000,000 for the Airport Coopera-  
24          tive Research Program—safety;

1           “(V) \$3,600,000 for GPS civil require-  
2           ments;

3           “(W) \$15,000,000 for Safe Flight 21,  
4           Alaska Capstone;

5           “(X) \$8,907,000 for airports technology  
6           research—capacity;

7           “(Y) \$9,805,000 for airports technology  
8           research—safety;

9           “(14) for fiscal year 2009, \$481,554,000, in-  
10          cluding—

11           “(A) \$8,457,000 for fire research and safe-  
12           ty;

13           “(B) \$4,050,000 for propulsion and fuel  
14           systems;

15           “(C) \$2,686,000 for advanced materials  
16           and structural safety;

17           “(D) \$3,568,000 for atmospheric hazards  
18           and digital system safety;

19           “(E) \$14,683,000 for aging aircraft;

20           “(F) \$2,158,000 for aircraft catastrophic  
21           failure prevention research;

22           “(G) \$37,499,000 for flightdeck mainte-  
23           nance, system integration, and human factors;

24           “(H) \$8,349,000 for aviation safety risk  
25           analysis;

1           “(I) \$15,323,000 for air traffic control,  
2           technical operations, and human factors;

3           “(J) \$6,932,000 for aeromedical research;

4           “(K) \$22,336,000 for weather program;

5           “(L) \$6,738,000 for unmanned aircraft  
6           systems research;

7           “(M) \$18,100,000 for the Next Generation  
8           Air Transportation System Joint Planning and  
9           Development Office;

10          “(N) \$10,560,000 for wake turbulence;

11          “(O) \$35,039,000 for environment and en-  
12          ergy;

13          “(P) \$1,847,000 for system planning and  
14          resource management;

15          “(Q) \$3,548,000 for the William J.  
16          Hughes Technical Center Laboratory Facility;

17          “(R) \$85,000,000 for Center for Advanced  
18          Aviation System Development;

19          “(S) \$5,000,000 for the Airport Coopera-  
20          tive Research Program—capacity;

21          “(T) \$5,000,000 for the Airport Coopera-  
22          tive Research Program—environment;

23          “(U) \$5,000,000 for the Airport Coopera-  
24          tive Research Program—safety;

1           “(V) \$3,469,000 for GPS civil require-  
2           ments;

3           “(W) \$20,000,000 for Safe Flight 21,  
4           Alaska Capstone;

5           “(X) \$8,907,000 for airports technology  
6           research—capacity;

7           “(Y) \$9,805,000 for airports technology  
8           research—safety;

9           “(15) for fiscal year 2010, \$486,502,000, in-  
10          cluding—

11           “(A) \$8,546,000 for fire research and safe-  
12           ty;

13           “(B) \$4,075,000 for propulsion and fuel  
14           systems;

15           “(C) \$2,700,000 for advanced materials  
16           and structural safety;

17           “(D) \$3,608,000 for atmospheric hazards  
18           and digital system safety;

19           “(E) \$14,688,000 for aging aircraft;

20           “(F) \$2,153,000 for aircraft catastrophic  
21           failure prevention research;

22           “(G) \$36,967,000 for flightdeck mainte-  
23           nance, system integration, and human factors;

24           “(H) \$8,334,000 for aviation safety risk  
25           analysis;



1           “(I) \$15,471,000 for air traffic control,  
2           technical operations, and human factors;

3           “(J) \$7,149,000 for aeromedical research;

4           “(K) \$23,286,000 for weather program;

5           “(L) \$6,236,000 for unmanned aircraft  
6           systems research;

7           “(M) \$18,100,000 for the Next Generation  
8           Air Transportation System Joint Planning and  
9           Development Office;

10          “(N) \$10,412,000 for wake turbulence;

11          “(O) \$34,678,000 for environment and en-  
12          ergy;

13          “(P) \$1,827,000 for system planning and  
14          resource management;

15          “(Q) \$3,644,000 for William J. Hughes  
16          Technical Center Laboratory Facility;

17          “(R) \$90,000,000 for the Center for Ad-  
18          vanced Aviation System Development;

19          “(S) \$5,000,000 for the Airport Coopera-  
20          tive Research Program—capacity;

21          “(T) \$5,000,000 for the Airport Coopera-  
22          tive Research Program—environment;

23          “(U) \$5,000,000 for the Airport Coopera-  
24          tive Research Program—safety;

1           “(V) \$3,416,000 for GPS civil require-  
2           ments;

3           “(W) \$20,000,000 for Safe Flight 21,  
4           Alaska Capstone;

5           “(X) \$8,907,000 for airports technology  
6           research—capacity;

7           “(Y) \$9,805,000 for airports technology  
8           research—safety; and

9           “(16) for fiscal year 2011, \$514,832,000, in-  
10          cluding—

11           “(A) \$8,815,000 for fire research and safe-  
12           ty;

13           “(B) \$4,150,000 for propulsion and fuel  
14           systems;

15           “(C) \$2,747,000 for advanced materials  
16           and structural safety;

17           “(D) \$3,687,000 for atmospheric hazards  
18           and digital system safety;

19           “(E) \$14,903,000 for aging aircraft;

20           “(F) \$2,181,000 for aircraft catastrophic  
21           failure prevention research;

22           “(G) \$39,245,000 for flightdeck mainte-  
23           nance, system integration and human factors;

24           “(H) \$8,446,000 for aviation safety risk  
25           analysis;

1           “(I) \$15,715,000 for air traffic control,  
2           technical operations, and human factors;

3           “(J) \$7,390,000 for aeromedical research;

4           “(K) \$23,638,000 for weather program;

5           “(L) \$6,295,000 for unmanned aircraft  
6           systems research;

7           “(M) \$18,100,000 for the Next Generation  
8           Air Transportation System Joint Planning and  
9           Development Office;

10          “(N) \$10,471,000 for wake turbulence;

11          “(O) \$34,811,000 for environment and en-  
12          ergy;

13          “(P) \$1,836,000 for system planning and  
14          resource management;

15          “(Q) \$3,758,000 for William J. Hughes  
16          Technical Center Laboratory Facility;

17          “(R) \$114,000,000 for Center for Ad-  
18          vanced Aviation System Development;

19          “(S) \$5,000,000 for the Airport Coopera-  
20          tive Research Program—capacity;

21          “(T) \$5,000,000 for the Airport Coopera-  
22          tive Research Program—environment;

23          “(U) \$5,000,000 for the Airport Coopera-  
24          tive Research Program—safety;

1           “(V) \$3,432,000 for GPS civil require-  
2           ments;

3           “(W) \$20,000,000 for Safe Flight 21,  
4           Alaska Capstone;

5           “(X) \$8,907,000 for airports technology  
6           research—capacity;

7           “(Y) \$9,805,000 for airports technology  
8           research—safety.”.

9   **SEC. 105. FUNDING FOR AVIATION PROGRAMS.**

10       (a) AIRPORT AND AIRWAY TRUST FUND GUAR-  
11 ANTEE.—Section 48114(a)(1)(A) is amended to read as  
12 follows:

13           “(A) IN GENERAL.—The total budget re-  
14           sources made available from the Airport and  
15           Airway Trust Fund each fiscal year through fis-  
16           cal year 2011 pursuant to sections 48101,  
17           48102, 48103, and 106(k) shall—

18                   “(i) in each of fiscal years 2008 and  
19                   2009, be equal to 95 percent of the esti-  
20                   mated level of receipts plus interest cred-  
21                   ited to the Airport and Airway Trust Fund  
22                   for that fiscal year; and

23                   “(ii) in each of fiscal years 2010 and  
24                   2011, be equal to the sum of—

1                   “(I) 95 percent of the estimated  
2                   level of receipts plus interest credited  
3                   to the Airport and Airway Trust  
4                   Fund for that fiscal year; and

5                   “(II) the actual level of receipts  
6                   plus interest credited to the Airport  
7                   and Airway Trust Fund for the sec-  
8                   ond preceding fiscal year minus the  
9                   total amount made available for obli-  
10                  gation from the Airport and Airway  
11                  Trust Fund for the second preceding  
12                  fiscal year.

13                  Such amounts may be used only for aviation in-  
14                  vestment programs listed in subsection (b).”.

15                  (b) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-  
16                  TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)  
17                  is amended by striking “2007” and inserting “2011”.

18                  (c) ESTIMATED LEVEL OF RECEIPTS PLUS INTER-  
19                  EST DEFINED.—Section 48114(b)(2) is amended—

20                   (1) in the paragraph heading by striking  
21                   “LEVEL” and inserting “ESTIMATED LEVEL”; and

22                   (2) by striking “level of receipts plus interest”  
23                   and inserting “estimated level of receipts plus inter-  
24                   est”.

1 (d) ENFORCEMENT OF GUARANTEES.—Section  
2 48114(c)(2) is amended by striking “2007” and inserting  
3 “2011”.

## 4 **Subtitle B—Passenger Facility** 5 **Charges**

### 6 **SEC. 111. PFC AUTHORITY.**

7 (a) PFC DEFINED.—Section 40117(a)(5) is amend-  
8 ed to read as follows:

9 “(5) PASSENGER FACILITY CHARGE.—The term  
10 ‘passenger facility charge’ means a charge or fee im-  
11 posed under this section.”.

12 (b) INCREASE IN PFC MAXIMUM LEVEL.—Section  
13 40117(b)(4) is amended by striking “\$4.00 or \$4.50” and  
14 inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

15 (c) PILOT PROGRAM FOR PFC AT NONHUB AIR-  
16 PORTS.—Section 40117(l) is amended—

17 (1) by striking paragraph (7); and

18 (2) by redesignating paragraph (8) as para-  
19 graph (7).

20 (d) CORRECTION OF REFERENCES.—

21 (1) SECTION 40117.—Section 40117 is amend-  
22 ed—

23 (A) in the section heading by striking  
24 “**fees**” and inserting “**charges**”;

1 (B) in the heading for subsection (e) by  
2 striking “FEES” and inserting “CHARGES”;

3 (C) in the heading for subsection (l) by  
4 striking “FEE” and inserting “CHARGE”;

5 (D) in the heading for paragraph (5) of  
6 subsection (l) by striking “FEE” and inserting  
7 “CHARGE”;

8 (E) in the heading for subsection (m) by  
9 striking “FEES” and inserting “CHARGES”;

10 (F) in the heading for paragraph (1) of  
11 subsection (m) by striking “FEES” and insert-  
12 ing “CHARGES”;

13 (G) by striking “fee” each place it appears  
14 (other than the second sentence of subsection  
15 (g)(4)) and inserting “charge”; and

16 (H) by striking “fees” each place it ap-  
17 pears and inserting “charges”.

18 (2) OTHER REFERENCES.—Subtitle VII is  
19 amended by striking “fee” and inserting “charge”  
20 each place it appears in each of the following sec-  
21 tions:

22 (A) Section 47106(f)(1).

23 (B) Section 47110(e)(5).

24 (C) Section 47114(f).

25 (D) Section 47134(g)(1).

1 (E) Section 47139(b).

2 (F) Section 47524(e).

3 (G) Section 47526(2).

4 **SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.**

5 (a) IN GENERAL.—Section 40117(a)(3) is amended  
6 by adding at the end the following:

7 “(H) A project to construct secure bicycle  
8 storage facilities that are to be used by pas-  
9 sengers at the airport and that are in compli-  
10 ance with applicable security standards.”.

11 (b) REPORT TO CONGRESS.—Not later than one year  
12 after the date of enactment of this Act, the Administrator  
13 of the Federal Aviation Administration shall submit to  
14 Congress a report on the progress being made by airports  
15 to install bicycle parking for airport customers and airport  
16 employees.

17 **SEC. 113. NOISE COMPATIBILITY PROJECTS.**

18 Section 40117(b) is amended by adding at the end  
19 the following:

20 “(7) NOISE MITIGATION FOR CERTAIN  
21 SCHOOLS.—

22 “(A) IN GENERAL.—In addition to the  
23 uses specified in paragraphs (1), (4), and (6),  
24 the Secretary may authorize a passenger facility  
25 charge imposed under paragraph (1) or (4) at



1 a large hub airport that is the subject of an  
2 amended judgment and final order in con-  
3 demnation filed on January 7, 1980, by the Su-  
4 perior Court of the State of California for the  
5 county of Los Angeles, to be used for a project  
6 to carry out noise mitigation for a building, or  
7 for the replacement of a relocatable building  
8 with a permanent building, in the noise im-  
9 pacted area surrounding the airport at which  
10 such building is used primarily for educational  
11 purposes, notwithstanding the air easement  
12 granted or any terms to the contrary in such  
13 judgment and final order, if—

14 “(i) the Secretary determines that the  
15 building is adversely affected by airport  
16 noise;

17 “(ii) the building is owned or char-  
18 tered by the school district that was the  
19 plaintiff in case number 986,442 or  
20 986,446, which was resolved by such judg-  
21 ment and final order;

22 “(iii) the project is for a school identi-  
23 fied in one of the settlement agreements  
24 effective February 16, 2005, between the  
25 airport and each of the school districts;

1           “(iv) in the case of a project to re-  
2           place a relocatable building with a perma-  
3           nent building, the eligible project costs are  
4           limited to the actual structural construc-  
5           tion costs necessary to mitigate aircraft  
6           noise in instructional classrooms to an in-  
7           terior noise level meeting current stand-  
8           ards of the Federal Aviation Administra-  
9           tion; and

10           “(v) the project otherwise meets the  
11           requirements of this section for authoriza-  
12           tion of a passenger facility charge.

13           “(B) ELIGIBLE PROJECT COSTS.—In sub-  
14           paragraph (A)(iv), the term ‘eligible project  
15           costs’ means the difference between the cost of  
16           standard school construction and the cost of  
17           construction necessary to mitigate classroom  
18           noise to the standards of the Federal Aviation  
19           Administration.”.

20 **SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT**  
21 **PROGRAM.**

22           Section 40117 is amended by adding at the end the  
23 following:

24           “(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR  
25 INTERMODAL GROUND ACCESS PROJECTS.—

1           “(1) PFC ELIGIBILITY.—Subject to the require-  
2           ments of this subsection, the Secretary shall estab-  
3           lish a pilot program under which the Secretary may  
4           authorize, at no more than 5 airports, a passenger  
5           facility charge imposed under subsection (b)(1) or  
6           (b)(4) to be used to finance the eligible cost of an  
7           intermodal ground access project.

8           “(2) INTERMODAL GROUND ACCESS PROJECT  
9           DEFINED.—In this section, the term ‘intermodal  
10          ground access project’ means a project for con-  
11          structing a local facility owned or operated by an eli-  
12          gible agency that is directly and substantially related  
13          to the movement of passengers or property traveling  
14          in air transportation.

15          “(3) ELIGIBLE COSTS.—

16                 “(A) IN GENERAL.—For purposes of para-  
17                 graph (1), the eligible cost of an intermodal  
18                 ground access project shall be the total cost of  
19                 the project multiplied by the ratio that—

20                         “(i) the number of individuals pro-  
21                         jected to use the project to gain access to  
22                         or depart from the airport; bears to

23                         “(ii) the total number of the individ-  
24                         uals projected to use the facility.

1                   “(B) DETERMINATIONS REGARDING PRO-  
2                   JECTED PROJECT USE.—

3                   “(i) IN GENERAL.—Except as pro-  
4                   vided by clause (ii), the Secretary shall de-  
5                   termine the projected use of a project for  
6                   purposes of subparagraph (A) at the time  
7                   the project is approved under this sub-  
8                   section.

9                   “(ii) PUBLIC TRANSPORTATION  
10                  PROJECTS.—In the case of a project ap-  
11                  proved under this section to be financed in  
12                  part using funds administered by the Fed-  
13                  eral Transit Administration, the Secretary  
14                  shall use the travel forecasting model for  
15                  the project at the time such project is ap-  
16                  proved by the Federal Transit Administra-  
17                  tion to enter preliminary engineering to de-  
18                  termine the projected use of the project for  
19                  purposes of subparagraph (A).”.

20 **SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING**  
21 **CONNECTING PASSENGERS.**

22                  (a) STUDY.—Not later than 90 days after the date  
23 of enactment of this Act, the Secretary of Transportation  
24 shall initiate a study to evaluate—

1           (1) the impacts on airports of accommodating  
2 connecting passengers; and

3           (2) the treatment of airports at which the ma-  
4 jority of passengers are connecting passengers under  
5 the passenger facility charge program authorized by  
6 section 40117 of title 49, United States Code.

7           (b) CONTENTS OF STUDY.—In conducting the study,  
8 the Secretary shall review, at a minimum, the following:

9           (1) the differences in facility needs, and the  
10 costs for constructing, maintaining, and operating  
11 those facilities, for airports at which the majority of  
12 passengers are connecting passengers as compared  
13 to airports at which the majority of passengers are  
14 originating and destination passengers;

15           (2) whether the costs to an airport of accommo-  
16 dating additional connecting passengers differs from  
17 the cost of accommodating additional originating  
18 and destination passengers;

19           (3) for each airport charging a passenger facil-  
20 ity charge, the percentage of passenger facility  
21 charge revenue attributable to connecting passengers  
22 and the percentage of such revenue attributable to  
23 originating and destination passengers;

24           (4) the potential effects on airport revenues of  
25 requiring airports to charge different levels of pas-

1 senger facility charges on connecting passengers and  
2 originating and destination passengers; and

3 (5) the added costs to air carriers of collecting  
4 passenger facility charges under a system in which  
5 different levels of passenger facility charges are im-  
6 posed on connecting passengers and originating and  
7 destination passengers.

8 (c) REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Not later than one year  
10 after the date of initiation of the study, the Sec-  
11 retary shall submit to Congress a report on the re-  
12 sults of the study.

13 (2) CONTENTS.—The report shall include—

14 (A) the findings of the Secretary on each  
15 of the subjects listed in subsection (b); and

16 (B) recommendations, if any, of the Sec-  
17 retary based on the results of the study for any  
18 changes to the passenger facility charge pro-  
19 gram, including recommendations as to whether  
20 different levels of passenger facility charges  
21 should be imposed on connecting passengers  
22 and originating and destination passengers.

## 1 **Subtitle C—Fees for FAA Services**

### 2 **SEC. 121. UPDATE ON OVERFLIGHTS.**

3 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

4 Section 45301(b) is amended to read as follows:

5 “(b) ESTABLISHMENT AND ADJUSTMENT OF  
6 FEES.—

7 “(1) IN GENERAL.—In establishing and adjust-  
8 ing fees under subsection (a), the Administrator  
9 shall ensure that the fees are reasonably related to  
10 the Administration’s costs, as determined by the Ad-  
11 ministrator, of providing the services rendered. Serv-  
12 ices for which costs may be recovered include the  
13 costs of air traffic control, navigation, weather serv-  
14 ices, training, and emergency services which are  
15 available to facilitate safe transportation over the  
16 United States and the costs of other services pro-  
17 vided by the Administrator, or by programs financed  
18 by the Administrator, to flights that neither take off  
19 nor land in the United States. The determination of  
20 such costs by the Administrator, and the allocation  
21 of such costs by the Administrator to services pro-  
22 vided, are not subject to judicial review.

23 “(2) ADJUSTMENT OF FEES.—The Adminis-  
24 trator shall adjust the overflight fees established by  
25 subsection (a)(1) by expedited rulemaking and begin

1 collections under the adjusted fees by October 1,  
2 2008. In developing the adjusted overflight fees, the  
3 Administrator may seek and consider the rec-  
4 ommendations offered by an aviation rulemaking  
5 committee for overflight fees that are provided to  
6 the Administrator by June 1, 2008, and are in-  
7 tended to ensure that overflight fees are reasonably  
8 related to the Administrator's costs of providing air  
9 traffic control and related services to overflights.

10 “(3) AIRCRAFT ALTITUDE.—Nothing in this  
11 section shall require the Administrator to take into  
12 account aircraft altitude in establishing any fee for  
13 aircraft operations in en route or oceanic airspace.

14 “(4) COSTS DEFINED.—In this subsection, the  
15 term ‘costs’ includes those costs associated with the  
16 operation, maintenance, leasing costs, and overhead  
17 expenses of the services provided and the facilities  
18 and equipment used in such services, including the  
19 projected costs for the period during which the serv-  
20 ices will be provided.

21 “(5) PUBLICATION; COMMENT.—The Adminis-  
22 trator shall publish in the Federal Register any fee  
23 schedule under this section, including any adjusted  
24 overflight fee schedule, and the associated collection  
25 process as an interim final rule, pursuant to which



1 public comment will be sought and a final rule  
2 issued.”.

3 (b) ADJUSTMENTS.—Section 45301 is amended by  
4 adding at the end the following:

5 “(e) ADJUSTMENTS.—In addition to adjustments  
6 under subsection (b), the Administrator may periodically  
7 adjust the fees established under this section.”.

8 **SEC. 122. REGISTRATION FEES.**

9 (a) IN GENERAL.—Chapter 453 is amended by add-  
10 ing at the end the following:

11 **“§ 45305. Registration, certification, and related fees**

12 “(a) GENERAL AUTHORITY AND FEES.—The Admin-  
13 istrator of the Federal Aviation Administration shall es-  
14 tablish the following fees for services and activities of the  
15 Administration:

16 “(1) \$130 for registering an aircraft.

17 “(2) \$45 for replacing an aircraft registration.

18 “(3) \$130 for issuing an original dealer’s air-  
19 craft certificate.

20 “(4) \$105 for issuing an aircraft certificate  
21 (other than an original dealer’s aircraft certificate).

22 “(5) \$80 for issuing a special registration num-  
23 ber.

24 “(6) \$50 for issuing a renewal of a special reg-  
25 istration number.

1           “(7) \$130 for recording a security interest in  
2           an aircraft or aircraft part.

3           “(8) \$50 for issuing an airman certificate.

4           “(9) \$25 for issuing a replacement airman cer-  
5           tificate.

6           “(10) \$42 for issuing an airman medical certifi-  
7           cate.

8           “(11) \$100 for providing a legal opinion per-  
9           taining to aircraft registration or recordation.

10          “(b) FEES CREDITED AS OFFSETTING COLLEC-  
11          TIONS.—

12           “(1) IN GENERAL.—Notwithstanding section  
13           3302 of title 31, any fee authorized to be collected  
14           under this section shall, subject to appropriation  
15           made in advance—

16                   “(A) be credited as offsetting collections to  
17                   the account that finances the activities and  
18                   services for which the fee is imposed;

19                   “(B) be available for expenditure only to  
20                   pay the costs of activities and services for which  
21                   the fee is imposed; and

22                   “(C) remain available until expended.

23           “(2) CONTINUING APPROPRIATIONS.—The Ad-  
24           ministrators may continue to assess, collect, and  
25           spend fees established under this section during any

1 period in which the funding for the Federal Aviation  
2 Administration is provided under an Act providing  
3 continuing appropriations in lieu of the Administra-  
4 tion’s regular appropriations.

5 “(3) ADJUSTMENTS.—The Administrator shall  
6 periodically adjust the fees established by subsection  
7 (a) when cost data from the cost accounting system  
8 developed pursuant to section 45303(e) reveal that  
9 the cost of providing the service is higher or lower  
10 than the cost data that were used to establish the  
11 fee then in effect.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-  
13 ter 453 is amended by adding at the end the following:  
“45305. Registration, certification, and related fees.”.

14 (c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR  
15 TRANSPORTATION.—Section 45302(e) is amended—

16 (1) by striking “A fee” and inserting the fol-  
17 lowing:

18 “(1) IN GENERAL.—A fee”; and

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

20 “(2) EFFECT OF IMPOSITION OF OTHER  
21 FEES.—A fee may not be imposed for a service or  
22 activity under this section during any period in  
23 which a fee for the same service or activity is im-  
24 posed under section 45305.”.

## 1           **Subtitle D—AIP Modifications**

### 2   **SEC. 131. AMENDMENTS TO AIP DEFINITIONS.**

3           (a) AIRPORT DEVELOPMENT.—Section 47102(3) is  
4 amended—

5           (1) in subparagraph (B)(iv) by striking “20”  
6 and inserting “9”; and

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

8                   “(M) construction of mobile refueler park-  
9 ing within a fuel farm at a nonprimary airport  
10 meeting the requirements of section 112.8 of  
11 title 40, Code of Federal Regulations.

12                   “(N) terminal development under section  
13 47119(a).

14                   “(O) acquiring and installing facilities and  
15 equipment to provide air conditioning, heating,  
16 or electric power from terminal-based, non-ex-  
17 clusive use facilities to aircraft parked at a pub-  
18 lic use airport for the purpose of reducing en-  
19 ergy use or harmful emissions as compared to  
20 the provision of such air conditioning, heating,  
21 or electric power from aircraft-based systems.”.

22           (b) AIRPORT PLANNING.—Section 47102(5) is  
23 amended by inserting before the period at the end the fol-  
24 lowing: “and developing an environmental management  
25 system”.

1 (c) GENERAL AVIATION AIRPORT.—Section 47102 is  
2 amended—

3 (1) by redesignating paragraphs (23) through  
4 (25) as paragraphs (25) through (27), respectively;

5 (2) by redesignating paragraphs (8) through  
6 (22) as paragraphs (9) through (23), respectively;

7 and

8 (3) by inserting after paragraph (7) the fol-  
9 lowing:

10 “(8) ‘general aviation airport’ means a public  
11 airport that is located in a State and that, as deter-  
12 mined by the Secretary—

13 “(A) does not have scheduled service; or

14 “(B) has scheduled service with less than  
15 2,500 passenger boardings each year.”.

16 (d) REVENUE PRODUCING AERONAUTICAL SUPPORT  
17 FACILITIES.—Section 47102 is amended by inserting  
18 after paragraph (23) (as redesignated by subsection (c)(2)  
19 of this section) the following:

20 “(24) ‘revenue producing aeronautical support  
21 facilities’ means fuel farms, hangar buildings, self-  
22 service credit card aeronautical fueling systems, air-  
23 plane wash racks, major rehabilitation of a hangar  
24 owned by a sponsor, or other aeronautical support

1 facilities that the Secretary determines will increase  
2 the revenue producing ability of the airport.”.

3 (e) **TERMINAL DEVELOPMENT.**—Section 47102 is  
4 further amended by adding at the end the following:

5 “(28) ‘terminal development’ means—

6 “(A) development of—

7 “(i) an airport passenger terminal  
8 building, including terminal gates;

9 “(ii) access roads servicing exclusively  
10 airport traffic that leads directly to or  
11 from an airport passenger terminal build-  
12 ing; and

13 “(iii) walkways that lead directly to or  
14 from an airport passenger terminal build-  
15 ing; and

16 “(B) the cost of a vehicle described in sec-  
17 tion 47119(a)(1)(B).”.

18 **SEC. 132. AMENDMENTS TO GRANT ASSURANCES.**

19 (a) **GENERAL WRITTEN ASSURANCES.**—Section  
20 47107(a)(16)(D)(ii) is amended by inserting before the  
21 semicolon at the end the following: “, except in the case  
22 of a relocation or replacement of an existing airport facil-  
23 ity that meets the conditions of section 47110(d)”.

24 (b) **WRITTEN ASSURANCES ON ACQUIRING LAND.**—

1           (1)       USE       OF       PROCEEDS.—Section  
2       47107(c)(2)(A)(iii) is amended by striking “paid to  
3       the Secretary” and all that follows before the semi-  
4       colon and inserting “reinvested in another project at  
5       the airport or transferred to another airport as the  
6       Secretary prescribes under paragraph (4)”.

7           (2)       ELIGIBLE PROJECTS.—Section 47107(c) is  
8       amended by adding at the end the following:

9           “(4)       PRIORITIES FOR REINVESTMENT.—In ap-  
10       proving the reinvestment or transfer of proceeds  
11       under subsection (c)(2)(A)(iii), the Secretary shall  
12       give preference, in descending order, to the following  
13       actions:

14           “(A)       Reinvestment in an approved noise  
15       compatibility project.

16           “(B)       Reinvestment in an approved project  
17       that is eligible for funding under section  
18       47117(e).

19           “(C)       Reinvestment in an approved airport  
20       development project that is eligible for funding  
21       under section 47114, 47115, or 47117.

22           “(D)       Transfer to a sponsor of another  
23       public airport to be reinvested in an approved  
24       noise compatibility project at such airport.

1                   “(E) Payment to the Secretary for deposit  
2                   in the Airport and Airway Trust Fund.”.

3           (c)           CLERICAL           AMENDMENT.—Section  
4 47107(c)(2)(B)(iii) is amended by striking “the Fund”  
5 and inserting “the Airport and Airway Trust Fund estab-  
6 lished under section 9502 of the Internal Revenue Code  
7 of 1986 (26 U.S.C. 9502)”.

8 **SEC. 133. GOVERNMENT SHARE OF PROJECT COSTS.**

9           Section 47109 is amended—

10           (1) in subsection (a) by striking “provided in  
11           subsection (b) or subsection (c) of this section” and  
12           inserting “otherwise specifically provided in this sec-  
13           tion”; and

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

15           “(e) SPECIAL RULE FOR TRANSITION FROM SMALL  
16 HUB TO MEDIUM HUB STATUS.—If the status of a small  
17 hub airport changes to a medium hub airport, the Govern-  
18 ment’s share of allowable project costs for the airport may  
19 not exceed 90 percent for the first 2 fiscal years following  
20 such change in hub status.

21           “(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED  
22 COMMUNITIES.—The Government’s share of allowable  
23 project costs shall be 95 percent for a project at an airport  
24 that—



1           “(1) is receiving subsidized air service under  
2 subchapter II of chapter 417; and

3           “(2) is located in an area that meets one or  
4 more of the criteria established in section 301(a) of  
5 the Public Works and Economic Development Act of  
6 1965 (42 U.S.C. 3161(a)), as determined by the  
7 Secretary of Commerce.”.

8 **SEC. 134. AMENDMENTS TO ALLOWABLE COSTS.**

9           (a) **ALLOWABLE PROJECT COSTS.**—Section  
10 47110(b)(2) is amended—

11           (1) by striking “or” at the end of subparagraph  
12 (C);

13           (2) by striking the semicolon at the end of sub-  
14 paragraph (D) and inserting “; or”; and

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

16           “(E) if the cost is for airport development and  
17 is incurred before execution of the grant agreement,  
18 but in the same fiscal year as execution of the grant  
19 agreement, and if—

20           “(i) the cost was incurred before execution  
21 of the grant agreement due to the short con-  
22 struction season in the vicinity of the airport;

23           “(ii) the cost is in accordance with an air-  
24 port layout plan approved by the Secretary and  
25 with all statutory and administrative require-

1           ments that would have been applicable to the  
2           project if the project had been carried out after  
3           execution of the grant agreement;

4           “(iii) the sponsor notifies the Secretary be-  
5           fore authorizing work to commence on the  
6           project; and

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

12          (b) RELOCATION OF AIRPORT-OWNED FACILITIES.—  
13          Section 47110(d) is amended to read as follows:

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

19                 “(1) the Government’s share of such costs will  
20                 be paid with funds apportioned to the airport spon-  
21                 sor under section 47114(c)(1) or 47114(d);

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

1           “(3) the Secretary determines that the change  
2           is beyond the control of the airport sponsor.”.

3           (c) NONPRIMARY AIRPORTS.—Section 47110(h) is  
4 amended—

5           (1) by inserting “construction of” before “rev-  
6           enue producing”; and

7           (2) by striking “, including fuel farms and  
8           hangars,”.

9 **SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIR-**  
10 **PORT CONCESSIONS UNDER DISADVAN-**  
11 **TAGED BUSINESS ENTERPRISE PROGRAM.**

12           (a) IN GENERAL.—Section 47107(e) is amended—

13           (1) by redesignating paragraph (8) as para-  
14           graph (9); and

15           (2) by inserting after paragraph (7) the fol-  
16           lowing:

17           “(8) MANDATORY TRAINING PROGRAM FOR AIR-  
18           PORT CONCESSIONS.—

19           “(A) IN GENERAL.—Not later than one  
20           year after the date of enactment of the FAA  
21           Reauthorization Act of 2007, the Secretary  
22           shall establish a mandatory training program  
23           for persons described in subparagraph (C) on  
24           the certification of whether a small business  
25           concern in airport concessions qualifies as a

1 small business concern owned and controlled by  
2 a socially and economically disadvantaged indi-  
3 vidual for purposes of paragraph (1).

4 “(B) IMPLEMENTATION.—The training  
5 program may be implemented by one or more  
6 private entities approved by the Secretary.

7 “(C) PARTICIPANTS.—A person referred to  
8 in paragraph (1) is an official or agent of an  
9 airport owner or operator who is required to  
10 provide a written assurance under paragraph  
11 (1) that the airport owner or operator will meet  
12 the percentage goal of paragraph (1) or who is  
13 responsible for determining whether or not a  
14 small business concern in airport concessions  
15 qualifies as a small business concern owned and  
16 controlled by a socially and economically dis-  
17 advantaged individual for purposes of para-  
18 graph (1).

19 “(D) AUTHORIZATION OF APPROPRIA-  
20 TIONS.—There are authorized to be appro-  
21 priated such sums as may be necessary to carry  
22 out this paragraph.”.

23 (b) REPORT.—Not later than 24 months after the  
24 date of enactment of this Act, the Secretary shall submit  
25 to the Committee on Transportation and Infrastructure

1 of the House of Representatives, the Committee on Com-  
2 merce, Science, and Transportation of the Senate, and  
3 other appropriate committees of Congress a report on the  
4 results of the training program conducted under the  
5 amendment made by subsection (a).

6 **SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS**  
7 **OWNED AND CONTROLLED BY DISABLED**  
8 **VETERANS.**

9 Section 47112(c) is amended by adding at the end  
10 the following:

11 “(3) A contract involving labor for carrying out an  
12 airport development project under a grant agreement  
13 under this subchapter must require that a preference be  
14 given to the use of small business concerns (as defined  
15 in section 3 of the Small Business Act (15 U.S.C. 1632))  
16 owned and controlled by disabled veterans.”.

17 **SEC. 137. CALCULATION OF STATE APPORTIONMENT FUND.**

18 Section 47114(d) is amended—

19 (1) in paragraph (2)—

20 (A) by striking “Except as provided in  
21 paragraph (3), the Secretary” and inserting  
22 “The Secretary”; and

23 (B) by striking “18.5 percent” and insert-  
24 ing “10 percent”; and

1           (2) by striking paragraph (3) and inserting the  
2 following:

3           “(3) ADDITIONAL AMOUNT.—

4           “(A) IN GENERAL.—In addition to  
5 amounts apportioned under paragraph (2) and  
6 subject to subparagraph (B), the Secretary  
7 shall apportion to each airport, excluding pri-  
8 mary airports but including reliever and nonpri-  
9 mary commercial service airports, in States the  
10 lesser of—

11           “(i) \$150,000; or

12           “(ii) 1/5 of the most recently pub-  
13 lished estimate of the 5-year costs for air-  
14 port improvement for the airport, as listed  
15 in the national plan of integrated airport  
16 systems developed by the Federal Aviation  
17 Administration under section 47103.

18           “(B) REDUCTION.—In any fiscal year in  
19 which the total amount made available for ap-  
20 portionment under paragraph (2) is less than  
21 \$300,000,000, the Secretary shall reduce, on a  
22 prorated basis, the amount to be apportioned  
23 under subparagraph (A) and make such reduc-  
24 tion available to be apportioned under para-

1 graph (2), so as to apportion under paragraph  
2 (2) a minimum of \$300,000,000.”.

3 **SEC. 138. REDUCING APPORTIONMENTS.**

4 Section 47114(f)(1) is amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (A);

7 (2) in subparagraph (B)—

8 (A) by inserting “except as provided by  
9 subparagraph (C),” before “in the case”; and

10 (B) by striking the period at the end and  
11 inserting “; and”; and

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

13 “(C) in the case of a charge of more than  
14 \$4.50 imposed by the sponsor of an airport en-  
15 planing at least one percent of the total number  
16 of boardings each year in the United States,  
17 100 percent of the projected revenues from the  
18 charge in the fiscal year but not more than 100  
19 percent of the amount that otherwise would be  
20 apportioned under this section.”.

21 **SEC. 139. MINIMUM AMOUNT FOR DISCRETIONARY FUND.**

22 Section 47115(g)(1) is amended by striking “sum  
23 of—” and all that follows through the period at the end  
24 of subparagraph (B) and inserting “sum of  
25 \$520,000,000.”.

1 **SEC. 140. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

2 Section 47115(j) is amended by striking “fiscal years  
3 2004 through 2007” and inserting “fiscal years 2008  
4 through 2011”.

5 **SEC. 141. USE OF APPORTIONED AMOUNTS.**

6 Section 47117(e)(1)(A) is amended—

7 (1) in the first sentence—

8 (A) by striking “35 percent” and inserting  
9 “\$300,000,000”;

10 (B) by striking “and” after “47141,”; and

11 (C) by inserting before the period at the  
12 end the following: “, and for water quality miti-  
13 gation projects to comply with the Federal  
14 Water Pollution Control Act (33 U.S.C. 1251 et  
15 seq.) as approved in an environmental record of  
16 decision for an airport development project  
17 under this title”; and

18 (2) in the second sentence by striking “such 35  
19 percent requirement is” and inserting “the require-  
20 ments of the preceding sentence are”.

21 **SEC. 142. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

22 (a) IN GENERAL.—Section 47133(b) is amended—

23 (1) by striking “Subsection (a) shall not apply  
24 if” and inserting the following:

25 “(1) PRIOR LAWS AND AGREEMENTS.—Sub-  
26 section (a) shall not apply if”; and



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

2 “(2) SALE OF PRIVATE AIRPORT TO PUBLIC  
3 SPONSOR.—In the case of a privately owned airport,  
4 subsection (a) shall not apply to the proceeds from  
5 the sale of the airport to a public sponsor if—

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

7 “(B) funding is provided under this sub-  
8 title for any portion of the public sponsor’s ac-  
9 quisition of airport land; and

10 “(C) an amount equal to the remaining  
11 unamortized portion of any airport improve-  
12 ment grant made to that airport for purposes  
13 other than land acquisition, amortized over a  
14 20-year period, plus an amount equal to the  
15 Federal share of the current fair market value  
16 of any land acquired with an airport improve-  
17 ment grant made to that airport on or after Oc-  
18 tober 1, 1996, is repaid to the Secretary by the  
19 private owner.

20 “(3) TREATMENT OF REPAYMENTS.—Repay-  
21 ments referred to in paragraph (2)(C) shall be treat-  
22 ed as a recovery of prior year obligations.”.

23 (b) APPLICABILITY TO GRANTS.—The amendments  
24 made by subsection (a) shall apply to grants issued on  
25 or after October 1, 1996.

1 **SEC. 143. AIRPORT PRIVATIZATION PILOT PROGRAM.**

2 (a) APPROVAL REQUIREMENTS.—Section 47134 is  
3 amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii),  
4 (c)(4)(A), and (c)(4)(B) by striking “65 percent” each  
5 place it appears and inserting “75 percent”.

6 (b) PROHIBITION ON RECEIPT OF FUNDS.—

7 (1) SECTION 47134.—Section 47134 is amended  
8 by adding at the end the following:

9 “(n) PROHIBITION ON RECEIPT OF CERTAIN  
10 FUNDS.—An airport receiving an exemption under sub-  
11 section (b) shall be prohibited from receiving appor-  
12 tionments under section 47114 or discretionary funds under  
13 section 47115.”.

14 (2) CONFORMING AMENDMENTS.—Section  
15 47134(g) is amended—

16 (A) in the subsection heading by striking  
17 “APPORTIONMENTS;”;

18 (B) in paragraph (1) by striking the semi-  
19 colon at the end and inserting “; or”;

20 (C) by striking paragraph (2); and

21 (D) by redesignating paragraph (3) as  
22 paragraph (2).

23 (c) FEDERAL SHARE OF PROJECT COSTS.—Section  
24 47109(a) is amended—

25 (1) by striking the semicolon at the end of  
26 paragraph (3) and inserting “; and”;

1           (2) by striking paragraph (4); and  
2           (3) by redesignating paragraph (5) as para-  
3 graph (4).

4 **SEC. 144. AIRPORT SECURITY PROGRAM.**

5       Section 47137(g) is amended by striking  
6 “\$5,000,000” and inserting “\$8,500,000”.

7 **SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**  
8 **AIRPORT DEVELOPMENT RIGHTS.**

9       Section 47138 is amended by adding at the end the  
10 following:

11       “(f) SUNSET.—This section shall not be in effect  
12 after September 30, 2007.”.

13 **SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**  
14 **IBLE LAND USE PLANNING AND PROJECTS**  
15 **BY STATE AND LOCAL GOVERNMENTS.**

16       Section 47141(f) is amended by striking “September  
17 30, 2007” and inserting “September 30, 2011”.

18 **SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN**  
19 **WASHINGTON AIRPORTS AUTHORITY.**

20       Section 49108, and the item relating to such section  
21 in the analysis for chapter 491, are repealed.

22 **SEC. 148. MIDWAY ISLAND AIRPORT.**

23       Section 186(d) of the Vision 100—Century of Avia-  
24 tion Reauthorization Act (117 Stat. 2518) is amended by

1 striking “October 1, 2007” and inserting “October 1,  
2 2011”.

3 **SEC. 149. PUERTO RICO MINIMUM GUARANTEE.**

4 Section 47114(e) is amended—

5 (1) in the subsection heading by inserting “AND  
6 PUERTO RICO” after “ALASKA”; and

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

8 “(5) PUERTO RICO MINIMUM GUARANTEE.—In  
9 any fiscal year in which the total amount appor-  
10 tioned to airports in Puerto Rico under subsections  
11 (c) and (d) is less than 1.5 percent of the total  
12 amount apportioned to all airports under subsections  
13 (c) and (d), the Secretary shall apportion to the  
14 Puerto Rico Ports Authority for airport development  
15 projects in such fiscal year an amount equal to the  
16 difference between 1.5 percent of the total amounts  
17 apportioned under subsections (c) and (d) in such  
18 fiscal year and the amount otherwise apportioned  
19 under subsections (c) and (d) to airports in Puerto  
20 Rico in such fiscal year.”.

21 **SEC. 150. MISCELLANEOUS AMENDMENTS.**

22 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF  
23 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is  
24 amended—

25 (1) in subsection (a)—

1 (A) by striking “each airport to—” and in-  
2 serting “the airport system to—”;

3 (B) in paragraph (1) by striking “system  
4 in the particular area;” and inserting “system,  
5 including connection to the surface transpor-  
6 tation network; and”;

7 (C) in paragraph (2) by striking “; and”  
8 and inserting a period; and

9 (D) by striking paragraph (3);  
10 (2) in subsection (b)—

11 (A) in paragraph (1) by striking the semi-  
12 colon and inserting “; and”;

13 (B) by striking paragraph (2) and redesignig-  
14 nating paragraph (3) as paragraph (2); and

15 (C) in paragraph (2) (as so redesignated)  
16 by striking “, Short Takeoff and Landing/Very  
17 Short Takeoff and Landing aircraft oper-  
18 ations,”; and

19 (3) in subsection (d) by striking “status of  
20 the”.

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

23 (1) in paragraph (1)—

1 (A) in subparagraph (B) by striking “sepa-  
2 rated from” and inserting “discharged or re-  
3 leased from active duty in”; and

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

5 “(C) ‘Afghanistan-Iraq war veteran’ means an  
6 individual who served on active duty (as defined by  
7 section 101 of title 38) in the armed forces for a pe-  
8 riod of more than 180 consecutive days, any part of  
9 which occurred during the period beginning on Sep-  
10 tember 11, 2001, and ending on the date prescribed  
11 by presidential proclamation or by law as the last  
12 date of Operation Iraqi Freedom, and who was sepa-  
13 rated from the armed forces under honorable condi-  
14 tions.”; and

15 (2) in paragraph (2) by striking “veterans and”  
16 and inserting “veterans, Afghanistan-Iraq war vet-  
17 erans, and”.

18 (c) CONSOLIDATION OF TERMINAL DEVELOPMENT  
19 PROVISIONS.—Section 47119 is amended—

20 (1) by redesignating subsections (a), (b), (c)  
21 and (d) as subsections (b), (c), (d) and (e), respec-  
22 tively; and

23 (2) by inserting before subsection (b) (as so re-  
24 designated) the following:

25 “(a) TERMINAL DEVELOPMENT PROJECTS.—

1           “(1) IN GENERAL.—The Secretary may approve  
2 a project for terminal development (including  
3 multimodal terminal development) in a nonrevenue-  
4 producing public-use area of a commercial service  
5 airport—

6           “(A) if the sponsor certifies that the air-  
7 port, on the date the grant application is sub-  
8 mitted to the Secretary, has—

9           “(i) all the safety equipment required  
10 for certification of the airport under sec-  
11 tion 44706;

12           “(ii) all the security equipment re-  
13 quired by regulation; and

14           “(iii) provided for access by pas-  
15 sengers to the area of the airport for  
16 boarding or exiting aircraft that are not  
17 air carrier aircraft;

18           “(B) if the cost is directly related to mov-  
19 ing passengers and baggage in air commerce  
20 within the airport, including vehicles for moving  
21 passengers between terminal facilities and be-  
22 tween terminal facilities and aircraft; and

23           “(C) under terms necessary to protect the  
24 interests of the Government.

1           “(2) PROJECT IN REVENUE-PRODUCING AREAS  
2           AND NONREVENUE-PRODUCING PARKING LOTS.—In  
3           making a decision under paragraph (1), the Sec-  
4           retary may approve as allowable costs the expenses  
5           of terminal development in a revenue-producing area  
6           and construction, reconstruction, repair, and im-  
7           provement in a nonrevenue-producing parking lot  
8           if—

9                   “(A) except as provided in section  
10                   47108(e)(3), the airport does not have more  
11                   than .05 percent of the total annual passenger  
12                   boardings in the United States; and

13                   “(B) the sponsor certifies that any needed  
14                   airport development project affecting safety, se-  
15                   curity, or capacity will not be deferred because  
16                   of the Secretary’s approval.”;

17                   (3) in paragraphs (3) and (4)(A) of subsection  
18                   (b) (as redesignated by paragraph (1) of this sub-  
19                   section) by striking “section 47110(d)” and insert-  
20                   ing “subsection (a)”; and

21                   (4) in paragraph (5) of subsection (b) (as re-  
22                   designated by paragraph (1) of this subsection) by  
23                   striking “subsection (b)(1) and (2)” and inserting  
24                   “subsections (c)(1) and (c)(2)”;



1           (5) in paragraphs (2)(A), (3), and (4) of sub-  
2           section (c) (as redesignated by paragraph (1) of this  
3           subsection) by striking “section 47110(d) of this  
4           title” and inserting “subsection (a)”;

5           (6) in paragraph (2)(B) of subsection (c) (as  
6           redesignated by paragraph (1) of this subsection) by  
7           striking “section 47110(d)” and inserting “sub-  
8           section (a)”;

9           (7) in subsection (c)(5) (as redesignated by  
10          paragraph (1) of this subsection) by striking “sec-  
11          tion 47110(d)” and inserting “subsection (a)”;

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

13          “(f) LIMITATION ON DISCRETIONARY FUNDS.—The  
14          Secretary may distribute not more than \$20,000,000 from  
15          the discretionary fund established under section 47115 for  
16          terminal development projects at a nonhub airport or a  
17          small hub airport that is eligible to receive discretionary  
18          funds under section 47108(e)(3).”.

19          (d) ANNUAL REPORT.—Section 47131(a) is amend-  
20          ed—

21                 (1) by striking “April 1” and inserting “June  
22                 1”; and

23                 (2) by striking paragraphs (1), (2), (3), and (4)  
24                 and inserting the following:

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

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

4           “(3) an accounting of discretionary and appor-  
5           tioned funds allocated;

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

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

9           (1) in subsection (a) by striking  
10          “47102(3)(F),”; and

11          (2) in subsection (b)—

12                 (A) by striking “47102(3)(F),”; and

13                 (B) by striking “47103(3)(F),”.

14          (f) CONFORMING AMENDMENT TO CIVIL PENALTY  
15          ASSESSMENT AUTHORITY.—Section 46301(d)(2) is  
16          amended by inserting “46319,” after “46318,”.

17          (g) OTHER CONFORMING AMENDMENTS.—Sections  
18          40117(a)(3)(B) and 47108(e)(3) are each amended by  
19          striking “section 47110(d)” each place it appears and in-  
20          serting “section 47119(a)”.

21          (h) CORRECTION TO SURPLUS PROPERTY AUTHOR-  
22          ITY.—Section 47151(e) is amended by striking “(other  
23          than real property” and all that follows through “(10  
24          U.S.C. 2687 note))”.

1 (i) AIRPORT CAPACITY BENCHMARK REPORTS.—Sec-  
2 tion 47175(2) is amended by striking “Airport Capacity  
3 Benchmark Report 2001” and inserting “2001 and 2004  
4 Airport Capacity Benchmark Reports or table 1 of the  
5 Federal Aviation Administration’s most recent airport ca-  
6 pacity benchmark report”.

7 **TITLE II—NEXT GENERATION**  
8 **AIR TRANSPORTATION SYS-**  
9 **TEM AND AIR TRAFFIC CON-**  
10 **TROL MODERNIZATION**

11 **SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) The United States faces a great national  
14 challenge as the Nation’s aviation infrastructure is  
15 at a crossroads.

16 (2) The demand for aviation services, a critical  
17 element of the United States economy, vital in sup-  
18 porting the quality of life of the people of the United  
19 States, and critical in support of the Nation’s de-  
20 fense and national security, is growing at an ever in-  
21 creasing rate. At the same time, the ability of the  
22 United States air transportation system to expand  
23 and change to meet this increasing demand is lim-  
24 ited.

1           (3) The aviation industry accounts for more  
2 than 10,000,000 jobs in the United States and con-  
3 tributes approximately \$900,000,000,000 annually  
4 to the United States gross domestic product.

5           (4) The United States air transportation sys-  
6 tem continues to drive economic growth in the  
7 United States and will continue to be a major eco-  
8 nomic driver as air traffic triples over the next 20  
9 years.

10          (5) The Next Generation Air Transportation  
11 System (in this section referred to as the “NextGen  
12 System”) is the system for achieving long-term  
13 transformation of the United States air transpor-  
14 tation system that focuses on developing and imple-  
15 menting new technologies and that will set the stage  
16 for the long-term development of a scalable and  
17 more flexible air transportation system without com-  
18 promising the unprecedented safety record of United  
19 States aviation.

20          (6) The benefits of the NextGen System, in  
21 terms of promoting economic growth and develop-  
22 ment, are enormous.

23          (7) The NextGen System will guide the path of  
24 the United States air transportation system in the  
25 challenging years ahead.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that—

3 (1) modernizing the air transportation system  
4 is a national priority and the United States must  
5 make a commitment to revitalizing this essential  
6 component of the Nation’s transportation infrastruc-  
7 ture;

8 (2) one fundamental requirement for the suc-  
9 cess of the NextGen System is strong leadership and  
10 sufficient resources;

11 (3) the Joint Planning and Development Office  
12 of the Federal Aviation Administration and the Next  
13 Generation Air Transportation System Senior Policy  
14 Committee, each established by Congress in 2003,  
15 will lead and facilitate this important national mis-  
16 sion to ensure that the programs and capabilities of  
17 the NextGen System are carefully integrated and  
18 aligned;

19 (4) Government agencies and industry must  
20 work together, carefully integrating and aligning  
21 their work to meet the needs of the NextGen System  
22 in the development of budgets, programs, planning,  
23 and research;

24 (5) the Department of Transportation, the Fed-  
25 eral Aviation Administration, the Department of De-

1 fense, the Department of Homeland Security, the  
2 Department of Commerce, and the National Aero-  
3 nautics and Space Administration must work in co-  
4 operation and make transformational improvements  
5 to the United States air transportation infrastruc-  
6 ture a priority; and

7 (6) due to the critical importance of the  
8 NextGen System to the economic and national secu-  
9 rity of the United States, partner departments and  
10 agencies must be provided with the resources re-  
11 quired to complete the implementation of the  
12 NextGen System.

13 **SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYS-**  
14 **TEM JOINT PLANNING AND DEVELOPMENT**  
15 **OFFICE.**

16 (a) ESTABLISHMENT.—

17 (1) ASSOCIATE ADMINISTRATOR FOR THE NEXT  
18 GENERATION AIR TRANSPORTATION SYSTEM.—Sec-  
19 tion 709(a) of Vision 100—Century of Aviation Re-  
20 authorization Act (49 U.S.C. 40101 note; 117 Stat.  
21 2582) is amended—

22 (A) by redesignating paragraphs (2), (3),  
23 and (4) as paragraphs (3), (4), and (5), respec-  
24 tively; and

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

3 “(2) The director of the Office shall be the Associate  
4 Administrator for the Next Generation Air Transportation  
5 System, who shall be appointed by the Administrator of  
6 the Federal Aviation Administration. The Associate Ad-  
7 ministrator shall report to the Administrator.”.

8 (2) RESPONSIBILITIES.—Section 709(a)(3) of  
9 such Act (as redesignated by paragraph (1) of this  
10 subsection) is amended—

11 (A) in subparagraph (G) by striking “;  
12 and” and inserting a semicolon;

13 (B) in subparagraph (H) by striking the  
14 period at the end and inserting “; and”; and

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

16 “(I) establishing specific quantitative goals  
17 for the safety, capacity, efficiency, performance,  
18 and environmental impacts of each phase of  
19 Next Generation Air Transportation System im-  
20 plementation activities and measuring actual  
21 operational experience against those goals, tak-  
22 ing into account noise pollution reduction con-  
23 cerns of affected communities to the greatest  
24 extent practicable in establishing the environ-  
25 mental goals;

1           “(J) working to ensure global interoper-  
2           ability of the Next Generation Air Transpor-  
3           tation System;

4           “(K) working to ensure the use of weather  
5           information and space weather information in  
6           the Next Generation Air Transportation System  
7           as soon as possible;

8           “(L) overseeing, with the Administrator of  
9           the Federal Aviation Administration, the selec-  
10          tion of products or outcomes of research and  
11          development activities that would be moved to  
12          the next stage of a demonstration project; and

13          “(M) maintaining a baseline modeling and  
14          simulation environment for testing and evalu-  
15          ating alternative concepts to satisfy Next Gen-  
16          eration Air Transportation enterprise architec-  
17          ture requirements.”.

18          (3) COOPERATION WITH OTHER FEDERAL  
19          AGENCIES.—Section 709(a)(4) of such Act (as re-  
20          designated by paragraph (1) of this subsection) is  
21          amended—

22                  (A) by striking “(4)” and inserting  
23                  “(4)(A)”; and

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



1       “(B) The Secretary of Defense, the Administrator of  
2 the National Aeronautics and Space Administration, the  
3 Secretary of Commerce, the Secretary of Homeland Secu-  
4 rity, and the head of any other Federal agency from which  
5 the Secretary of Transportation requests assistance under  
6 subparagraph (A) shall designate a senior official in the  
7 agency to be responsible for—

8               “(i) carrying out the activities of the agency re-  
9 lating to the Next Generation Air Transportation  
10 System in coordination with the Office, including the  
11 execution of all aspects of the work of the agency in  
12 developing and implementing the integrated work  
13 plan described in subsection (b)(5);

14               “(ii) serving as a liaison for the agency in ac-  
15 tivities of the agency relating to the Next Generation  
16 Air Transportation System and coordinating with  
17 other Federal agencies involved in activities relating  
18 to the System; and

19               “(iii) ensuring that the agency meets its obliga-  
20 tions as set forth in any memorandum of under-  
21 standing executed by or on behalf of the agency re-  
22 lating to the Next Generation Air Transportation  
23 System.

24       “(C) The head of a Federal agency referred to in sub-  
25 paragraph (B) shall ensure that—

1           “(i) the responsibilities of the agency relating to  
2 the Next Generation Air Transportation System are  
3 clearly communicated to the senior official of the  
4 agency designated under subparagraph (B); and

5           “(ii) the performance of the senior official in  
6 carrying out the responsibilities of the agency relat-  
7 ing to the Next Generation Air Transportation Sys-  
8 tem is reflected in the official’s annual performance  
9 evaluations and compensation.

10          “(D) The head of a Federal agency referred to in  
11 subparagraph (B) shall—

12           “(i) establish or designate an office within the  
13 agency to carry out its responsibilities under the  
14 memorandum of understanding under the super-  
15 vision of the designated official; and

16           “(ii) ensure that the designated official has suf-  
17 ficient budgetary authority and staff resources to  
18 carry out the agency’s Next Generation Air Trans-  
19 portation System responsibilities as set forth in the  
20 integrated plan under subsection (b).

21          “(E) Not later than 6 months after the date of enact-  
22 ment of this subparagraph, the head of each Federal agen-  
23 cy that has responsibility for carrying out any activity  
24 under the integrated plan under subsection (b) shall exe-

1 cute a memorandum of understanding with the Office obli-  
2 gating that agency to carry out the activity.”.

3 (4) COORDINATION WITH OMB.—Section 709(a)  
4 of such Act (117 Stat. 2582) is further amended by  
5 adding at the end the following:

6 “(6)(A) The Office shall work with the Director of  
7 the Office of Management and Budget to develop a process  
8 whereby the Director will identify projects related to the  
9 Next Generation Air Transportation System across the  
10 agencies referred to in paragraph (4)(A) and consider the  
11 Next Generation Air Transportation System as a unified,  
12 cross-agency program.

13 “(B) The Director, to the maximum extent prac-  
14 ticable, shall—

15 “(i) ensure that—

16 “(I) each Federal agency covered by the  
17 plan has sufficient funds requested in the Presi-  
18 dent’s budget, as submitted under section  
19 1105(a) of title 31, United States Code, for  
20 each fiscal year covered by the plan to carry out  
21 its responsibilities under the plan; and

22 “(II) the development and implementation  
23 of the Next Generation Air Transportation Sys-  
24 tem remains on schedule;

1           “(ii) include, in the President’s budget, a state-  
2           ment of the portion of the estimated budget of each  
3           Federal agency covered by the plan that relates to  
4           the activities of the agency under the Next Genera-  
5           tion Air Transportation System initiative; and

6           “(iii) identify and justify as part of the Presi-  
7           dent’s budget submission any inconsistencies be-  
8           tween the plan and amounts requested in the budg-  
9           et.

10          “(7) The Associate Administrator of the Next Gen-  
11          eration Air Transportation System shall be a voting mem-  
12          ber of the Joint Resources Council of the Federal Aviation  
13          Administration.”.

14          (b) INTEGRATED PLAN.—Section 709(b) of such Act  
15          (117 Stat. 2583) is amended—

16                 (1) in the matter preceding paragraph (1)—

17                         (A) by striking “meets air” and inserting  
18                         “meets anticipated future air”; and

19                         (B) by striking “beyond those currently in-  
20                         cluded in the Federal Aviation Administration’s  
21                         operational evolution plan”;

22                 (2) by striking “and” at the end of paragraph  
23                 (3);

24                 (3) by striking the period at the end of para-  
25                 graph (4) and inserting “; and”; and

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

2 “(5) a multiagency integrated work plan for the  
3 Next Generation Air Transportation System that in-  
4 cludes—

5 “(A) an outline of the activities required to  
6 achieve the end-state architecture, as expressed  
7 in the concept of operations and enterprise ar-  
8 chitecture documents, that identifies each Fed-  
9 eral agency or other entity responsible for each  
10 activity in the outline;

11 “(B) details on a year-by-year basis of spe-  
12 cific accomplishments, activities, research re-  
13 quirements, rulemakings, policy decisions, and  
14 other milestones of progress for each Federal  
15 agency or entity conducting activities relating to  
16 the Next Generation Air Transportation Sys-  
17 tem;

18 “(C) for each element of the Next Genera-  
19 tion Air Transportation System, an outline, on  
20 a year-by-year basis, of what is to be accom-  
21 plished in that year toward meeting the Next  
22 Generation Air Transportation System’s end-  
23 state architecture, as expressed in the concept  
24 of operations and enterprise architecture docu-  
25 ments, as well as identifying each Federal agen-

1           cy or other entity that will be responsible for  
2           each component of any research, development,  
3           or implementation program;

4           “(D) an estimate of all necessary expendi-  
5           tures on a year-by-year basis, including a state-  
6           ment of each Federal agency or entity’s respon-  
7           sibility for costs and available resources, for  
8           each stage of development from the basic re-  
9           search stage through the demonstration and im-  
10          plementation phase;

11          “(E) a clear explanation of how each step  
12          in the development of the Next Generation Air  
13          Transportation System will lead to the following  
14          step and of the implications of not successfully  
15          completing a step in the time period described  
16          in the integrated work plan;

17          “(F) a transition plan for the implementa-  
18          tion of the Next Generation Air Transportation  
19          System that includes date-specific milestones  
20          for the implementation of new capabilities into  
21          the national airspace system; and

22          “(G) date-specific timetables for meeting  
23          the environmental goals identified in subsection  
24          (a)(3)(I).”.

1           (c) OPERATIONAL EVOLUTION PARTNERSHIP.—Sec-  
2 tion 709(d) of such Act (117 Stat. 2584) is amended to  
3 read as follows:

4           “(d) OPERATIONAL EVOLUTION PARTNERSHIP.—  
5 The Administrator of the Federal Aviation Administration  
6 shall develop and publish annually the document known  
7 as the ‘Operational Evolution Partnership’, or any suc-  
8 cessor document, that provides a detailed description of  
9 how the agency is implementing the Next Generation Air  
10 Transportation System.”.

11          (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 709(e) of such Act (117 Stat. 2584) is amended by strik-  
13 ing “2010” and inserting “2011”.

14          (e) CONTINGENCY PLANNING.—The Associate Ad-  
15 ministrator for the Next Generation Air Transportation  
16 System shall, as part of the design of the System, develop  
17 contingency plans for dealing with the degradation of the  
18 System in the event of a natural disaster, major equip-  
19 ment failure, or act of terrorism.

20 **SEC. 203. NEXT GENERATION AIR TRANSPORTATION SEN-**  
21 **IOR POLICY COMMITTEE.**

22          (a) MEETINGS.—Section 710(a) of Vision 100—Cen-  
23 tury of Aviation Reauthorization Act (49 U.S.C. 40101  
24 note; 117 Stat. 2584) is amended by inserting before the

1 period at the end the following “and shall meet at least  
2 twice each year”.

3 (b) ANNUAL REPORT.—Section 710 of such Act (117  
4 Stat. 2584) is amended by adding at the end the following:

5 “(e) ANNUAL REPORT.—

6 “(1) SUBMISSION TO CONGRESS.—Not later  
7 than one year after the date of enactment of this  
8 subsection, and annually thereafter on the date of  
9 submission of the President’s budget request to Con-  
10 gress under section 1105(a) of title 31, United  
11 States Code, the Secretary shall submit to the Com-  
12 mittee on Transportation and Infrastructure and the  
13 Committee on Science and Technology of the House  
14 of Representatives and the Committee on Commerce,  
15 Science, and Transportation of the Senate a report  
16 summarizing the progress made in carrying out the  
17 integrated work plan required by section 709(b)(5)  
18 and any changes in that plan.

19 “(2) CONTENTS.—The report shall include—

20 “(A) a copy of the updated integrated  
21 work plan;

22 “(B) a description of the progress made in  
23 carrying out the integrated work plan and any  
24 changes in that plan, including any changes



1 based on funding shortfalls and limitations set  
2 by the Office of Management and Budget;

3 “(C) a detailed description of—

4 “(i) the success or failure of each item  
5 of the integrated work plan for the pre-  
6 vious year and relevant information as to  
7 why any milestone was not met; and

8 “(ii) the impact of not meeting the  
9 milestone and what actions will be taken in  
10 the future to account for the failure to  
11 complete the milestone;

12 “(D) an explanation of any change to fu-  
13 ture years in the integrated work plan and the  
14 reasons for such change; and

15 “(E) an identification of the levels of fund-  
16 ing for each agency participating in the inte-  
17 grated work plan devoted to programs and ac-  
18 tivities under the plan for the previous fiscal  
19 year and in the President’s budget request.”.

20 **SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**  
21 **CAST SERVICES.**

22 (a) REPORT ON FAA PROGRAM AND SCHEDULE.—

23 (1) IN GENERAL.—The Administrator of the  
24 Federal Aviation Administration shall prepare a re-  
25 port detailing the program and schedule for inte-

1 grating automatic dependent surveillance-broadcast  
2 (in this section referred to as “ADS-B”) technology  
3 into the national airspace system.

4 (2) CONTENTS.—The report shall include—

5 (A) a description of segment 1 and seg-  
6 ment 2 activity to acquire ADS-B services;

7 (B) a description of plans for implementa-  
8 tion of advanced operational procedures and  
9 ADS-B air-to-air applications; and

10 (C) a discussion of protections that the  
11 Administration will require as part of any con-  
12 tract or program in the event of a contractor’s  
13 default, bankruptcy, acquisition by another en-  
14 tity, or any other event jeopardizing the unin-  
15 terrupted provision of ADS-B services.

16 (3) SUBMISSION TO CONGRESS.—Not later than  
17 90 days after the date of enactment of this Act, the  
18 Administrator shall submit to the Committee on  
19 Transportation and Infrastructure of the House of  
20 Representatives and the Committee on Commerce,  
21 Science, and Transportation of the Senate the report  
22 prepared under paragraph (1).

23 (b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-  
24 B SERVICES.—Any contract entered into by the Adminis-

1 trator with an entity to acquire ADS-B services shall con-  
2 tain terms and conditions that—

3 (1) require approval by the Administrator be-  
4 fore the contract may be assigned to or assumed by  
5 another entity, including any successor entity, sub-  
6 sidiary of the contractor, or other corporate entity;

7 (2) provide that the assets, equipment, hard-  
8 ware, and software used in the performance of the  
9 contract be designated as critical national infrastruc-  
10 ture for national security and related purposes;

11 (3) require the contractor to provide continued  
12 broadcast services for a reasonable period, as deter-  
13 mined by the Administrator, until the provision of  
14 such services can be transferred to another vendor  
15 or to the Government in the event of a termination  
16 of the contract;

17 (4) require the contractor to provide continued  
18 broadcast services for a reasonable period, as deter-  
19 mined by the Administrator, until the provision of  
20 such services can be transferred to another vendor  
21 or to the Government in the event of material non-  
22 performance, as determined by the Administrator;  
23 and

24 (5) permit the Government to acquire or utilize  
25 for a reasonable period, as determined by the Ad-

1 administrator, the assets, equipment, hardware, and  
2 software necessary to ensure the continued and un-  
3 interrupted provision of ADS-B services and to have  
4 ready access to such assets, equipment, hardware,  
5 and software through its own personnel, agents, or  
6 others, if the Administrator provides reasonable  
7 compensation for such acquisition or utilization.

8 (c) REVIEW BY DOT INSPECTOR GENERAL.—

9 (1) IN GENERAL.—The Inspector General of  
10 the Department of Transportation shall conduct a  
11 review concerning the Federal Aviation Administra-  
12 tion’s award and oversight of any contract entered  
13 into by the Administration to provide ADS-B serv-  
14 ices for the national airspace system.

15 (2) CONTENTS.—The review shall include, at a  
16 minimum—

17 (A) an examination of how program risks  
18 are being managed;

19 (B) an assessment of expected benefits at-  
20 tributable to the deployment of ADS-B services,  
21 including the implementation of advanced oper-  
22 ational procedures and air-to-air applications as  
23 well as to the extent to which ground radar will  
24 be retained;

1           (C) a determination of whether the Admin-  
2           istration has established sufficient mechanisms  
3           to ensure that all design, acquisition, operation,  
4           and maintenance requirements have been met  
5           by the contractor;

6           (D) an assessment of whether the Admin-  
7           istration and any contractors are meeting cost,  
8           schedule, and performance milestones, as meas-  
9           ured against the original baseline of the Admin-  
10          istration's program for providing ADS-B serv-  
11          ices;

12          (E) an assessment of whether security  
13          issues are being adequately addressed in the  
14          overall design and implementation of the ADS-  
15          B system; and

16          (F) any other matters or aspects relating  
17          to contract implementation and oversight that  
18          the Inspector General determines merit atten-  
19          tion.

20          (3) REPORTS TO CONGRESS.—The Inspector  
21          General shall periodically, on at least an annual  
22          basis, submit to the Committee on Transportation  
23          and Infrastructure of the House of Representatives  
24          and the Committee on Commerce, Science, and

1 Transportation of the Senate a report on the results  
2 of the review conducted under this subsection.

3 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**  
4 **CONTROL MODERNIZATION PROJECTS.**

5 (a) IN GENERAL.—The Administrator of the Federal  
6 Aviation Administration shall establish a process for in-  
7 cluding in the planning, development, and deployment of  
8 air traffic control modernization projects (including the  
9 Next Generation Air Transportation System) and collabo-  
10 rating with qualified employees selected by each exclusive  
11 collective bargaining representative of employees of the  
12 Administration who are likely to be impacted by such plan-  
13 ning, development, and deployment.

14 (b) PARTICIPATION.—

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

21 (2) CAPACITY AND COMPENSATION.—Exclusive  
22 collective bargaining representatives and selected  
23 employees participating in the process described in  
24 subsection (a) shall—

1 (A) serve in a collaborative and advisory  
2 capacity; and

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

7 (c) REPORT.—Not later than 180 days after the date  
8 of enactment of this Act, the Administrator shall submit  
9 to the Committee on Transportation and Infrastructure  
10 of the House of Representatives and the Committee on  
11 Commerce, Science, and Transportation of the Senate a  
12 report on the implementation of this section.

13 **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**  
14 **TRANSFORMING TO THE NEXT GENERATION**  
15 **AIR TRANSPORTATION SYSTEM.**

16 (a) IN GENERAL.—The Comptroller General shall  
17 conduct a review of the progress and challenges associated  
18 with transforming the Nation’s air traffic control system  
19 into the Next Generation Air Transportation System (in  
20 this section referred to as the “NextGen System”).

21 (b) REVIEW.—The review shall include the following:

22 (1) An evaluation of the continued implementa-  
23 tion and institutionalization of the processes that are  
24 key to the ability of the Air Traffic Organization to  
25 effectively maintain management structures and sys-

1       tems acquisitions procedures utilized under the cur-  
2       rent air traffic control modernization program as a  
3       basis for the NextGen System.

4               (2) An assessment of the progress and chal-  
5       lenges associated with collaboration and contribu-  
6       tions of the partner agencies working with the Joint  
7       Planning and Development Office of the Federal  
8       Aviation Administration (in this section referred to  
9       as the “JPDO”) in planning and implementing the  
10      NextGen System.

11              (3) The progress and challenges associated with  
12      coordinating government and industry stakeholders  
13      in activities relating to the NextGen System, includ-  
14      ing an assessment of the contributions of the  
15      NextGen Institute.

16              (4) An assessment of planning and implementa-  
17      tion of the NextGen System against established  
18      schedules, milestones, and budgets.

19              (5) An evaluation of the recently modified orga-  
20      nizational structure of the JPDO.

21              (6) An examination of transition planning by  
22      the Air Traffic Organization and the JPDO.

23              (7) Any other matters or aspects of planning  
24      and coordination of the NextGen System by the



1 Federal Aviation Administration and the JPDO that  
2 the Comptroller General determines appropriate.

3 (c) REPORTS.—

4 (1) REPORT TO CONGRESS ON PRIORITIES.—

5 Not later than one year after the date of enactment  
6 of this Act, the Comptroller General shall determine  
7 the priority of topics to be reviewed under this sec-  
8 tion and report such priorities to the Committee on  
9 Transportation and Infrastructure and the Com-  
10 mittee on Science and Technology of the House of  
11 Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate.

13 (2) PERIODIC REPORTS TO CONGRESS ON RE-  
14 SULTS OF THE REVIEW.—The Comptroller General  
15 shall periodically submit to the committees referred  
16 to in paragraph (1) a report on the results of the  
17 review conducted under this section.

18 **SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANS-**  
19 **PORTATION SYSTEM ACQUISITION AND PRO-**  
20 **CEDURES DEVELOPMENT.**

21 (a) STUDY.—The Comptroller General shall conduct  
22 a review of the progress made and challenges related to  
23 the acquisition of designated technologies and the develop-  
24 ment of procedures for the Next Generation Air Transpor-

1 tation System (in this section referred to as the “NextGen  
2 System”).

3 (b) SPECIFIC SYSTEMS REVIEW.—The review shall  
4 include, at a minimum, an examination of the acquisition  
5 costs, schedule, and other relevant considerations for the  
6 following systems:

7 (1) En Route Automation Modernization  
8 (ERAM).

9 (2) Standard Terminal Automation Replace-  
10 ment System/Common Automated Radar Terminal  
11 System (STARS/CARTS).

12 (3) Automatic Dependent Surveillance-Broad-  
13 cast (ADS-B).

14 (4) System Wide Information Management  
15 (SWIM).

16 (5) Traffic Flow Management Modernization  
17 (TFM-M).

18 (c) REVIEW.—The review shall include, at a min-  
19 imum, an assessment of the progress and challenges re-  
20 lated to the development of standards, regulations, and  
21 procedures that will be necessary to implement the  
22 NextGen System, including required navigation perform-  
23 ance, area navigation, the airspace management program,  
24 and other programs and procedures that the Comptroller

1 General identifies as relevant to the transformation of the  
2 air traffic system.

3 (d) PERIODIC REPORTS TO CONGRESS ON RESULTS  
4 OF THE REVIEW.—The Comptroller General shall periodi-  
5 cally submit to the Committee on Transportation and In-  
6 frastructure and the Committee on Science and Tech-  
7 nology of the House of Representatives and the Committee  
8 on Commerce, Science, and Transportation of the Senate  
9 a report on the results of the review conducted under this  
10 section.

11 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**  
12 **ATIONAL AND APPROACH PROCEDURES BY A**  
13 **THIRD PARTY.**

14 (a) REVIEW.—The Inspector General of the Depart-  
15 ment of Transportation shall conduct a review regarding  
16 the effectiveness of the oversight activities conducted by  
17 the Federal Aviation Administration in connection with  
18 any agreement with or delegation of authority to a third  
19 party for the development of flight procedures for the na-  
20 tional airspace system.

21 (b) ASSESSMENTS.—The Inspector General shall in-  
22 clude, at a minimum, in the review—

23 (1) an assessment of the extent to which the  
24 Federal Aviation Administration is relying or in-  
25 tends to rely on a third party for the development

1 of new procedures and a determination of whether  
2 the Administration has established sufficient mecha-  
3 nisms and staffing to provide safety oversight of a  
4 third party; and

5 (2) an assessment regarding whether the Ad-  
6 ministration has sufficient existing personnel and  
7 technical resources or mechanisms to develop such  
8 flight procedures in a safe and efficient manner to  
9 meet the demands of the national airspace system  
10 without the use of third party resources.

11 (c) REPORT.—Not later than one year after the date  
12 of enactment of this Act, the Inspector General shall sub-  
13 mit to the Committee on Transportation and Infrastruc-  
14 ture of the House of Representatives and the Committee  
15 on Commerce, Science, and Transportation of the Senate  
16 a report on the results of the review conducted under this  
17 section, including the assessments described in subsection  
18 (b).

19 **SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**  
20 **FOR NEXT GENERATION AIR TRANSPOR-**  
21 **TATION SYSTEM.**

22 (a) REVIEW.—The Administrator of the Federal  
23 Aviation Administration shall enter into an arrangement  
24 with the National Research Council to review the enter-

1 prise architecture for the Next Generation Air Transpor-  
2 tation System.

3 (b) CONTENTS.—At a minimum, the review to be  
4 conducted under subsection (a) shall—

5 (1) highlight the technical activities, including  
6 human-system design, organizational design, and  
7 other safety and human factor aspects of the system,  
8 that will be necessary to successfully transition cur-  
9 rent and planned modernization programs to the fu-  
10 ture system envisioned by the Joint Planning and  
11 Development Office of the Administration;

12 (2) assess technical, cost, and schedule risk for  
13 the software development that will be necessary to  
14 achieve the expected benefits from a highly auto-  
15 mated air traffic management system and the impli-  
16 cations for ongoing modernization projects; and

17 (3) include judgments on how risks with auto-  
18 mation efforts for the Next Generation Air Trans-  
19 portation System can be mitigated based on the ex-  
20 periences of other public or private entities in devel-  
21 oping complex, software-intensive systems.

22 (c) REPORT.—Not later than one year after the date  
23 of enactment of this Act, the Administrator shall submit  
24 to Congress a report containing the results of the review  
25 conducted pursuant to subsection (a).

1 **SEC. 210. NEXTGEN TECHNOLOGY TESTBED.**

2       Of amounts appropriated under section 48101(a) of  
3 title 49, United States Code, the Administrator of the  
4 Federal Aviation Administration shall use such sums as  
5 may be necessary for each of the fiscal years 2008 through  
6 2011 to contribute to the establishment by a public-private  
7 partnership (including a university component with sig-  
8 nificant aviation expertise in air traffic management, sim-  
9 ulation, meteorology, and engineering and aviation busi-  
10 ness) an airport-based testing site for existing Next Gen-  
11 eration Air Transport System technologies. The Adminis-  
12 trator shall ensure that next generation air traffic control  
13 integrated systems developed by private industries are in-  
14 stalled at the site for demonstration, operational research,  
15 and evaluation by the Administration. The testing site  
16 shall serve a mix of general aviation and commercial traf-  
17 fic.

18 **SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
19 **REIMBURSABLE AGREEMENTS.**

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

22 **SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.**

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

24               (1) by redesignating subparagraph (D) as sub-  
25               paragraph (E);

1           (2) by striking subparagraphs (B) and (C) and  
2 inserting the following:

3           “(B) runway lighting and airport surface  
4 visual and other navigation aids;

5           “(C) aeronautical and meteorological infor-  
6 mation to air traffic control facilities or air-  
7 craft;

8           “(D) communication, navigation, or sur-  
9 veillance equipment for air-to-ground or air-to-  
10 air applications;”;

11          (3) in subparagraph (E) (as redesignated by  
12 paragraph (1) of this section)—

13           (A) by striking “another structure” and  
14 inserting “any structure, equipment,”; and

15           (B) by striking the period at the end and  
16 inserting “; and”; and

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

18           “(F) buildings, equipment, and systems  
19 dedicated to the national airspace system.”.

20 **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
21 **TORY.**

22          Section 40110(a)(2) is amended by striking “com-  
23 pensation” and inserting “compensation, and the amount  
24 received shall be credited as an offsetting collection to the

1 account from which the amount was expended and shall  
2 remain available until expended”.

3 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**  
4 **THORITY.**

5 Section 40110(c) is amended—

6 (1) by striking the semicolon at the end of  
7 paragraph (3) and inserting “; and”;

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

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

11 **SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
12 **TIES.**

13 Section 40113(e) is amended—

14 (1) in paragraph (1)—

15 (A) by inserting “public and private” be-  
16 fore “foreign aviation authorities”; and

17 (B) by striking the period at the end of the  
18 first sentence and inserting “or efficiency. The  
19 Administrator may participate in, and submit  
20 offers in response to, competitions to provide  
21 such services and may contract with foreign  
22 aviation authorities to provide such services  
23 consistent with section 106(l)(6). Notwith-  
24 standing any other provision of law or policy,



1 the Administrator may accept payments re-  
2 ceived under this subsection in arrears.”; and

3 (2) in paragraph (3) by striking “credited” and  
4 all that follows through the period at the end and  
5 inserting “credited as an offsetting collection to the  
6 account from which the expenses were incurred in  
7 providing such services and shall remain available  
8 until expended.”.

9 **SEC. 216. FRONT LINE MANAGER STAFFING.**

10 (a) STUDY.—Not later than 90 days after the date  
11 of enactment of this Act, the Administrator of the Federal  
12 Aviation Administration shall initiate a study on front line  
13 manager staffing requirements in air traffic control facili-  
14 ties.

15 (b) CONSIDERATIONS.—In conducting the study, the  
16 Administrator shall take into consideration—

17 (1) the number of supervisory positions of oper-  
18 ation requiring watch coverage in each air traffic  
19 control facility;

20 (2) coverage requirements in relation to traffic  
21 demand;

22 (3) facility type;

23 (4) complexity of traffic and managerial respon-  
24 sibilities;

25 (5) proficiency and training requirements; and

1           (6) such other factors as the Administrator con-  
2           siders appropriate.

3           (c) DETERMINATIONS.—The Administrator shall  
4 transmit any determinations made as a result of the study  
5 to the Chief Operating Officer for the air traffic control  
6 system.

7           (d) REPORT.—Not later than one year after the date  
8 of enactment of this Act, the Administrator shall submit  
9 to the Committee on Transportation and Infrastructure  
10 of the House of Representatives and the Committee on  
11 Commerce, Science, and Transportation of the Senate a  
12 report on the results of the study and a description of any  
13 determinations submitted to the Chief Operating Officer  
14 under subsection (c).

15 **SEC. 217. FLIGHT SERVICE STATIONS.**

16           (a) ESTABLISHMENT OF MONITORING SYSTEM.—Not  
17 later than 60 days after the date of enactment of this Act,  
18 the Administrator of the Federal Aviation Administration  
19 shall develop and implement a monitoring system for flight  
20 service specialist staffing and training under service con-  
21 tracts for flight service stations.

22           (b) COMPONENTS.—At a minimum, the monitoring  
23 system shall include mechanisms to monitor—

24                 (1) flight specialist staffing plans for individual  
25                 facilities;

1           (2) actual staffing levels for individual facilities;

2           (3) the initial and recurrent certification and  
3 training of flight service specialists on the safety,  
4 operational, and technological aspects of flight serv-  
5 ices, including any certification and training nec-  
6 essary to meet user demand; and

7           (4) system outages, excessive hold times,  
8 dropped calls, poor quality briefings, and any other  
9 safety or customer service issues under a contract  
10 for flight service station services.

11       (c) REPORT TO CONGRESS.—Not later than 90 days  
12 after the date of enactment of this Act, the Administrator  
13 shall submit to the Committee on Transportation and In-  
14 frastructure of the House of Representatives and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate a report containing—

17           (1) a description of monitoring system;

18           (2) if the Administrator determines that con-  
19 tractual changes or corrective actions are required  
20 for the Administration to ensure that the vendor  
21 under a contract for flight service station services  
22 provides safe and high quality service to consumers,  
23 a description of the changes or actions required; and

24           (3) a description of the contingency plans of the  
25 Administrator and the protections that the Adminis-

1 trator will have in place to provide uninterrupted  
2 flight service station services in the event of—

3 (A) material non-performance of the con-  
4 tract;

5 (B) a vendor's default, bankruptcy, or ac-  
6 quisition by another entity; or

7 (C) any other event that could jeopardize  
8 the uninterrupted provision of flight service sta-  
9 tion services.

10 **SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-  
11 TER OF EXCELLENCE.**

12 (a) ESTABLISHMENT.—Of the amount appropriated  
13 under section 48101(a) of title 49, United States Code,  
14 the Administrator of the Federal Aviation Administration  
15 shall use such sums as may be necessary for each of fiscal  
16 years 2008 through 2011 to contribute to the establish-  
17 ment of a center of excellence for the research and devel-  
18 opment of Next Generation Air Transportation System  
19 technologies.

20 (b) FUNCTIONS.—The center established under sub-  
21 section (a) shall—

22 (1) leverage the centers of excellence program  
23 of the Federal Aviation Administration, as well as  
24 other resources and partnerships, to enhance the de-  
25 velopment of Next Generation Air Transportation

1 System technologies within academia and industry;  
2 and

3 (2) provide educational, technical, and analyt-  
4 ical assistance to the Federal Aviation Administra-  
5 tion and other Federal agencies with responsibilities  
6 to research and develop Next Generation Air Trans-  
7 portation System technologies.

8 **SEC. 219. AIRSPACE REDESIGN.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The airspace redesign efforts of the Federal  
11 Aviation Administration will play a critical near-  
12 term role in enhancing capacity, reducing delays,  
13 transitioning to more flexible routing, and ultimately  
14 saving money in fuel costs for airlines and airspace  
15 users.

16 (2) The critical importance of airspace redesign  
17 efforts is underscored by the fact that they are high-  
18 lighted in strategic plans of the Administration, in-  
19 cluding Flight Plan 2008–2012 and the document  
20 known as the “Operational Evolution Partnership”.

21 (3) Funding cuts have led to delays and defere-  
22 rals of critical capacity enhancing airspace redesign  
23 efforts.

1           (4) Several new runways planned for the period  
2           of fiscal years 2008 to 2011 will not provide esti-  
3           mated capacity benefits without additional funds.

4           (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
5           tion to amounts authorized by section 106(k) of title 49,  
6           United States Code, there are authorized to be appro-  
7           priated to the Administrator of the Federal Aviation Ad-  
8           ministration \$2,300,000 for fiscal year 2008, \$14,500,000  
9           for fiscal year 2009, \$20,000,000 for fiscal year 2010, and  
10          \$20,000,000 for fiscal year 2011 to carry out such air-  
11          space redesign initiatives as the Administrator determines  
12          appropriate.

13          (c) ADDITIONAL AMOUNTS.—Of the amounts appro-  
14          priated under section 48101(a) of such title, the Adminis-  
15          trator may use \$5,000,000 for fiscal year 2008,  
16          \$5,000,000 for fiscal year 2009, \$5,000,000 for fiscal year  
17          2010, and \$5,000,000 for fiscal year 2011 to carry out  
18          such airspace redesign initiatives as the Administrator de-  
19          termines appropriate.

## 20                                   **TITLE III—SAFETY**

### 21                   **Subtitle A—General Provisions**

#### 22           **SEC. 301. AGE STANDARDS FOR PILOTS.**

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

1 **“§ 44729. Age standards for pilots**

2       “(a) IN GENERAL.—Subject to the limitation in sub-  
3 section (e), a pilot may serve in multicrew covered oper-  
4 ations until attaining 65 years of age.

5       “(b) COVERED OPERATIONS DEFINED.—In this sec-  
6 tion, the term ‘covered operations’ means operations under  
7 part 121 of title 14, Code of Federal Regulations.

8       “(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

9           “(1) APPLICABILITY OF ICAO STANDARD.—A  
10 pilot who has attained 60 years of age may serve as  
11 pilot-in-command in covered operations between the  
12 United States and another country only if there is  
13 another pilot in the flight deck crew who has not yet  
14 attained 60 years of age.

15           “(2) SUNSET OF LIMITATION.—Paragraph (1)  
16 shall cease to be effective on such date as the Con-  
17 vention on International Civil Aviation provides that  
18 a pilot who has attained 60 years of age may serve  
19 as pilot-in-command in international commercial op-  
20 erations without regard to whether there is another  
21 pilot in the flight deck crew who has not attained  
22 age 60.

23       “(d) SUNSET OF AGE-60 RETIREMENT RULE.—On  
24 and after the date of enactment of this section, section  
25 121.383(e) of title 14, Code of Federal Regulations, shall  
26 cease to be effective.

1 “(e) APPLICABILITY.—

2 “(1) NONRETROACTIVITY.—No person who has  
3 attained 60 years of age before the date of enact-  
4 ment of this section may serve as a pilot for an air  
5 carrier engaged in covered operations unless—

6 “(A) such person is in the employment of  
7 that air carrier in such operations on such date  
8 of enactment as a required flight deck crew  
9 member; or

10 “(B) such person is newly hired by an air  
11 carrier as a pilot on or after such date of enact-  
12 ment without credit for prior seniority or prior  
13 longevity for benefits or other terms related to  
14 length of service prior to the date of rehire  
15 under any labor agreement or employment poli-  
16 cies of the air carrier.

17 “(2) PROTECTION FOR COMPLIANCE.—An ac-  
18 tion taken in conformance with this section, taken in  
19 conformance with a regulation issued to carry out  
20 this section, or taken prior to the date of enactment  
21 of this section in conformance with section  
22 121.383(e) of title 14, Code of Federal Regulations  
23 (as in effect before such date of enactment), may  
24 not serve as a basis for liability or relief in a pro-



1 ceeding before any court or agency of the United  
2 States or of any State or locality.

3 “(f) AMENDMENTS TO LABOR AGREEMENTS AND  
4 BENEFIT PLANS.—Any amendment to a labor agreement  
5 or benefit plan of an air carrier that is required to conform  
6 with the requirements of this section or a regulation issued  
7 to carry out this section, and is applicable to pilots rep-  
8 resented for collective bargaining, shall be made by agree-  
9 ment of the air carrier and the designated bargaining rep-  
10 resentative of the pilots of the air carrier.

11 “(g) MEDICAL STANDARDS AND RECORDS.—

12 “(1) MEDICAL EXAMINATIONS AND STAND-  
13 ARDS.—Except as provided by paragraph (2), a per-  
14 son serving as a pilot for an air carrier engaged in  
15 covered operations shall not be subject to different  
16 medical standards, or different, greater, or more fre-  
17 quent medical examinations, on account of age un-  
18 less the Secretary determines (based on data re-  
19 ceived or studies published after the date of enact-  
20 ment of this section) that different medical stand-  
21 ards, or different, greater, or more frequent medical  
22 examinations, are needed to ensure an adequate level  
23 of safety in flight.

24 “(2) DURATION OF FIRST-CLASS MEDICAL CER-  
25 TIFICATE.—No person who has attained 60 years of

1 age may serve as a pilot of an air carrier engaged  
2 in covered operations unless the person has a first-  
3 class medical certificate. Such a certificate shall ex-  
4 pire on the last day of the 6-month period following  
5 the date of examination shown on the certificate.

6 “(h) SAFETY.—

7 “(1) TRAINING.—Each air carrier engaged in  
8 covered operations shall continue to use pilot train-  
9 ing and qualification programs approved by the Fed-  
10 eral Aviation Administration, with specific emphasis  
11 on initial and recurrent training and qualification of  
12 pilots who have attained 60 years of age, to ensure  
13 continued acceptable levels of pilot skill and judg-  
14 ment.

15 “(2) LINE EVALUATIONS.—Not later than 6  
16 months after the date of enactment of this section,  
17 and every 6 months thereafter, an air carrier en-  
18 gaged in covered operations shall evaluate the per-  
19 formance of each pilot of the air carrier who has at-  
20 tained 60 years of age through a line check of such  
21 pilot. Notwithstanding the preceding sentence, an air  
22 carrier shall not be required to conduct for a 6-  
23 month period a line check under this paragraph of  
24 a pilot serving as second in command if the pilot has



1 party to the judicial review proceedings. The find-  
2 ings of fact of the Board in any such case are con-  
3 clusive if supported by substantial evidence.”.

4 (b) CONFORMING AMENDMENT.—Section 1153(c) is  
5 amended by striking “section 44709 or” and inserting  
6 “section 44703(d), 44709, or”.

7 **SEC. 303. RELEASE OF DATA RELATING TO ABANDONED**  
8 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
9 **TYPE CERTIFICATES.**

10 (a) RELEASE OF DATA.—Section 44704(a) is amend-  
11 ed by adding at the end the following:

12 “(5) RELEASE OF DATA.—

13 “(A) IN GENERAL.—Notwithstanding any  
14 other provision of law, the Administrator may  
15 make available upon request to a person seek-  
16 ing to maintain the airworthiness of an aircraft,  
17 engine, propeller, or appliance, engineering data  
18 in the possession of the Administration relating  
19 to a type certificate or a supplemental type cer-  
20 tificate for such aircraft, engine, propeller, or  
21 appliance, without the consent of the owner of  
22 record, if the Administrator determines that—

23 “(i) the certificate containing the re-  
24 quested data has been inactive for 3 or  
25 more years;

1           “(ii) after using due diligence, the Ad-  
2           ministrators is unable to find the owner of  
3           record, or the owner of record’s heir, of the  
4           type certificate or supplemental certificate;  
5           and

6           “(iii) making such data available will  
7           enhance aviation safety.

8           “(B) ENGINEERING DATA DEFINED.—In  
9           this section, the term ‘engineering data’ as used  
10          with respect to an aircraft, engine, propeller, or  
11          appliance means type design drawing and speci-  
12          fications for the entire aircraft, engine, pro-  
13          peller, or appliance or change to the aircraft,  
14          engine, propeller, or appliance, including the  
15          original design data, and any associated sup-  
16          plier data for individual parts or components  
17          approved as part of the particular certificate for  
18          the aircraft engine, propeller, or appliance.”.

19          (b) DESIGN ORGANIZATION CERTIFICATES.—Section  
20          44704(e)(1) is amended by striking “Beginning 7 years  
21          after the date of enactment of this subsection,” and insert-  
22          ing “Beginning January 1, 2013,”.

1 **SEC. 304. INSPECTION OF FOREIGN REPAIR STATIONS.**

2 (a) IN GENERAL.—Chapter 447 (as amended by sec-  
3 tion 301 of this Act) is further amended by adding at the  
4 end the following:

5 **“§ 44730. Inspection of foreign repair stations**

6 “Not later than one year after the date of enactment  
7 of this section, and annually thereafter, the Administrator  
8 of the Federal Aviation Administration shall: (1) submit  
9 to Congress a certification that each foreign repair station  
10 that is certified by the Administrator under part 145 of  
11 title 14, Code of Federal Regulations, and performs work  
12 on air carrier aircraft or components has been inspected  
13 by safety inspectors of the Administration not fewer than  
14 2 times in the preceding calendar year; and (2) modify  
15 the certification requirements under such part to include  
16 testing for the use of alcohol or a controlled substance in  
17 accordance with section 45102 of any individual per-  
18 forming a safety-sensitive function at a foreign aircraft re-  
19 pair station, including an individual working at a station  
20 of a third-party with whom an air carrier contracts to per-  
21 form work on air carrier aircraft or components.”.

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

“44730. Inspection of foreign repair stations.”.

24 **SEC. 305. RUNWAY SAFETY.**

25 (a) STRATEGIC RUNWAY SAFETY PLAN.—

1           (1) IN GENERAL.—Not later than 6 months  
2 after the date of enactment of this Act, the Adminis-  
3 trator of the Federal Aviation Administration shall  
4 develop and submit to Congress a report containing  
5 a strategic runway safety plan.

6           (2) CONTENTS OF PLAN.—The strategic run-  
7 way safety plan—

8           (A) shall include, at a minimum—

9                   (i) goals to improve runway safety;

10                   (ii) near- and longer-term actions de-  
11 signed to reduce the severity, number, and  
12 rate of runway incursions;

13                   (iii) timeframes and resources needed  
14 for the actions described in clause (ii); and

15                   (iv) a continuous evaluative process to  
16 track performance toward the goals re-  
17 ferred to in clause (i); and

18           (B) shall address the increased runway  
19 safety risk associated with the expected in-  
20 creased volume of air traffic.

21           (b) PLAN FOR INSTALLATION AND DEPLOYMENT OF  
22 SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY  
23 INCURSIONS.—Not later than December 31, 2008, the Ad-  
24 ministrator of the Federal Aviation Administration shall  
25 submit to Congress a report containing a plan for the in-

1 stallation and deployment of systems the Administration  
2 is installing to alert controllers or flight crews, or both,  
3 of potential runway incursions. The plan shall be inte-  
4 grated into the annual Operational Evolution Partnership  
5 document of the Administration or any successor docu-  
6 ment.

7 **SEC. 306. IMPROVED PILOT LICENSES.**

8 (a) IN GENERAL.—Not later than 6 months after the  
9 date of enactment of this Act, the Administrator of the  
10 Federal Aviation Administration shall begin to issue im-  
11 proved pilot licenses consistent with the requirements of  
12 title 49, United States Code, and title 14, Code of Federal  
13 Regulations.

14 (b) REQUIREMENTS.—Improved pilots licenses issued  
15 under subsection (a) shall—

16 (1) be resistant to tampering, alteration, and  
17 counterfeiting;

18 (2) include a photograph of the individual to  
19 whom the license is issued; and

20 (3) be capable of accommodating a digital pho-  
21 tograph, a biometric identifier, or any other unique  
22 identifier that the Administrator considers nec-  
23 essary.

24 (c) TAMPERING.—To the extent practical, the Admin-  
25 istrator shall develop methods to determine or reveal



1 whether any component or security feature of a license  
2 issued under subsection (a) has been tampered, altered,  
3 or counterfeited.

4 (d) USE OF DESIGNEES.—The Administrator may  
5 use designees to carry out subsection (a) to the extent fea-  
6 sible in order to minimize the burdens on pilots.

7 (e) REPORT.—Not later than 9 months after the date  
8 of enactment of this Act and every 6 months thereafter  
9 until September 30, 2011, the Administrator shall submit  
10 to the Committee on Transportation and Infrastructure  
11 of the House of Representatives and the Committee on  
12 Commerce, Science, and Transportation of the Senate a  
13 report on the issuance of improved pilot licenses under this  
14 section.

15 **SEC. 307. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.**

16 Not later than December 31, 2007, the Administrator  
17 of the Federal Aviation Administration shall issue a final  
18 rule regarding the reduction of fuel tank flammability in  
19 transport category aircraft.

20 **SEC. 308. FLIGHT CREW FATIGUE.**

21 (a) IN GENERAL.—Not later than 3 months after the  
22 date of enactment of this Act, the Administrator of the  
23 Federal Aviation Administration shall conclude arrange-  
24 ments with the National Academy of Sciences for a study  
25 of pilot fatigue.

1 (b) STUDY.—The study shall include consideration  
2 of—

3 (1) research on pilot fatigue, sleep, and circa-  
4 dian rhythms;

5 (2) sleep and rest requirements of pilots rec-  
6 ommended by the National Aeronautics and Space  
7 Administration and the National Transportation  
8 Safety Board; and

9 (3) Federal Aviation Administration and inter-  
10 national standards regarding flight limitations and  
11 rest for pilots.

12 (c) REPORT.—Not later than 18 months after initi-  
13 ating the study, the National Academy of Sciences shall  
14 submit to the Administrator a report containing its find-  
15 ings and recommendations regarding the study under sub-  
16 sections (a) and (b), including recommendations with re-  
17 spect to Federal Aviation Administration regulations gov-  
18 erning flight time limitations and rest requirements for  
19 pilots.

20 (d) RULEMAKING.—After the Administrator receives  
21 the report of the National Academy of Sciences, the Ad-  
22 ministrator shall consider the findings in the report and  
23 update as appropriate based on scientific data Federal  
24 Aviation Administration regulations governing flight time  
25 limitations and rest requirements for pilots.

1           (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-  
2 TIGUE STUDY RECOMMENDATIONS.—Not later than 60  
3 days after the date of enactment of this Act, the Adminis-  
4 trator shall initiate a process for the Civil Aerospace Med-  
5 ical Institute to carry out its recommendations for further  
6 study of the issue of flight attendant fatigue and to submit  
7 not later than March 31, 2009, to Congress a report on  
8 such process, including an analysis of the following:

9           (1) A survey of field operations of flight attend-  
10 ants.

11           (2) A study of incident reports regarding flight  
12 attendant fatigue.

13           (3) Field research on the effects of such fa-  
14 tigue.

15           (4) A validation of models for assessing flight  
16 attendant fatigue, international policies, and prac-  
17 tices regarding flight limitations and rest of flight  
18 attendants, and the potential benefits of training  
19 flight attendants regarding such fatigue.

20           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated such sums as necessary  
22 to carry out this section.

1 **SEC. 309. OCCUPATIONAL SAFETY AND HEALTH STAND-**  
2 **ARDS FOR FLIGHT ATTENDANTS ON BOARD**  
3 **AIRCRAFT.**

4 (a) IN GENERAL.—Chapter 447 (as amended by sec-  
5 tion 304 of this Act) is further amended by adding at the  
6 end the following:

7 **“§ 44731. Occupational safety and health standards**  
8 **for flight attendants on board aircraft**

9 “(a) IN GENERAL.—The Administrator of the Fed-  
10 eral Aviation Administration shall prescribe and enforce  
11 standards and regulations to ensure the occupational safe-  
12 ty and health of individuals serving as flight attendants  
13 in the cabin of an aircraft of an air carrier.

14 “(b) STANDARDS AND REGULATIONS.—Standards  
15 and regulations issued under this section shall require  
16 each air carrier operating an aircraft in air transpor-  
17 tation—

18 “(1) to provide for an environment in the cabin  
19 of the aircraft that is free from hazards that could  
20 cause physical harm to a flight attendant working in  
21 the cabin; and

22 “(2) to meet minimum standards for the occu-  
23 pational safety and health of flight attendants who  
24 work in the cabin of the aircraft.

1       “(c) RULEMAKING.—In carrying out this section, the  
2 Administrator shall conduct a rulemaking proceeding to  
3 address, at a minimum, the following areas:

4           “(1) Record keeping.

5           “(2) Blood borne pathogens.

6           “(3) Noise.

7           “(4) Sanitation.

8           “(5) Hazard communication.

9           “(6) Anti-discrimination.

10          “(7) Access to employee exposure and medical  
11 records.

12          “(8) Temperature standards for the aircraft  
13 cabin.

14       “(d) REGULATIONS.—

15           “(1) DEADLINE.—Not later than 3 years after  
16 the date of enactment of this section, the Adminis-  
17 trator shall issue final regulations to carry out this  
18 section.

19           “(2) CONTENTS.—Regulations issued under  
20 this subsection shall address each of the issues iden-  
21 tified in subsection (c) and others aspects of the en-  
22 vironment of an aircraft cabin that may cause illness  
23 or injury to a flight attendant working in the cabin.

24           “(3) EMPLOYER ACTIONS TO ADDRESS OCCUPA-  
25 TIONAL SAFETY AND HEALTH HAZARDS.—Regula-

1 tions issued under this subsection shall set forth  
2 clearly the circumstances under which an air carrier  
3 is required to take action to address occupational  
4 safety and health hazards.

5 “(e) ADDITIONAL RULEMAKING PROCEEDINGS.—  
6 After issuing regulations under subsection (c), the Admin-  
7 istrator may conduct additional rulemaking proceedings as  
8 the Administrator determines appropriate to carry out this  
9 section.

10 “(f) OVERSIGHT.—

11 “(1) CABIN OCCUPATIONAL SAFETY AND  
12 HEALTH INSPECTORS.—The Administrator shall es-  
13 tablish the position of Cabin Occupational Safety  
14 and Health Inspector within the Federal Aviation  
15 Administration and shall employ individuals with ap-  
16 propriate qualifications and expertise to serve in the  
17 position.

18 “(2) RESPONSIBILITIES.—Inspectors employed  
19 under this subsection shall be solely responsible for  
20 conducting proper oversight of air carrier programs  
21 implemented under this section.

22 “(g) CONSULTATION.—In developing regulations  
23 under this section, the Administrator shall consult with  
24 the Administrator of the Occupational Safety and Health

1 Administration, labor organizations representing flight at-  
2 tendants, air carriers, and other interested persons.

3 “(h) SAFETY PRIORITY.—In developing and imple-  
4 menting regulations under this section, the Administrator  
5 shall give priority to the safe operation and maintenance  
6 of an aircraft.

7 “(i) FLIGHT ATTENDANT DEFINED.—In this section,  
8 the term ‘flight attendant’ has the meaning given that  
9 term by section 44728.

10 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated such sums as may be nec-  
12 essary to carry out this section. Such sums shall remain  
13 available until expended.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-  
15 ter 447 is amended by adding at the end the following:

“44731. Occupational safety and health standards for flight attendants on  
board aircraft.”.

16 **SEC. 310. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS**  
17 **AREAS.**

18 (a) ESTABLISHMENT.—The Administrator of the  
19 Federal Aviation Administration may establish a pilot pro-  
20 gram to improve safety and efficiency by providing surveil-  
21 lance for aircraft flying outside of radar coverage in moun-  
22 tainous areas.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated such sums as may be nec-

1 essary to carry out this section. Such sums shall remain  
2 available until expended.

3 **SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**  
4 **ER OBSERVATION TECHNOLOGY.**

5 (a) STUDY.—The Administrator of the Federal Avia-  
6 tion Administration shall conduct a review of off-airport,  
7 low-altitude aircraft weather observation technologies.

8 (b) SPECIFIC REVIEW.—The review shall include, at  
9 a minimum, an examination of off-airport, low-altitude  
10 weather reporting needs, an assessment of technical alter-  
11 natives (including automated weather observation sta-  
12 tions), an investment analysis, and recommendations for  
13 improving weather reporting.

14 (c) REPORT.—Not later than one year after the date  
15 of enactment of this Act, the Administrator shall submit  
16 to Congress a report containing the results of the review.

17 **SEC. 312. NONCERTIFICATED MAINTENANCE PROVIDERS.**

18 (a) ISSUANCE OF REGULATIONS.—Not later than 3  
19 years after the date of enactment of this Act, the Adminis-  
20 trator of the Federal Aviation Administration shall issue  
21 regulations requiring that all covered maintenance work  
22 on aircraft used to provide air transportation under part  
23 121 of title 14, Code of Federal Regulations, be performed  
24 by individuals in accordance with subsection (b).



1 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN  
2 WORK.—Covered maintenance work for a part 121 air  
3 carrier shall only be performed by—

4 (1) an individual employed by the air carrier;

5 (2) an individual employed by another part 121  
6 air carrier;

7 (3) an individual employed by a part 145 repair  
8 station; or

9 (4) an individual employed by a company that  
10 provides contract maintenance workers to a part 145  
11 repair station or part 121 air carrier, if the indi-  
12 vidual—

13 (A) meets the requirements of the part  
14 145 repair station or the part 121 air carrier;

15 (B) works under the direct supervision and  
16 control of the part 145 repair station or part  
17 121 air carrier; and

18 (C) carries out the work in accordance  
19 with the part 121 air carrier's maintenance  
20 manual and, if applicable, the part 145 certifi-  
21 cate holder's repair station and quality control  
22 manuals.

23 (c) PLAN.—

24 (1) DEVELOPMENT.—The Administrator shall  
25 develop a plan to—

1 (A) require air carriers to identify and pro-  
2 vide to the Administrator a complete listing of  
3 all noncertificated maintenance providers that  
4 perform, before the effective date of the regula-  
5 tions to be issued under subsection (a), covered  
6 maintenance work on aircraft used to provide  
7 air transportation under part 121 of title 14,  
8 Code of Federal Regulations;

9 (B) validate the lists that air carriers pro-  
10 vide under subparagraph (A) by sampling air  
11 carrier records, such as maintenance activity re-  
12 ports and general vendor listings; and

13 (C) include surveillance and oversight by  
14 field inspectors of the Federal Aviation Admin-  
15 istration for all noncertificated maintenance  
16 providers that perform covered maintenance  
17 work on aircraft used to provide air transpor-  
18 tation in accordance with such part 121.

19 (2) REPORT TO CONGRESS.—Not later than 6  
20 months after the date of enactment of this Act, the  
21 Administrator shall transmit to Congress a report  
22 containing the plan developed under paragraph (1).

23 (d) DEFINITIONS.—In this section, the following defi-  
24 nitions apply:

1           (1) COVERED MAINTENANCE WORK.—The term  
2           “covered maintenance work” means maintenance  
3           work that is substantial, regularly-scheduled, or a  
4           required inspection item, as determined by the Ad-  
5           ministrator.

6           (2) PART 121 AIR CARRIER.—The term “part  
7           121 air carrier” means an air carrier that holds a  
8           certificate issued under part 121 of title 14, Code of  
9           Federal Regulations.

10          (3) PART 145 REPAIR STATION.—The term  
11          “part 145 repair station” means a repair station  
12          that holds a certificate issued under part 145 of title  
13          14, Code of Federal Regulations.

14          (4) NONCERTIFICATED MAINTENANCE PRO-  
15          VIDER.—The term “noncertificated maintenance  
16          provider” means a maintenance provider that does  
17          not hold a certificate issued under part 121 or part  
18          145 of title 14 Code of Federal Regulations.

19          (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20          authorized to be appropriated such sums as may be nec-  
21          essary for the Administrator to hire additional field safety  
22          inspectors to ensure adequate and timely inspection of  
23          maintenance providers that perform covered maintenance  
24          work.

1 **SEC. 313. AIRCRAFT RESCUE AND FIREFIGHTING STAND-**  
2 **ARDS.**

3 (a) RULEMAKING PROCEEDING.—Not later than 180  
4 days after the date of enactment of this Act, the Adminis-  
5 trator of the Federal Aviation Administration shall initiate  
6 a rulemaking proceeding for the purpose of issuing a pro-  
7 posed and final rule that revises the aircraft rescue and  
8 firefighting standards (“ARFF”) under part 139 of title  
9 14, Code of Federal Regulations, to improve the protection  
10 of the traveling public, other persons, aircraft, buildings,  
11 and the environment from fires and hazardous materials  
12 incidents.

13 (b) CONTENTS OF PROPOSED AND FINAL RULE.—  
14 The proposed and final rule to be issued under subsection  
15 (a) shall address the following:

16 (1) The mission of aircraft rescue and fire-  
17 fighting personnel, including responsibilities for pas-  
18 senger egress in the context of other Administration  
19 requirements.

20 (2) The proper level of staffing.

21 (3) The timeliness of a response.

22 (4) The handling of hazardous materials inci-  
23 dents at airports.

24 (5) Proper vehicle deployment.

25 (6) The need for equipment modernization.

1           (c) CONSISTENCY WITH VOLUNTARY CONSENSUS  
2 STANDARDS.—The proposed and final rule issued under  
3 subsection (a) shall be, to the extent practical, consistent  
4 with national voluntary consensus standards for aircraft  
5 rescue and firefighting services at airports.

6           (d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the  
7 rulemaking proceeding initiated under subsection (a), the  
8 Administrator shall assess the potential impact of any re-  
9 visions to the firefighting standards on airports and air  
10 transportation service.

11          (e) INCONSISTENCY WITH STANDARDS.—If the pro-  
12 posed or final rule issued under subsection (a) is not con-  
13 sistent with national voluntary consensus standards for  
14 aircraft rescue and firefighting services at airports, the  
15 Administrator shall submit to the Office of Management  
16 and Budget an explanation of the reasons for such incon-  
17 sistency in accordance with section 12(d) of the National  
18 Technology Transfer and Advancement Act of 1995 (15  
19 U.S.C. 272 note; 110 Stat. 783).

20          (f) FINAL RULE.—Not later than 24 months after  
21 the date of enactment of this Act, the Administrator shall  
22 issue the final rule required by subsection (a).

1       **Subtitle B—Unmanned Aircraft**  
2                                   **Systems**

3       **SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN-**  
4                                   **TEGRATION PLAN.**

5           (a) INTEGRATION PLAN.—

6               (1) COMPREHENSIVE PLAN.—Not later than 9  
7               months after the date of enactment of this Act, the  
8               Secretary, in consultation with representatives of the  
9               aviation industry, shall develop a comprehensive plan  
10              to safely integrate commercial unmanned aircraft  
11              systems into the national airspace system.

12             (2) MINIMUM REQUIREMENTS.—In developing  
13             the plan under paragraph (1), the Secretary shall, at  
14             a minimum—

15               (A) review technologies and research that  
16               will assist in facilitating the safe integration of  
17               commercial unmanned aircraft systems into the  
18               national airspace system;

19               (B) provide recommendations for the rule-  
20               making to be conducted under subsection (b)  
21               to—

22                   (i) define the acceptable standards for  
23                   operations and certification of commercial  
24                   unmanned aircraft systems;

1           (ii) ensure that any commercial un-  
2           manned aircraft system includes a detect,  
3           sense, and avoid capability; and

4           (iii) develop standards and require-  
5           ments for the operator or programmer of  
6           a commercial unmanned aircraft system,  
7           including standards and requirements for  
8           registration and licensing;

9           (C) recommend how best to enhance the  
10          technologies and subsystems necessary to effect  
11          the safe and routine operations of commercial  
12          unmanned aircraft systems in the national air-  
13          space system; and

14          (D) recommend how a phased-in approach  
15          to the integration of commercial unmanned air-  
16          craft systems into the national airspace system  
17          can best be achieved and a timeline upon which  
18          such a phase-in shall occur.

19          (3) DEADLINE.—The plan to be developed  
20          under paragraph (1) shall provide for the safe inte-  
21          gration of commercial unmanned aircraft systems  
22          into the national airspace system as soon as possible,  
23          but not later than September 30, 2012.

24          (4) REPORT TO CONGRESS.—Not later than one  
25          year after the date of enactment of this Act, the

1 Secretary shall submit to Congress a copy of the  
2 plan developed under paragraph (1).

3 (b) RULEMAKING.—Not later than 18 months after  
4 the date on which the integration plan is submitted to  
5 Congress under subsection (a)(4), the Administrator of  
6 the Federal Aviation Administration shall publish in the  
7 Federal Register a notice of proposed rulemaking to im-  
8 plement the recommendations of the integration plan.

9 (c) AUTHORIZATION.—There are authorized to be ap-  
10 propriated such sums as may be necessary to carry out  
11 this section.

12 **SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**  
13 **CRAFT SYSTEMS.**

14 (a) IN GENERAL.—Notwithstanding the require-  
15 ments of sections 321 and 323, and not later than 6  
16 months after the date of enactment of this Act, the Sec-  
17 retary shall determine if certain unmanned aircraft sys-  
18 tems may operate safely in the national airspace system  
19 before completion of the plan and rulemaking required by  
20 section 321 or the guidance required by section 323.

21 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-  
22 TEMS.—In making the determination under subsection  
23 (a), the Secretary shall determine, at a minimum—

24 (1) which types of unmanned aircraft systems,  
25 if any, as a result of their size, weight, speed, oper-



1 ational capability, proximity to airports and popu-  
2 lation areas, and operation within visual line-of-sight  
3 do not create a hazard to users of the national air-  
4 space system or the public or pose a threat to na-  
5 tional security; and

6 (2) whether a certificate of authorization or an  
7 airworthiness certification under section 44704 of  
8 title 49, United States Code, is required for the op-  
9 eration of unmanned aircraft systems identified  
10 under paragraph (1).

11 (c) REQUIREMENTS FOR SAFE OPERATION.—If the  
12 Secretary determines under this section that certain un-  
13 manned aircraft systems may operate safely in the na-  
14 tional airspace system, the Secretary shall establish re-  
15 quirements for the safe operation of such aircraft systems  
16 in the national airspace system.

17 **SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

18 Not later than 9 months after the date of enactment  
19 of this Act, the Secretary shall issue guidance regarding  
20 the operation of public unmanned aircraft systems to—

21 (1) expedite the issuance of a certificate of au-  
22 thorization process;

23 (2) provide for a collaborative process with pub-  
24 lic agencies to allow for an incremental expansion of  
25 access to the national airspace system as technology

1 matures and the necessary safety analysis and data  
2 become available and until standards are completed  
3 and technology issues are resolved; and

4 (3) facilitate the capability of public agencies to  
5 develop and use test ranges, subject to operating re-  
6 strictions required by the Federal Aviation Adminis-  
7 tration, to test and operate unmanned aircraft sys-  
8 tems.

9 **SEC. 324. DEFINITIONS.**

10 In this subtitle, the following definitions apply:

11 (1) **CERTIFICATE OF AUTHORIZATION.**—The  
12 term “certificate of authorization” means a Federal  
13 Aviation Administration grant of approval for a spe-  
14 cific flight operation.

15 (2) **DETECT, SENSE, AND AVOID CAPABILITY.**—  
16 The term “detect, sense, and avoid capability”  
17 means the technical capability to perform separation  
18 assurance and collision avoidance, as defined by the  
19 Federal Aviation Administration.

20 (3) **PUBLIC UNMANNED AIRCRAFT SYSTEM.**—  
21 The term “public unmanned aircraft system” means  
22 an unmanned aircraft system that meets the quali-  
23 fications and conditions required for operation of a  
24 public aircraft, as defined by section 40102 of title  
25 49, United States Code.

1           (4) SECRETARY.—The term “Secretary” means  
2 the Secretary of Transportation.

3           (5) TEST RANGE.—The term “test range”  
4 means a defined geographic area where research and  
5 development are conducted.

6           (6) UNMANNED AIRCRAFT.—The term “un-  
7 manned aircraft” means an aircraft that is operated  
8 without the possibility of direct human intervention  
9 from within or on the aircraft.

10          (7) UNMANNED AIRCRAFT SYSTEM.—The term  
11 “unmanned aircraft system” means an unmanned  
12 aircraft and associated elements (such as commu-  
13 nication links and a ground control station) that are  
14 required to operate safely and efficiently in the na-  
15 tional airspace system.

## 16                   **TITLE IV—AIR SERVICE** 17                   **IMPROVEMENTS**

### 18 **SEC. 401. MONTHLY AIR CARRIER REPORTS.**

19          (a) IN GENERAL.—Section 41708 is amended by  
20 adding at the end the following:

21           “(c) DIVERTED AND CANCELLED FLIGHTS.—

22                   “(1) MONTHLY REPORTS.—The Secretary shall  
23 require an air carrier referred to in paragraph (2)  
24 to file with the Secretary a monthly report on each  
25 flight of the air carrier that is diverted from its

1 scheduled destination to another airport and each  
2 flight of the air carrier that departs the gate at the  
3 airport at which the flight originates but is cancelled  
4 before wheels-off time.

5 “(2) APPLICABILITY.—An air carrier that is re-  
6 quired to file a monthly airline service quality per-  
7 formance report under subsection (b) shall be sub-  
8 ject to the requirement of paragraph (1).

9 “(3) CONTENTS.—A monthly report filed by an  
10 air carrier under paragraph (1) shall include, at a  
11 minimum, the following information:

12 “(A) For a diverted flight—

13 “(i) the flight number of the diverted  
14 flight;

15 “(ii) the scheduled destination of the  
16 flight;

17 “(iii) the date and time of the flight;

18 “(iv) the airport to which the flight  
19 was diverted;

20 “(v) wheels-on time at the diverted  
21 airport;

22 “(vi) the time, if any, passengers  
23 deplaned the aircraft at the diverted air-  
24 port; and

1                   “(vii) if the flight arrives at the sched-  
2                   uled destination airport—

3                   “(I) the gate-departure time at  
4                   the diverted airport;

5                   “(II) the wheels-off time at the  
6                   diverted airport;

7                   “(III) the wheels-on time at the  
8                   scheduled arrival airport; and

9                   “(IV) the gate arrival time at the  
10                  scheduled arrival airport.

11                 “(B) For flights cancelled after gate de-  
12                 parture—

13                 “(i) the flight number of the cancelled  
14                 flight;

15                 “(ii) the scheduled origin and destina-  
16                 tion airports of the cancelled flight;

17                 “(iii) the date and time of the can-  
18                 celled flight;

19                 “(iv) the gate-departure time of the  
20                 cancelled flight; and

21                 “(v) the time the aircraft returned to  
22                 the gate.

23                 “(4) PUBLICATION.—The Secretary shall com-  
24                 pile the information provided in the monthly reports  
25                 filed pursuant to paragraph (1) in a single monthly

1 report and publish such report on the Web site of  
2 the Department of Transportation.”.

3 (b) EFFECTIVE DATE.—The Secretary of Transpor-  
4 tation shall require monthly reports pursuant to the  
5 amendment made by subsection (a) beginning not later  
6 than 90 days after the date of enactment of this Act.

7 **SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIR-**  
8 **PORT.**

9 (a) BEYOND PERIMETER EXEMPTIONS.—Section  
10 41718(a) is amended by striking “24” and inserting “34”.

11 (b) LIMITATIONS.—Section 41718(c)(2) is amended  
12 by striking “3 operations” and inserting “5 operations”.

13 (c) ALLOCATION OF BEYOND-PERIMETER EXEMP-  
14 TIONS.—Section 41718(c) is amended—

15 (1) by redesignating paragraphs (3) and (4) as  
16 (4) and (5), respectively; and

17 (2) by inserting after paragraph (2) the fol-  
18 lowing:

19 “(3) SLOTS.—The Administrator of the Federal  
20 Aviation Administration shall reduce the hourly air  
21 carrier slot quota for Ronald Reagan Washington  
22 National Airport in section 93.123(a) of title 14,  
23 Code of Federal Regulations, by a total of 10 slots  
24 that are available for allocation. Such reductions  
25 shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00

1 p.m. hours, as determined by the Administrator, in  
2 order to grant exemptions under subsection (a).”.

3 (d) SCHEDULING PRIORITY.—Section 41718 is  
4 amended—

5 (1) by redesignating subsections (e) and (f) as  
6 subsections (f) and (g), respectively; and

7 (2) by inserting after subsection (d) the fol-  
8 lowing:

9 “(e) SCHEDULING PRIORITY.—Operations conducted  
10 by new entrant air carriers and limited incumbent air car-  
11 riers shall be afforded a scheduling priority over oper-  
12 ations conducted by other air carriers granted exemptions  
13 pursuant to this section, with the highest scheduling pri-  
14 ority to be afforded to beyond-perimeter operations con-  
15 ducted by new entrant air carriers and limited incumbent  
16 air carriers.”.

17 **SEC. 403. EAS CONTRACT GUIDELINES.**

18 Section 41737(a)(1) is amended—

19 (1) by striking “and” at the end of subpara-  
20 graph (B);

21 (2) in subparagraph (C) by striking “provided.”  
22 and inserting “provided;”; and

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

24 “(D) include provisions under which the Sec-  
25 retary may encourage an air carrier to improve air

1 service for which compensation is being paid under  
2 this subchapter by incorporating financial incentives  
3 in an essential air service contract based on specified  
4 performance goals; and

5 “(E) include provisions under which the Sec-  
6 retary may execute a long-term essential air service  
7 contract to encourage an air carrier to provide air  
8 service to an eligible place if it would be in the pub-  
9 lic interest to do so.”.

10 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 41742(a)(2) is amended by striking “\$77,000,000” and  
13 inserting “\$83,000,000”.

14 (b) DISTRIBUTION OF EXCESS FUNDS.—

15 (1) IN GENERAL.—Section 41742(a) is amend-  
16 ed by adding at the end the following:

17 “(4) DISTRIBUTION OF EXCESS FUNDS.—Of  
18 the funds, if any, credited to the account established  
19 under section 45303 in a fiscal year that exceed the  
20 \$50,000,000 made available for such fiscal year  
21 under paragraph (1)—

22 “(A) one-half shall be made available im-  
23 mediately for obligation and expenditure to  
24 carry out section 41743; and



1           “(B) one-half shall be made available im-  
2           mediately for obligation and expenditure to  
3           carry out subsection (b).”.

4           (2) CONFORMING AMENDMENT.—Section  
5           41742(b) is amended—

6           (A) in the first sentence by striking “mon-  
7           neys credited” and all that follows before “shall  
8           be used” and inserting “amounts made avail-  
9           able under subsection (a)(4)(B)”; and

10          (B) in the second sentence by striking  
11          “any amounts from those fees” and inserting  
12          “any of such amounts”.

13 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

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

15          (1) by striking “and” at the end of subpara-  
16          graph (D);

17          (2) in subparagraph (E) by striking “fashion.”  
18          and inserting “fashion; and”; and

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

20                  “(F) multiple communities cooperate to  
21                  submit a regional or multistate application to  
22                  improve air service.”.

23          (b) EXTENSION OF AUTHORIZATION.—Section  
24          41743(e)(2) is amended by striking “2008” and inserting  
25          “2011”.

1 **SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.**

2 (a) IN GENERAL.—Subtitle VII is amended by insert-  
3 ing after chapter 421 the following:

4 **“CHAPTER 423—AIR PASSENGER SERVICE**  
5 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

6 **“§ 42301. Emergency contingency plans**

7 “(a) SUBMISSION OF AIR CARRIER AND AIRPORT  
8 PLANS.—Not later than 90 days after the date of enact-  
9 ment of this section, each air carrier providing covered air  
10 transportation at a large hub airport or medium hub air-  
11 port and each operator of a large hub airport or medium  
12 hub airport shall submit to the Secretary of Transpor-  
13 tation for review and approval an emergency contingency  
14 plan in accordance with the requirements of this section.

15 “(b) COVERED AIR TRANSPORTATION DEFINED.—In  
16 this section, the term ‘covered air transportation’ means  
17 scheduled passenger air transportation provided by an air  
18 carrier using aircraft with more than 60 seats.

19 “(c) AIR CARRIER PLANS.—

20 “(1) PLANS FOR INDIVIDUAL AIRPORTS.—An  
21 air carrier shall submit an emergency contingency  
22 plan under subsection (a) for—

1           “(A) each large hub airport and medium  
2           hub airport at which the carrier provides cov-  
3           ered air transportation; and

4           “(B) each large hub airport and medium  
5           hub airport at which the carrier has flights for  
6           which it has primary responsibility for inventory  
7           control.

8           “(2) CONTENTS.—An emergency contingency  
9           plan submitted by an air carrier for an airport under  
10          subsection (a) shall contain a description of how the  
11          air carrier will—

12           “(A) provide food, water that meets the  
13           standards of the Safe Drinking Water Act (42  
14           U.S.C. 300f et seq.), restroom facilities, cabin  
15           ventilation, and access to medical treatment for  
16           passengers onboard an aircraft at the airport  
17           that is on the ground for an extended period of  
18           time without access to the terminal;

19           “(B) allow passengers to deplane following  
20           excessive delays; and

21           “(C) share facilities and make gates avail-  
22           able at the airport in an emergency.

23          “(d) AIRPORT PLANS.—An emergency contingency  
24          plan submitted by an airport operator under subsection  
25          (a) shall contain a description of how the airport operator,

1 to the maximum extent practicable, will provide for the  
2 deplanement of passengers following excessive delays and  
3 will provide for the sharing of facilities and make gates  
4 available at the airport in an emergency.

5 “(e) UPDATES.—

6 “(1) AIR CARRIERS.—An air carrier shall up-  
7 date the emergency contingency plan submitted by  
8 the air carrier under subsection (a) every 3 years  
9 and submit the update to the Secretary for review  
10 and approval.

11 “(2) AIRPORTS.—An airport operator shall up-  
12 date the emergency contingency plan submitted by  
13 the airport operator under subsection (a) every 5  
14 years and submit the update to the Secretary for re-  
15 view and approval.

16 “(f) APPROVAL.—

17 “(1) IN GENERAL.—Not later than 9 months  
18 after the date of enactment of this section, the Sec-  
19 retary shall review and approve or require modifica-  
20 tions to emergency contingency plans submitted  
21 under subsection (a) and updates submitted under  
22 subsection (e) to ensure that the plans and updates  
23 will effectively address emergencies and provide for  
24 the health and safety of passengers.

1           “(2) CIVIL PENALTIES.—The Secretary may as-  
2           sess a civil penalty under section 46301 against an  
3           air carrier or airport that does not adhere to an  
4           emergency contingency plan approved under this  
5           subsection.

6           “(g) MINIMUM STANDARDS.—The Secretary may es-  
7           tablish, as necessary or desirable, minimum standards for  
8           elements in an emergency contingency plan required to be  
9           submitted under this section.

10          “(h) PUBLIC ACCESS.—An air carrier or airport re-  
11          quired to submit emergency contingency plans under this  
12          section shall ensure public access to such plan after its  
13          approval under this section on the Internet Web site of  
14          the carrier or airport or by such other means as deter-  
15          mined by the Secretary.

16          **“§ 42302. Consumer complaints**

17          “(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE  
18          NUMBER.—The Secretary of Transportation shall estab-  
19          lish a consumer complaints hotline telephone number for  
20          the use of passengers in air transportation.

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

24          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
25          are authorized to be appropriated such sums as may be

1 necessary to carry out this section. Such sums shall re-  
 2 main available until expended.

3 **“§ 42303. Use of insecticides in passenger aircraft**

4 “No air carrier, foreign air carrier, or ticket agent  
 5 may sell in the United States a ticket for air transpor-  
 6 tation for a flight on which a insecticide has been applied  
 7 in the aircraft within the last 60 days or on which an in-  
 8 secticide is planned to be used in the aircraft while pas-  
 9 sengers are on board the aircraft unless the air carrier,  
 10 foreign air carrier, or ticket agent selling the ticket first  
 11 informs the person purchasing the ticket of the applica-  
 12 tion, application, or planned use of the insecticide, includ-  
 13 ing the name of the insecticide.”.

14 (b) CLERICAL AMENDMENT.—The analysis for sub-  
 15 title VII is amended by inserting after the item relating  
 16 to chapter 421 the following:

“423. Air Passenger Service Improvements ..... 42301”.

17 (c) PENALTIES.—Section 46301 is amended in sub-  
 18 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter  
 19 423,” after “chapter 421,”.

20 (d) APPLICABILITY OF REQUIREMENTS.—Except as  
 21 otherwise specifically provided, the requirements of chap-  
 22 ter 423 of title 49, United States Code, as added by this  
 23 section, shall begin to apply 60 days after the date of en-  
 24 actment of this Act.

1 **SEC. 407. CONTENTS OF COMPETITION PLANS.**

2 Section 47106(f)(2) is amended—

3 (1) by striking “patterns of air service,”;

4 (2) by inserting “and” before “whether”; and

5 (3) by striking “ , and airfare levels” and all  
6 that follows before the period.

7 **SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

8 Section 47107(s)(3) is amended by striking “2008”  
9 and inserting “2012”.

10 **SEC. 409. CONTRACT TOWER PROGRAM.**

11 (a) **COST-BENEFIT REQUIREMENT.**—Section  
12 47124(b) is amended—

13 (1) by striking “(1) The Secretary” and insert-  
14 ing the following:

15 “(1) **CONTRACT TOWER PROGRAM.**—

16 “(A) **CONTINUATION AND EXTENSION.**—  
17 The Secretary”;

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

20 “(B) **SPECIAL RULE.**—If the Secretary de-  
21 termines that a tower already operating under  
22 the program continued under this paragraph  
23 has a benefit to cost ratio of less than 1.0, the  
24 airport sponsor or State or local government  
25 having jurisdiction over the airport shall not be  
26 required to pay the portion of the costs that ex-

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

3 “(C) USE OF EXCESS FUNDS.—If the Sec-  
4 retary finds that all or part of an amount made  
5 available to carry out the program continued  
6 under this paragraph is not required during a  
7 fiscal year, the Secretary may use, during such  
8 fiscal year, the amount not so required to carry  
9 out the program established under paragraph  
10 (3).”; and

11 (3) by striking “(2) The Secretary” and insert-  
12 ing the following:

13 “(2) GENERAL AUTHORITY.—The Secretary”.

14 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-  
15 SHARING PROGRAM.—

16 (1) FUNDING.—Section 47124(b)(3)(E) is  
17 amended—

18 (A) by striking “and”; and

19 (B) by inserting “, \$8,500,000 for fiscal  
20 year 2008, \$9,000,000 for fiscal year 2009,  
21 \$9,500,000 for fiscal year 2010, and  
22 \$10,000,000 for fiscal year 2011” after  
23 “2007”.

24 (2) USE OF EXCESS FUNDS.—Section  
25 47124(b)(3) is amended—



1 (A) by redesignating subparagraph (E) (as  
2 amended by paragraph (1) of this subsection)  
3 as subparagraph (F); and

4 (B) by inserting after subparagraph (D)  
5 the following:

6 “(E) USE OF EXCESS FUNDS.—If the Sec-  
7 retary finds that all or part of an amount made  
8 available under this subparagraph is not re-  
9 quired during a fiscal year to carry out this  
10 paragraph, the Secretary may use, during such  
11 fiscal year, the amount not so required to carry  
12 out the program continued under paragraph  
13 (1).”.

14 (c) FEDERAL SHARE.—Section 47124(b)(4)(C) is  
15 amended by striking “\$1,500,000” and inserting  
16 “\$2,000,000”.

17 (d) SAFETY AUDITS.—Section 47124 is amended by  
18 adding at the end the following:

19 “(c) SAFETY AUDITS.—The Secretary shall establish  
20 uniform standards and requirements for safety assess-  
21 ments of air traffic control towers that receive funding  
22 under this section.”.

23 **SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED**  
24 **FORCES.**

25 (a) FINDINGS.—Congress finds that—

1           (1) the Armed Forces is comprised of approxi-  
2           mately 1,400,000 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 and penalties.

7 **SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY**  
8 **ASSISTIVE DEVICES.**

9 Not later than December 31, 2007, the Secretary of  
10 Transportation shall issue a final rule regarding the car-  
11 riage and use of passenger-owned portable electronic res-  
12 piratory assistive devices and carrier-supplied medical oxy-  
13 gen devices aboard commercial flights to improve accom-  
14 modations in air travel for passengers with respiratory dis-  
15 abilities.

16 **SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**  
17 **TICIPATION PROGRAM.**

18 (a) REPEAL.—Section 41747, and the item relating  
19 to such section in the analysis for chapter 417, are re-  
20 pealed.

21 (b) APPLICABILITY.—Title 49, United States Code,  
22 shall be applied as if section 41747 of such title had not  
23 been enacted.

1 **SEC. 413. GAO STUDY OF ESSENTIAL AIR SERVICE SUBSIDY**

2 **CAP.**

3 (a) IN GENERAL.—The Comptroller General shall ex-  
4 amine how the \$200 per passenger subsidy cap, initially  
5 established by Public Law 103–122 (107 Stat. 1198;  
6 1201) and made permanent by section 332 of Public Law  
7 106–69 (113 Stat. 1022) to restrict eligibility for funding  
8 under the essential air service program, has impacted that  
9 program and the access of small communities to air trans-  
10 portation.

11 (b) STUDY.—The study shall include an analysis of  
12 the following:

13 (1) The communities that have lost eligibility  
14 for subsidized air service under the essential air  
15 service program due to the \$200 per passenger sub-  
16 sidy cap and the impact, if any, such loss of subsidy  
17 has had on the access of such communities to air  
18 transportation.

19 (2) The likely effect on the essential air service  
20 program if the \$200 per passenger subsidy cap is in-  
21 dexed for inflation beginning in 2009.

22 (3) Whether the \$200 per passenger subsidy  
23 cap has disproportionately impacted communities in  
24 certain geographic areas.

1           (4) Alternative methods of measuring the sub-  
2           sidy rate, including the subsidy per passenger per  
3           mile.

4           (c) REPORT TO CONGRESS.—Not later than 18  
5           months after the date of enactment of this Act, the Comp-  
6           troller General shall submit to the Committee on Trans-  
7           portation and Infrastructure of the House of Representa-  
8           tives and the Committee on Commerce, Science, and  
9           Transportation of the Senate a report on the results of  
10          the study conducted under this section.

11 **SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMI-**  
12                           **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**  
13                           **SENTIAL AIR SERVICE.**

14          Section 41733 is amended by adding at the end the  
15          following:

16          “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-  
17          NATION OF ELIGIBILITY.—

18                 “(1) IN GENERAL.—The Secretary shall notify  
19                 each community receiving basic essential air service  
20                 for which compensation is being paid under this sub-  
21                 chapter not later than 45 days before issuing any  
22                 final decision to end the payment of such compensa-  
23                 tion due to a determination by the Secretary that  
24                 providing such service requires a rate of subsidy per  
25                 passenger in excess of the maximum amount speci-

1       fied in section 332 of Public Law 106–69 (113 Stat.  
2       1022).

3               “(2) PROCEDURES TO AVOID TERMINATION.—

4       The Secretary shall establish, by order, procedures  
5       by which each community notified of an impending  
6       loss of subsidy under paragraph (1) may work di-  
7       rectly with an air carrier to ensure that the air car-  
8       rier is able to submit a proposal to the Secretary to  
9       provide essential air service to such community for  
10      an amount of compensation that would not exceed  
11      the subsidy cap established by section 332 of Public  
12      Law 106–69.

13              “(3) ASSISTANCE PROVIDED.—The Secretary  
14      shall provide, by order, to each community notified  
15      under paragraph (1) information regarding—

16                      “(A) the procedures established pursuant  
17                      to paragraph (2); and

18                      “(B) the maximum amount of compensa-  
19                      tion that could be provided under this sub-  
20                      chapter to an air carrier serving such commu-  
21                      nity that would comply with the subsidy cap es-  
22                      tablished by section 332 of Public Law 106–  
23                      69.”.

1 **SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DE-**  
2 **TERMINED BY THE SECRETARY TO BE INELI-**  
3 **GIBLE FOR SUBSIDIZED ESSENTIAL AIR**  
4 **SERVICE.**

5 Section 41733 (as amended by section 414 of this  
6 Act) is further amended by adding at the end the fol-  
7 lowing:

8 “(g) PROPOSALS OF STATE AND LOCAL GOVERN-  
9 MENTS TO RESTORE ELIGIBILITY.—

10 “(1) IN GENERAL.—If the Secretary ends pay-  
11 ment of compensation to an air carrier for providing  
12 basic essential air service to an eligible place because  
13 the Secretary has determined that providing such  
14 service requires a rate of subsidy per passenger in  
15 excess of the maximum amount specified in section  
16 332 of Public Law 106–69 (113 Stat. 1022), a  
17 State or local government may submit to the Sec-  
18 retary a proposal for restoring compensation for  
19 such service. Such proposal shall be a joint proposal  
20 of the State or local government and an air carrier.

21 “(2) DETERMINATION BY SECRETARY.—If a  
22 State or local government submits to the Secretary  
23 a proposal under paragraph (1) with respect to an  
24 eligible place, and the Secretary determines that—

25 “(A) the rate of subsidy per passenger  
26 under the proposal does not exceed the max-

1           imum amount specified in section 332 of Public  
2           Law 106–69; and

3                   “(B) the proposal is consistent with the  
4           legal and regulatory requirements of the essen-  
5           tial air service program,

6           the Secretary shall issue an order restoring the eligi-  
7           bility of the otherwise eligible place to receive basic  
8           essential air service by an air carrier for compensa-  
9           tion under subsection (c).”.

10 **SEC. 416. OFFICE OF RURAL AVIATION.**

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

13 **“§ 41749. Office of Rural Aviation**

14           “(a) ESTABLISHMENT.—The Secretary of Transpor-  
15 tation shall establish within the Department of Transpor-  
16 tation an office to be known as the ‘Office of Rural Avia-  
17 tion’ (in this section referred to as the ‘Office’).

18           “(b) FUNCTIONS.—The Office shall—

19                   “(1) monitor the status of air service to small  
20 communities;

21                   “(2) develop proposals to improve air service to  
22 small communities; and

23                   “(3) carry out such other functions as the Sec-  
24 retary considers appropriate.”.



1 (b) CLERICAL AMENDMENT.—The analysis for sub-  
2 chapter II of chapter 417 is amended by adding at the  
3 end the following:

“41749. Office of Rural Aviation.”.

4 **SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**  
5 **CANTLY INCREASED COSTS.**

6 (a) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY  
7 INCREASED NONFUEL COSTS.—Section 41737(e) is  
8 amended—

9 (1) in the subsection heading by inserting  
10 “NONFUEL” before “COSTS”; and

11 (2) in paragraph (1) by inserting “other than  
12 fuel costs” before “in providing”.

13 (b) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY  
14 INCREASED AVIATION FUEL COSTS.—Section 41737 is  
15 amended by adding at the end the following:

16 “(f) ADJUSTMENTS TO ACCOUNT FOR SIGNIFI-  
17 CANTLY INCREASED AVIATION FUEL COSTS.—

18 “(1) IN GENERAL.—If the Secretary determines  
19 that air carriers are experiencing significantly in-  
20 creased aviation fuel costs in providing air service or  
21 air transportation for which compensation is being  
22 paid under this subchapter, the Secretary, subject to  
23 the availability of funds, shall increase the rates of  
24 compensation payable to air carriers under this sub-  
25 chapter without regard to any agreement or require-

1 ment relating to the renegotiation of contracts or  
2 any notice requirement under section 41734.

3 “(2) READJUSTMENT IF COSTS SUBSEQUENTLY  
4 DECLINE.—If an adjustment is made under para-  
5 graph (1) with respect to the rates of compensation  
6 payable to air carriers, and the Secretary subse-  
7 quently determines that there is a significant de-  
8 crease in aviation fuel costs, the Secretary shall re-  
9 duce the adjustment previously made under para-  
10 graph (1) without regard to any agreement or re-  
11 quirement relating to the renegotiation of contracts  
12 or any notice requirement under section 41734.

13 “(3) DEFINITIONS.—In this subsection, the fol-  
14 lowing definitions apply:

15 “(A) AVIATION FUEL.—The term ‘aviation  
16 fuel’ means fuel used by an air carrier in air-  
17 craft providing air service or air transportation  
18 for which compensation is being paid under this  
19 subchapter.

20 “(B) SIGNIFICANT DECREASE IN AVIATION  
21 FUEL COSTS.—The term ‘significant decrease in  
22 aviation fuel costs’ means a decrease of 30 per-  
23 cent or more in the price per gallon of aviation  
24 fuel over a 6-month period, as determined by  
25 the Secretary, based on fuel price information

1 derived from a commodities exchange or ex-  
2 changes.

3 “(C) SIGNIFICANTLY INCREASED AVIATION  
4 FUEL COSTS.—The term ‘significantly increased  
5 aviation fuel costs’ means an increase of 30  
6 percent or more in the price per gallon of avia-  
7 tion fuel over a 6-month period, as determined  
8 by the Secretary, based on fuel price informa-  
9 tion derived from a commodities exchange or  
10 exchanges.”.

11 **SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**  
12 **CELLATIONS, AND ASSOCIATED CAUSES.**

13 (a) REVIEW.—The Inspector General of the Depart-  
14 ment of Transportation shall conduct a review regarding  
15 air carrier flight delays, cancellations, and associated  
16 causes to update its 2000 report numbered CR–2000–112  
17 and entitled “Audit of Air Carrier Flight Delays and Can-  
18 cellations”.

19 (b) ASSESSMENTS.—In conducting the review under  
20 subsection (a), the Inspector General shall assess—

- 21 (1) the need for an update on delay and can-  
22 cellation statistics, such as number of chronically de-  
23 layed flights and taxi-in and taxi-out times;  
24 (2) air carriers’ scheduling practices;

1           (3) the need for a re-examination of capacity  
2 benchmarks at the Nation’s busiest airports; and

3           (4) the impact of flight delays and cancellations  
4 on air travelers, including recommendations for pro-  
5 grams that could be implemented to address the im-  
6 pact of flight delays on air travelers.

7       (c) REPORT.—Not later than one year after the date  
8 of enactment of this Act, the Inspector General shall sub-  
9 mit to the Committee on Transportation and Infrastruc-  
10 ture of the House of Representatives and the Committee  
11 on Commerce, Science, and Transportation of the Senate  
12 a report on the results of the review conducted under this  
13 section, including the assessments described in subsection  
14 (b).

15 **SEC. 419. EUROPEAN UNION RULES FOR PASSENGER**  
16 **RIGHTS.**

17       (a) IN GENERAL.—The Comptroller General shall  
18 conduct a study to evaluate and compare the regulations  
19 of the European Union and the United States on com-  
20 pensation and other consideration offered to passengers  
21 who are denied boarding or whose flights are cancelled or  
22 delayed.

23       (b) SPECIFIC STUDY REQUIREMENTS.—The study  
24 shall include an evaluation and comparison of the regula-  
25 tions based on costs to the air carriers, preferences of pas-

1 sengers for compensation or other consideration, and  
2 forms of compensation. In conducting the study, the  
3 Comptroller General shall also take into account the dif-  
4 ferences in structure and size of the aviation systems of  
5 the European Union and the United States.

6 (c) REPORT.—Not later than one year after the date  
7 of enactment of this Act, the Comptroller General shall  
8 submit a report to Congress on the results of the study.

9 **SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**  
10 **AVIATION CONSUMER PROTECTION.**

11 (a) IN GENERAL.—The Secretary of Transportation  
12 shall establish an advisory committee for aviation con-  
13 sumer protection (in this section referred to as the “advi-  
14 sory committee”) to advise the Secretary in carrying out  
15 air passenger service improvements, including those re-  
16 quired by chapter 423 of title 49, United States Code.

17 (b) MEMBERSHIP.—The Secretary shall appoint 8  
18 members to the advisory committee as follows:

19 (1) Two representatives of air carriers required  
20 to submit emergency contingency plans pursuant to  
21 section 42301 of title 49, United States Code.

22 (2) Two representatives of the airport operators  
23 required to submit emergency contingency plans pur-  
24 suant to section 42301 of such title.

1           (3) Two representatives of State and local gov-  
2           ernments who have expertise in aviation consumer  
3           protection matters.

4           (4) Two representatives of nonprofit public in-  
5           terest groups who have expertise in aviation con-  
6           sumer protection matters.

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

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

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

19          (f) DUTIES.—The duties of the advisory committee  
20          shall include the following:

21                 (1) Evaluating existing aviation consumer pro-  
22                 tection programs and providing recommendations for  
23                 the improvement of such programs, if needed.

1           (2) Providing recommendations to establish ad-  
2           ditional aviation consumer protection programs, if  
3           needed.

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

8           (1) each recommendation made by the advisory  
9           committee during the preceding calendar year; and

10          (2) an explanation of how the Secretary has im-  
11          plemented each recommendation and, for each rec-  
12          ommendation not implemented, the Secretary’s rea-  
13          son for not implementing the recommendation.

14   **SEC. 421. DENIED BOARDING COMPENSATION.**

15          (a) IN GENERAL.—Not later than one year after the  
16          date of enactment of this Act, the Secretary of Transpor-  
17          tation shall issue a final regulation to modify section 250  
18          of title 14, Code of Federal Regulations, regarding denied  
19          boarding compensation, to appropriately adjust the  
20          amount of such compensation for an aircraft with 30 or  
21          more seats.

22          (b) EVALUATION.—Not later than 2 years after the  
23          date of issuance of the final regulation under this section  
24          and every 2 years thereafter, the Secretary shall evaluate  
25          the amount provided for denied boarding compensation

1 and issue a regulation to adjust such compensation as nec-  
2 essary.

3 **SEC. 422. SCHEDULE REDUCTION.**

4 (a) IN GENERAL.—If the Administrator of the Fed-  
5 eral Aviation Administration determines that: (1) the air-  
6 craft operations of air carriers during any hour at an air-  
7 port exceeds the hourly maximum departure and arrival  
8 rate established by the Administrator for such operations;  
9 and (2) the operations in excess of the maximum depar-  
10 ture and arrival rate for such hour at such airport are  
11 likely to have a significant adverse effect on the national  
12 or regional airspace system, the Administrator shall con-  
13 vene a conference of such carriers to reduce pursuant to  
14 section 41722, on a voluntary basis, the number of such  
15 operations to less than such maximum departure and ar-  
16 rival rate.

17 (b) NO AGREEMENT.—If the air carriers partici-  
18 pating in a conference with respect to an airport under  
19 subsection (a) are not able to agree to a reduction in the  
20 number of flights to and from the airport to less than the  
21 maximum departure and arrival rate, the Administrator  
22 shall take such action as is necessary to ensure such re-  
23 duction is implemented.

24 (c) QUARTERLY REPORTS.—Beginning 3 months  
25 after the date of enactment of this Act and every 3 months



1 thereafter, the Administrator shall submit to Congress a  
2 report regarding scheduling at the 35 airports that have  
3 the greatest number of passenger enplanements, including  
4 each occurrence in which hourly scheduled aircraft oper-  
5 ations of air carriers at such an airport exceed the hourly  
6 maximum departure and arrival rate at any such airport.

7 **SEC. 423. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
8 **PLAINT INVESTIGATIONS.**

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

12 (1) flight cancellations;

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

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

17 (4) problems in obtaining refunds for unused or  
18 lost tickets or fare adjustments;

19 (5) incorrect or incomplete information about  
20 fares, discount fare conditions and availability, over-  
21 charges, and fare increases;

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

25 (7) deceptive or misleading advertising.

1 (b) BUDGET NEEDS REPORT.—The Secretary shall  
2 provide, as an annex to its annual budget request, an esti-  
3 mate of resources which would have been sufficient to in-  
4 vestigate all such claims the Department of Transpor-  
5 tation received in the previous fiscal year. The annex shall  
6 be transmitted to Congress when the President submits  
7 the budget of the United States to the Congress under  
8 section 1105 of title 31, United States Code.

9 **TITLE V—ENVIRONMENTAL**  
10 **STEWARDSHIP AND STREAM-**  
11 **LINING**

12 **SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PRO-**  
13 **GRAM.**

14 Section 40128 is amended—

15 (1) in subsection (a)(1)(C) by inserting “or vol-  
16 untary agreement under subsection (b)(7)” before  
17 “for the park”;

18 (2) in subsection (a) by adding at the end the  
19 following:

20 “(5) EXEMPTION.—

21 “(A) IN GENERAL.—Notwithstanding para-  
22 graph (1), a national park that has 50 or fewer  
23 commercial air tour flights a year shall be ex-  
24 empt from the requirements of this section, ex-  
25 cept as provided in subparagraph (B).

1           “(B) WITHDRAWAL OF EXEMPTION.—If  
2 the Director determines that an air tour man-  
3 agement plan or voluntary agreement is nec-  
4 essary to protect park resources and values or  
5 park visitor use and enjoyment, the Director  
6 shall withdraw the exemption of a park under  
7 subparagraph (A).

8           “(C) LIST OF PARKS.—The Director shall  
9 inform the Administrator, in writing, of each  
10 determination under subparagraph (B). The Di-  
11 rector and Administrator shall publish an an-  
12 nual list of national parks that are covered by  
13 the exemption provided by this paragraph.

14           “(D) ANNUAL REPORT.—A commercial air  
15 tour operator conducting commercial air tours  
16 in a national park that is exempt from the re-  
17 quirements of this section shall submit to the  
18 Administrator and the Director an annual re-  
19 port regarding the number of commercial air  
20 tour flights it conducts each year in such  
21 park.”;

22           (3) in subsection (b) by adding at the end the  
23 following:

24           “(7) VOLUNTARY AGREEMENTS.—

1           “(A) IN GENERAL.—As an alternative to  
2 an air tour management plan, the Director and  
3 the Administrator may enter into a voluntary  
4 agreement with a commercial air tour operator  
5 (including a new entrant applicant and an oper-  
6 ator that has interim operating authority) that  
7 has applied to conduct air tour operations over  
8 a national park to manage commercial air tour  
9 operations over such national park.

10           “(B) PARK PROTECTION.—A voluntary  
11 agreement under this paragraph with respect to  
12 commercial air tour operations over a national  
13 park shall address the management issues nec-  
14 essary to protect the resources of such park and  
15 visitor use of such park without compromising  
16 aviation safety or the air traffic control system  
17 and may—

18           “(i) include provisions such as those  
19 described in subparagraphs (B) through  
20 (E) of paragraph (3);

21           “(ii) include provisions to ensure the  
22 stability of, and compliance with, the vol-  
23 untary agreement; and

24           “(iii) provide for fees for such oper-  
25 ations.

1           “(C) PUBLIC.—The Director and the Ad-  
2           ministrators shall provide an opportunity for  
3           public review of a proposed voluntary agree-  
4           ment under this paragraph and shall consult  
5           with any Indian tribe whose tribal lands are, or  
6           may be, flown over by a commercial air tour op-  
7           erator under a voluntary agreement under this  
8           paragraph. After such opportunity for public re-  
9           view and consultation, the voluntary agreement  
10          may be implemented without further adminis-  
11          trative or environmental process beyond that  
12          described in this subsection.

13          “(D) TERMINATION.—A voluntary agree-  
14          ment under this paragraph may be terminated  
15          at any time at the discretion of the Director or  
16          the Administrator if the Director determines  
17          that the agreement is not adequately protecting  
18          park resources or visitor experiences or the Ad-  
19          ministrator determines that the agreement is  
20          adversely affecting aviation safety or the na-  
21          tional aviation system. If a voluntary agreement  
22          for a national park is terminated, the operators  
23          shall conform to the requirements for interim  
24          operating authority under subsection (c) until

1 an air tour management plan for the park is in  
2 effect.”;

3 (4) in subsection (c) by striking paragraph  
4 (2)(I) and inserting the following:

5 “(I) may allow for modifications of the in-  
6 terim operating authority without further envi-  
7 ronmental review beyond that described in this  
8 section if—

9 “(i) adequate information regarding  
10 the operator’s existing and proposed oper-  
11 ations under the interim operating author-  
12 ity is provided to the Administrator and  
13 the Director;

14 “(ii) the Administrator determines  
15 that there would be no adverse impact on  
16 aviation safety or the air traffic control  
17 system; and

18 “(iii) the Director agrees with the  
19 modification, based on the Director’s pro-  
20 fessional expertise regarding the protection  
21 of the park resources and values and vis-  
22 itor use and enjoyment.”;

23 (5) in subsection (c)(3)(A) by striking “if the  
24 Administrator determines” and all that follows  
25 through the period at the end and inserting “without

1 further environmental process beyond that described  
2 in this paragraph if—

3 “(i) adequate information on the oper-  
4 ator’s proposed operations is provided to  
5 the Administrator and the Director by the  
6 operator making the request;

7 “(ii) the Administrator agrees that  
8 there would be no adverse impact on avia-  
9 tion safety or the air traffic control sys-  
10 tem; and

11 “(iii) the Director agrees, based on  
12 the Director’s professional expertise re-  
13 garding the protection of park resources  
14 and values and visitor use and enjoy-  
15 ment.”; and

16 (6) by redesignating subsections (d), (e), and  
17 (f) as subsections (e), (f), and (g), respectively; and

18 (7) by inserting after subsection (c) the fol-  
19 lowing:

20 “(d) COMMERCIAL AIR TOUR OPERATOR RE-  
21 PORTS.—

22 “(1) REPORT.—Each commercial air tour oper-  
23 ator providing a commercial air tour over a national  
24 park under interim operating authority granted  
25 under subsection (c) or in accordance with an air

1 tour management plan under subsection (b) shall  
2 submit a report to the Administrator and Director  
3 regarding the number of its commercial air tour op-  
4 erations over each national park and such other in-  
5 formation as the Administrator and Director may  
6 request in order to facilitate administering the provi-  
7 sions of this section.

8 “(2) REPORT SUBMISSION.—Not later than 3  
9 months after the date of enactment of the FAA Re-  
10 authorization Act of 2007, the Administrator and  
11 Director shall jointly issue an initial request for re-  
12 ports under this subsection. The reports shall be  
13 submitted to the Administrator and Director on a  
14 frequency and in a format prescribed by the Admin-  
15 istrator and Director.”.

16 **SEC. 502. STATE BLOCK GRANT PROGRAM.**

17 (a) GENERAL REQUIREMENTS.—Section 47128(a) is  
18 amended—

19 (1) in the first sentence by striking “prescribe  
20 regulations” and inserting “issue guidance”; and

21 (2) in the second sentence by striking “regula-  
22 tions” and inserting “guidance”.

23 (b) APPLICATIONS AND SELECTION.—Section  
24 47128(b)(4) is amended by inserting before the semicolon  
25 the following: “, including the National Environmental



1 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and  
2 local environmental policy acts, Executive orders, agency  
3 regulations and guidance, and other Federal environ-  
4 mental requirements”.

5 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION  
6 REQUIREMENTS.—Section 47128 is amended by adding at  
7 the end the following:

8 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-  
9 TION REQUIREMENTS.—A Federal agency, other than the  
10 Federal Aviation Administration, that is responsible for  
11 issuing an approval, license, or permit to ensure compli-  
12 ance with a Federal environmental requirement applicable  
13 to a project or activity to be carried out by a State using  
14 amounts from a block grant made under this section  
15 shall—

16 “(1) coordinate and consult with the State;

17 “(2) use the environmental analysis prepared by  
18 the State for the project or activity if such analysis  
19 is adequate; and

20 “(3) supplement such analysis, as necessary, to  
21 meet applicable Federal requirements.”.



1           “(1) IN GENERAL.—In accordance with sub-  
2           section (c)(1), the Secretary may make a grant to an  
3           airport operator to assist in completing environ-  
4           mental review and assessment activities for pro-  
5           posals to implement flight procedures at such airport  
6           that have been approved as part of an airport noise  
7           compatibility program under subsection (b).

8           “(2) ADDITIONAL STAFF.—The Administrator  
9           may accept funds from an airport operator, includ-  
10          ing funds provided to the operator under paragraph  
11          (1), to hire additional staff or obtain the services of  
12          consultants in order to facilitate the timely proc-  
13          essing, review, and completion of environmental ac-  
14          tivities associated with proposals to implement flight  
15          procedures at such airport that have been approved  
16          as part of an airport noise compatibility program  
17          under subsection (b).

18          “(3) RECEIPTS CREDITED AS OFFSETTING COL-  
19          LECTIONS.—Notwithstanding section 3302 of title  
20          31, any funds accepted under this section—

21                 “(A) shall be credited as offsetting collec-  
22                 tions to the account that finances the activities  
23                 and services for which the funds are accepted;

1           “(B) shall be available for expenditure only  
2           to pay the costs of activities and services for  
3           which the funds are accepted; and

4           “(C) shall remain available until ex-  
5           pended.”.

6 **SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLE-**  
7 **MENTATION PARTNERSHIP.**

8           (a) COOPERATIVE AGREEMENT.—Subchapter I of  
9 chapter 475 is amended by adding at the end the fol-  
10 lowing:

11 **“§ 47511. CLEEN research, development, and imple-**  
12 **mentation partnership**

13           “(a) IN GENERAL.—The Administrator of the Fed-  
14 eral Aviation Administration, in coordination with the Ad-  
15 ministrator of the National Aeronautics and Space Admin-  
16 istration, shall enter into a cooperative agreement, using  
17 a competitive process, with an institution, entity, or con-  
18 sortium to carry out a program for the development, ma-  
19 turing, and certification of CLEEN engine and airframe  
20 technology for aircraft over the next 10 years.

21           “(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY  
22 DEFINED.—In this section, the term ‘CLEEN engine and  
23 airframe technology’ means continuous lower energy,  
24 emissions, and noise engine and airframe technology.

1       “(c) PERFORMANCE OBJECTIVE.—The Adminis-  
2 trator of the Federal Aviation Administration, in coordina-  
3 tion with the Administrator of the National Aeronautics  
4 and Space Administration, shall establish the following  
5 performance objectives for the program, to be achieved by  
6 September 30, 2015:

7           “(1) Development of certifiable aircraft tech-  
8 nology that reduces greenhouse gas emissions by in-  
9 creasing aircraft fuel efficiency by 25 percent rel-  
10 ative to 1997 subsonic jet aircraft technology.

11           “(2) Development of certifiable engine tech-  
12 nology that reduces landing and takeoff cycle nitro-  
13 gen oxide emissions by 50 percent, without increas-  
14 ing other gaseous or particle emissions, over the  
15 International Civil Aviation Organization standard  
16 adopted in 2004.

17           “(3) Development of certifiable aircraft tech-  
18 nology that reduces noise levels by 10 decibels at  
19 each of the 3 certification points relative to 1997  
20 subsonic jet aircraft technology.

21           “(4) Determination of the feasibility of the use  
22 of alternative fuels in aircraft systems, including  
23 successful demonstration and quantification of the  
24 benefits of such fuels.

1           “(5) Determination of the extent to which new  
2 engine and aircraft technologies may be used to ret-  
3 rofit or re-engine aircraft to increase the integration  
4 of retrofitted and re-engined aircraft into the com-  
5 mercial fleet.

6           “(d) FUNDING.—Of amounts appropriated under sec-  
7 tion 48102(a), not more than the following amounts may  
8 be used to carry out this section:

9           “(1) \$6,000,000 for fiscal year 2008.

10           “(2) \$22,000,000 for fiscal year 2009.

11           “(3) \$33,000,000 for fiscal year 2010.

12           “(4) \$50,000,000 for fiscal year 2011.

13           “(e) REPORT.—Beginning in fiscal year 2009, the  
14 Administrator of the Federal Aviation Administration  
15 shall publish an annual report on the program established  
16 under this section until completion of the program.”.

17           (b) CLERICAL AMENDMENT.—The analysis for such  
18 subchapter is amended by adding at the end the following:  
“47511. CLEEN research, development, and implementation partnership.”.

19 **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**  
20 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**  
21 **PLYING WITH STAGE 3 NOISE LEVELS.**

22           (a) IN GENERAL.—Subchapter II of chapter 475 is  
23 amended by adding at the end the following:

1 **“§ 47534. Prohibition on operating certain aircraft**  
2 **weighing 75,000 pounds or less not com-**  
3 **plying with stage 3 noise levels**

4 “(a) PROHIBITION.—Except as provided in sub-  
5 section (b), (c), or (d), after December 31, 2012, a person  
6 may not operate a civil subsonic jet airplane with a max-  
7 imum weight of 75,000 pounds or less, and for which an  
8 airworthiness certificate other than an experimental cer-  
9 tificate has been issued, to or from an airport in the  
10 United States unless the Secretary of Transportation  
11 finds that the aircraft complies with stage 3 noise levels.

12 “(b) EXCEPTION.—Subsection (a) shall not apply to  
13 aircraft operated only outside the 48 contiguous States.

14 “(c) EXCEPTIONS.—The Secretary may allow tem-  
15 porary operation of an airplane otherwise prohibited from  
16 operation under subsection (a) to or from an airport in  
17 the contiguous United States by granting a special flight  
18 authorization for one or more of the following cir-  
19 cumstances:

20 “(1) To sell, lease, or use the aircraft outside  
21 the 48 contiguous States.

22 “(2) To scrap the aircraft.

23 “(3) To obtain modifications to the aircraft to  
24 meet stage 3 noise levels.

25 “(4) To perform scheduled heavy maintenance  
26 or significant modifications on the aircraft at a

1 maintenance facility located in the contiguous 48  
2 States.

3 “(5) To deliver the aircraft to an operator leas-  
4 ing the aircraft from the owner or return the air-  
5 craft to the lessor.

6 “(6) To prepare, park, or store the aircraft in  
7 anticipation of any of the activities described in  
8 paragraphs (1) through (5).

9 “(7) To provide transport of persons and goods  
10 in the relief of emergency situations.

11 “(8) To divert the aircraft to an alternative air  
12 port in the 48 contiguous States on account of  
13 weather, mechanical, fuel, air traffic control, or  
14 other safety reasons while conducting a flight in  
15 order to perform any of the activities described in  
16 paragraphs (1) through (7).

17 “(d) STATUTORY CONSTRUCTION.—Nothing in the  
18 section may be construed as interfering with, nullifying,  
19 or otherwise affecting determinations made by the Federal  
20 Aviation Administration, or to be made by the Administra-  
21 tion, with respect to applications under part 161 of title  
22 14, Code of Federal Regulations, that were pending on  
23 the date of enactment of this section.”.

24 (b) CONFORMING AMENDMENTS.—

25 (1) Section 47531 is amended—



1 (A) in the section heading by striking “**for**  
2 **violating sections 47528–47530**”; and

3 (B) by striking “47529, or 47530” and in-  
4 serting “47529, 47530, or 47534”.

5 (2) Section 47532 is amended by inserting “or  
6 47534” after “47528–47531”.

7 (3) The analysis for chapter 475 is amended—

8 (A) by striking the item relating to section  
9 47531 and inserting the following:

“47531. Penalties.”;

10 and

11 (B) by inserting after the item relating to  
12 section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with stage 3 noise levels.”.

13 **SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

14 (a) ESTABLISHMENT.—The Secretary of Transpor-  
15 tation shall establish a pilot program to carry out not  
16 more than 6 environmental mitigation demonstration  
17 projects at public-use airports.

18 (b) GRANTS.—In implementing the program, the Sec-  
19 retary may make a grant to the sponsor of a public-use  
20 airport from funds apportioned under section  
21 47117(e)(1)(A) of title 49, United States Code, to carry  
22 out an environmental mitigation demonstration project to

1 measurably reduce or mitigate aviation impacts on noise,  
2 air quality, or water quality in the vicinity of the airport.

3 (c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—

4 An environmental mitigation demonstration project that  
5 receives funds made available under this section may be  
6 considered an eligible airport-related project for purposes  
7 of section 40117 of such title.

8 (d) SELECTION CRITERIA.—In selecting among ap-  
9 plicants for participation in the program, the Secretary  
10 shall give priority consideration to applicants proposing to  
11 carry out environmental mitigation demonstration projects  
12 that will—

13 (1) achieve the greatest reductions in aircraft  
14 noise, airport emissions, or airport water quality im-  
15 pacts either on an absolute basis or on a per dollar  
16 of funds expended basis; and

17 (2) be implemented by an eligible consortium.

18 (e) FEDERAL SHARE.—Notwithstanding any provi-  
19 sion of subchapter I of chapter 471 of such title, the  
20 United States Government share of allowable project costs  
21 of an environmental mitigation demonstration project car-  
22 ried out under this section shall be 50 percent.

23 (f) MAXIMUM AMOUNT.—The Secretary may not  
24 make grants for a single environmental mitigation dem-

1 onstration project under this section in a total amount  
2 that exceeds \$2,500,000.

3 (g) PUBLICATION OF INFORMATION.—The Secretary  
4 may develop and publish information on the results of en-  
5 vironmental mitigation demonstration projects carried out  
6 under this section, including information identifying best  
7 practices for reducing or mitigating aviation impacts on  
8 noise, air quality, or water quality in the vicinity of air-  
9 ports.

10 (h) DEFINITIONS.—In this section, the following defi-  
11 nitions apply:

12 (1) ELIGIBLE CONSORTIUM.—The term “eligi-  
13 ble consortium” means a consortium of 2 or more of  
14 the following entities:

15 (A) A business incorporated in the United  
16 States.

17 (B) A public or private educational or re-  
18 search organization located in the United  
19 States.

20 (C) An entity of a State or local govern-  
21 ment.

22 (D) A Federal laboratory.

23 (2) ENVIRONMENTAL MITIGATION DEMONSTRA-  
24 TION PROJECT.—The term “environmental mitiga-  
25 tion demonstration project” means a project that—

1 (A) demonstrates at a public-use airport  
2 environmental mitigation techniques or tech-  
3 nologies with associated benefits, which have al-  
4 ready been proven in laboratory demonstra-  
5 tions;

6 (B) utilizes methods for efficient adapta-  
7 tion or integration of innovative concepts to air-  
8 port operations; and

9 (C) demonstrates whether a technique or  
10 technology for environmental mitigation identi-  
11 fied in research is—

12 (i) practical to implement at or near  
13 multiple public-use airports; and

14 (ii) capable of reducing noise, airport  
15 emissions, greenhouse gas emissions, or  
16 water quality impacts in measurably sig-  
17 nificant amounts.

18 **SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**

19 **PILOT PROGRAM.**

20 (a) IN GENERAL.—The Secretary of Transportation  
21 shall carry out a pilot program at not more than 5 public-  
22 use airports under which the Federal Aviation Administra-  
23 tion shall use funds made available under section 48101(a)  
24 to test air traffic flow management tools, methodologies,  
25 and procedures that will allow air traffic controllers of the

1 Administration to better manage the flow of aircraft on  
2 the ground and reduce the length of ground holds and  
3 idling time for aircraft.

4 (b) SELECTION CRITERIA.—In selecting from among  
5 airports at which to conduct the pilot program, the Sec-  
6 retary shall give priority consideration to airports at which  
7 improvements in ground control efficiencies are likely to  
8 achieve the greatest fuel savings or air quality or other  
9 environmental benefits, as measured by the amount of re-  
10 duced fuel, reduced emissions, or other environmental ben-  
11 efits per dollar of funds expended under the pilot program.

12 (c) MAXIMUM AMOUNT.—Not more than a total of  
13 \$5,000,000 may be expended under the pilot program at  
14 any single public-use airport.

15 (d) REPORT TO CONGRESS.—Not later than 3 years  
16 after the date of the enactment of this section, the Sec-  
17 retary shall submit to the Committee on Transportation  
18 and Infrastructure of the House of Representatives and  
19 the Committee on Commerce, Science, and Transportation  
20 of the Senate a report containing—

21 (1) an evaluation of the effectiveness of the  
22 pilot program, including an assessment of the tools,  
23 methodologies, and procedures that provided the  
24 greatest fuel savings and air quality and other envi-  
25 ronmental benefits, and any impacts on safety, ca-

1       capacity, or efficiency of the air traffic control system  
2       or the airports at which affected aircraft were oper-  
3       ating;

4               (2) an identification of anticipated benefits  
5       from implementation of the tools, methodologies,  
6       and procedures developed under the pilot program at  
7       other airports;

8               (3) a plan for implementing the tools, meth-  
9       odologies, and procedures developed under the pilot  
10       program at other airports or the Secretary's reasons  
11       for not implementing such measures at other air-  
12       ports; and

13              (4) such other information as the Secretary  
14       considers appropriate.

15 **SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR**  
16 **TRAFFIC CONTROL FACILITIES.**

17       (a) IN GENERAL.—The Administrator of the Federal  
18       Aviation Administration shall implement, to the maximum  
19       extent practicable, sustainable practices for the incorpora-  
20       tion of energy-efficient design, equipment, systems, and  
21       other measures in the construction and major renovation  
22       of air traffic control facilities of the Administration in  
23       order to reduce energy consumption and improve the envi-  
24       ronmental performance of such facilities.

1 (b) AUTHORIZATION.—Of amounts appropriated  
2 under section 48101(a) of title 49, United States Code,  
3 such sums as may be necessary may be used to carry out  
4 this section.

5 **SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT**  
6 **ENGINE NOISE AND EMISSIONS STANDARDS.**

7 (a) INDEPENDENT REVIEW.—The Administrator of  
8 the FAA shall make appropriate arrangements for the Na-  
9 tional Academy of Public Administration or another quali-  
10 fied independent entity to review, in consultation with the  
11 FAA and the EPA, whether it is desirable to locate the  
12 regulatory responsibility for the establishment of engine  
13 noise and emissions standards for civil aircraft within one  
14 of the agencies.

15 (b) CONSIDERATIONS.—The review shall be con-  
16 ducted so as to take into account—

17 (1) the interrelationships between aircraft en-  
18 gine noise and emissions;

19 (2) the need for aircraft engine noise and emis-  
20 sions to be evaluated and addressed in an integrated  
21 and comprehensive manner;

22 (3) the scientific expertise of the FAA and the  
23 EPA to evaluate aircraft engine emissions and noise  
24 impacts on the environment;

1           (4) expertise to interface environmental per-  
2           formance with ensuring the highest safe and reliable  
3           engine performance of aircraft in flight;

4           (5) consistency of the regulatory responsibility  
5           with other missions of the FAA and the EPA;

6           (6) past effectiveness of the FAA and the EPA  
7           in carrying out the aviation environmental respon-  
8           sibilities assigned to the agency; and

9           (7) the international responsibility to represent  
10          the United States with respect to both engine noise  
11          and emissions standards for civil aircraft

12          (c) REPORT TO CONGRESS.—Not later than 6  
13          months after the date of enactment of this Act, the Ad-  
14          ministrators of the FAA shall submit to Congress a report  
15          on the results of the review. The report shall include any  
16          recommendations developed as a result of the review and,  
17          if a transfer of responsibilities is recommended, a descrip-  
18          tion of the steps and timeline for implementation of the  
19          transfer.

20          (d) DEFINITIONS.—In this section, the following defi-  
21          nitions apply:

22                  (1) EPA.—The term “EPA” means the Envi-  
23                  ronmental Protection Agency.

24                  (2) FAA.—The term “FAA” means the Fed-  
25                  eral Aviation Administration.



1 **SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.**

2       The Administrator of the Federal Aviation Adminis-  
3 tration shall complete the air quality studies and analysis  
4 started pursuant to section 815 of the Vision 100—Cen-  
5 tury of Aviation Reauthorization Act (49 U.S.C. 40101  
6 note; 117 Stat. 2592), including the collection of samples  
7 of the air onboard passenger aircraft by flight attendants  
8 and the testing and analyzation of such samples for con-  
9 taminants.

10 **SEC. 512. SENSE OF CONGRESS.**

11       It is the sense of Congress that—

12           (1) the proposed European Union directive ex-  
13 tending the European Union’s emissions trading  
14 proposal to international civil aviation without work-  
15 ing through the International Civil Aviation Organi-  
16 zation (in this section referred to as the “ICAO”) in  
17 a consensus-based fashion is inconsistent with the  
18 Convention on International Civil Aviation, done at  
19 Chicago on December 7, 1944 (TIAS 1591; com-  
20 monly known as “Chicago Convention”), and other  
21 relevant air services agreements and antithetical to  
22 building international cooperation to address effec-  
23 tively the problem of greenhouse gas emissions by  
24 aircraft engaged in international civil aviation; and

25           (2) the European Union and its member states  
26 should instead work with other contracting states of

1 the ICAO to develop a consensual approach to ad-  
2 dressing aircraft greenhouse gas emissions through  
3 the ICAO.

4 **SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING**  
5 **STUDY, PORT AUTHORITY OF NEW YORK AND**  
6 **NEW JERSEY.**

7 It is the sense of the House of Representatives that  
8 the Port Authority of New York and New Jersey should  
9 undertake an airport noise compatibility planning study  
10 under part 150 of title 14, Code of Federal Regulations,  
11 for the airports that the Port Authority operates as of No-  
12 vember 2, 2007. In undertaking the study, the Port Au-  
13 thority should pay particular attention to the impact of  
14 noise on affected neighborhoods, including homes, busi-  
15 nesses, and places of worship surrounding LaGuardia Air-  
16 port and JFK Airport.

17 **TITLE VI—FAA EMPLOYEES AND**  
18 **ORGANIZATION**

19 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-**  
20 **SONNEL MANAGEMENT SYSTEM.**

21 (a) DISPUTE RESOLUTION.—Section 40122(a) is  
22 amended—

23 (1) by redesignating paragraphs (3) and (4) as  
24 paragraphs (5) and (6), respectively; and

1           (2) by striking paragraph (2) and inserting the  
2 following:

3           “(2) DISPUTE RESOLUTION.—

4           “(A) MEDIATION.—If the Administrator  
5 does not reach an agreement under paragraph  
6 (1) or the provisions referred to in subsection  
7 (g)(2)(C) with the exclusive bargaining rep-  
8 resentative of the employees, the Administrator  
9 and the bargaining representative—

10           “(i) shall use the services of the Fed-  
11 eral Mediation and Conciliation Service to  
12 attempt to reach such agreement in ac-  
13 cordance with part 1425 of title 29, Code  
14 of Federal Regulations (as in effect on the  
15 date of enactment of the FAA Reauthor-  
16 ization Act of 2007); or

17           “(ii) may by mutual agreement adopt  
18 alternative procedures for the resolution of  
19 disputes or impasses arising in the negotia-  
20 tion of the collective-bargaining agreement.

21           “(B) BINDING ARBITRATION.—

22           “(i) ASSISTANCE FROM FEDERAL  
23 SERVICE IMPASSES PANEL.—If the services  
24 of the Federal Mediation and Conciliation  
25 Service under subparagraph (A)(i) do not

1 lead to an agreement, the Administrator  
2 and the exclusive bargaining representative  
3 of the employees (in this subparagraph re-  
4 ferred to as the ‘parties’) shall submit  
5 their issues in controversy to the Federal  
6 Service Impasses Panel. The Panel shall  
7 assist the parties in resolving the impasse  
8 by asserting jurisdiction and ordering bind-  
9 ing arbitration by a private arbitration  
10 board consisting of 3 members.

11 “(ii) APPOINTMENT OF ARBITRATION  
12 BOARD.—The Executive Director of the  
13 Panel shall provide for the appointment of  
14 the 3 members of a private arbitration  
15 board under clause (i) by requesting the  
16 Director of the Federal Mediation and  
17 Conciliation Service to prepare a list of not  
18 less than 15 names of arbitrators with  
19 Federal sector experience and by providing  
20 the list to the parties. Within 10 days of  
21 receiving the list, the parties shall each se-  
22 lect one person from the list. The 2 arbi-  
23 trators selected by the parties shall then  
24 select a third person from the list within 7  
25 days. If either of the parties fails to select

1 a person or if the 2 arbitrators are unable  
2 to agree on the third person within 7 days,  
3 the parties shall make the selection by al-  
4 ternately striking names on the list until  
5 one arbitrator remains.

6 “(iii) FRAMING ISSUES IN CON-  
7 TROVERSY.—If the parties do not agree on  
8 the framing of the issues to be submitted  
9 for arbitration, the arbitration board shall  
10 frame the issues.

11 “(iv) HEARINGS.—The arbitration  
12 board shall give the parties a full and fair  
13 hearing, including an opportunity to  
14 present evidence in support of their claims  
15 and an opportunity to present their case in  
16 person, by counsel, or by other representa-  
17 tive as they may elect.

18 “(v) DECISIONS.—The arbitration  
19 board shall render its decision within 90  
20 days after the date of its appointment. De-  
21 cisions of the arbitration board shall be  
22 conclusive and binding upon the parties.

23 “(vi) COSTS.—The parties shall share  
24 costs of the arbitration equally.

1           “(3) RATIFICATION OF AGREEMENTS.—Upon  
2           reaching a voluntary agreement or at the conclusion  
3           of the binding arbitration under paragraph (2)(B),  
4           the final agreement, except for those matters de-  
5           cided by an arbitration board, shall be subject to  
6           ratification by the exclusive bargaining representa-  
7           tive of the employees, if so requested by the bar-  
8           gaining representative, and approval by the head of  
9           the agency in accordance with the provisions re-  
10          ferred to in subsection (g)(2)(C).

11          “(4) ENFORCEMENT.—

12                 “(A) ENFORCEMENT ACTIONS IN UNITED  
13                 STATES COURTS.—Each United States district  
14                 court and each United States court of a place  
15                 subject to the jurisdiction of the United States  
16                 shall have jurisdiction of enforcement actions  
17                 brought under this section. Such an action may  
18                 be brought in any judicial district in the State  
19                 in which the violation of this section is alleged  
20                 to have been committed, the judicial district in  
21                 which the Federal Aviation Administration has  
22                 its principal office, or the District of Columbia.

23                 “(B) ATTORNEY FEES.—The court may  
24                 assess against the Federal Aviation Administra-  
25                 tion reasonable attorney fees and other litiga-

1           tion costs reasonably incurred in any case  
2           under this section in which the complainant has  
3           substantially prevailed.”.

4           (b) APPLICATION.—On and after the date of enact-  
5           ment of this Act, any changes implemented by the Admin-  
6           istrator of the Federal Aviation Administration on and  
7           after July 10, 2005, under section 40122(a) of title 49,  
8           United States Code (as in effect on the day before such  
9           date of enactment), without the agreement of the exclusive  
10          bargaining representative of the employees of the Adminis-  
11          tration certified under section 7111 of title 5, United  
12          States Code, shall be null and void and the parties shall  
13          be governed by their last mutual agreement before the im-  
14          plementation of such changes. The Administrator and the  
15          bargaining representative shall resume negotiations  
16          promptly, and, subject to subsection (c), their last mutual  
17          agreement shall be in effect until a new contract is adopt-  
18          ed by the Administrator and the bargaining representa-  
19          tive. If an agreement is not reached within 45 days after  
20          the date on which negotiations resume, the Administrator  
21          and the bargaining representative shall submit their issues  
22          in controversy to the Federal Service Impasses Panel in  
23          accordance with section 7119 of title 5, United States  
24          Code, for binding arbitration in accordance with para-  
25          graphs (2)(B), (3), and (4) of section 40122(a) of title

1 49, United States Code (as amended by subsection (a) of  
2 this section).

3 (c) SAVINGS CLAUSE.—All cost of living adjustments  
4 and other pay increases, lump sum payments to employ-  
5 ees, and leave and other benefit accruals implemented as  
6 part of the changes referred to in subsection (b) may not  
7 be reversed unless such reversal is part of the calculation  
8 of back pay under subsection (d). The Administrator shall  
9 waive any overpayment paid to, and not collect any funds  
10 for such overpayment, from former employees of the Ad-  
11 ministration who received lump sum payments prior to  
12 their separation from the Administration.

13 (d) BACK PAY.—

14 (1) IN GENERAL.—Employees subject to  
15 changes referred to in subsection (b) that are deter-  
16 mined to be null and void under subsection (b) shall  
17 be eligible for pay that the employees would have re-  
18 ceived under the last mutual agreement between the  
19 Administrator and the exclusive bargaining rep-  
20 resentative of such employees before the date of en-  
21 actment of this Act and any changes were imple-  
22 mented without agreement of the bargaining rep-  
23 resentative. The Administrator shall pay the employ-  
24 ees such pay subject to the availability of amounts  
25 appropriated to carry out this subsection. If the ap-



1       appropriated funds do not cover all claims of the em-  
2       ployees for such pay, the Administrator and the bar-  
3       gaining representative, pursuant to negotiations con-  
4       ducted in accordance with section 40122(a) of title  
5       49, United States Code (as amended by subsection  
6       (a) of this section), shall determine the allocation of  
7       the appropriated funds among the employees on a  
8       pro rata basis.

9               (2) AUTHORIZATION OF APPROPRIATIONS.—  
10       There is authorized to be appropriated \$20,000,000  
11       to carry out this subsection.

12       (e) INTERIM AGREEMENT.—If the Administrator and  
13       the exclusive bargaining representative of the employees  
14       subject to the changes referred to in subsection (b) reach  
15       a final and binding agreement with respect to such  
16       changes before the date of enactment of this Act, such  
17       agreement shall supersede any changes implemented by  
18       the Administrator under section 40122(a) of title 49,  
19       United States Code (as in effect on the day before such  
20       date of enactment), without the agreement of the bar-  
21       gaining representative, and subsections (b) and (c) shall  
22       not take effect.

1 **SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-**  
2 **EES.**

3 Section 40122(g)(3) of title 49, United States Code,  
4 is amended by adding at the end the following: “Notwith-  
5 standing any other provision of law, retroactive to April  
6 1, 1996, the Board shall have the same remedial authority  
7 over such employee appeals that it had as of March 31,  
8 1996.”.

9 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Comptroller General  
12 shall conduct a study on the training of the airway  
13 transportation systems specialists of the Federal  
14 Aviation Administration (in this section referred to  
15 as “FAA systems specialists”).

16 (2) CONTENTS.—The study shall—

17 (A) include an analysis of the type of  
18 training provided to FAA systems specialists;

19 (B) include an analysis of the type of  
20 training that FAA systems specialists need to  
21 be proficient on the maintenance of latest tech-  
22 nologies;

23 (C) include a description of actions that  
24 the Administration has undertaken to ensure  
25 that FAA systems specialists receive up-to-date  
26 training on the latest technologies;

1 (D) identify the amount and cost of FAA  
2 systems specialists training provided by ven-  
3 dors;

4 (E) identify the amount and cost of FAA  
5 systems specialists training provided by the Ad-  
6 ministration after developing courses for the  
7 training of such specialists;

8 (F) identify the amount and cost of travel  
9 that is required of FAA systems specialists in  
10 receiving training; and

11 (G) include a recommendation regarding  
12 the most cost-effective approach to providing  
13 FAA systems specialists training.

14 (3) REPORT.—Not later than 1 year after the  
15 date of enactment of this Act, the Comptroller Gen-  
16 eral shall submit to the Committee on Transpor-  
17 tation and Infrastructure of the House of Represent-  
18 atives and the Committee on Commerce, Science,  
19 and Transportation of the Senate a report on the re-  
20 sults of the study.

21 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

22 (1) STUDY BY NATIONAL ACADEMY OF  
23 SCIENCES.—Not later than 90 days after the date of  
24 enactment of this Act, the Administrator of the Fed-  
25 eral Aviation Administration shall make appropriate

1 arrangements for the National Academy of Sciences  
2 to conduct a study of the assumptions and methods  
3 used by the Federal Aviation Administration to esti-  
4 mate staffing needs for FAA systems specialists to  
5 ensure proper maintenance and certification of the  
6 national airspace system.

7 (2) CONTENTS.—The study shall be conducted  
8 so as to provide the following:

9 (A) A suggested method of modifying FAA  
10 systems specialists staffing models for applica-  
11 tion to current local conditions or applying  
12 some other approach to developing an objective  
13 staffing standard.

14 (B) The approximate cost and length of  
15 time for developing such models.

16 (3) REPORT.—Not later than one year after the  
17 initiation of the arrangements under subsection (a),  
18 the National Academy of Sciences shall submit to  
19 Congress a report on the results of the study.

20 **SEC. 604. DESIGNEE PROGRAM.**

21 (a) REPORT.—Not later than 18 months after the  
22 date of enactment of this Act, the Comptroller General  
23 shall submit to the Committee on Transportation and In-  
24 frastructure of the House of Representatives and the Com-  
25 mittee on Commerce, Science, and Transportation of the

1 Senate a report on the status of recommendations made  
2 by the Government Accountability Office in its October  
3 2004 report, “Aviation Safety: FAA Needs to Strengthen  
4 Management of Its Designee Programs” (GAO–05–40).

5 (b) CONTENTS.—The report shall include—

6 (1) an assessment of the extent to which the  
7 Federal Aviation Administration has responded to  
8 recommendations of the Government Accountability  
9 Office referred to in subsection (a);

10 (2) an identification of improvements, if any,  
11 that have been made to the designee programs re-  
12 ferred to in the report of the Office as a result of  
13 such recommendations; and

14 (3) an identification of further action that is  
15 needed to implement such recommendations, im-  
16 prove the Administration’s management control of  
17 the designee programs, and increase assurance that  
18 designees meet the Administration’s performance  
19 standards.

20 **SEC. 605. STAFFING MODEL FOR AVIATION SAFETY INSPEC-**  
21 **TORS.**

22 (a) IN GENERAL.—Not later than October 31, 2009,  
23 the Administrator of the Federal Aviation Administration  
24 shall develop a staffing model for aviation safety inspec-  
25 tors. In developing the model, the Administrator shall fol-

1 low the recommendations outlined in the 2007 study re-  
2 leased by the National Academy of Sciences entitled  
3 “Staffing Standards for Aviation Safety Inspectors” and  
4 consult with interested persons, including the exclusive  
5 collective bargaining representative of the aviation safety  
6 inspectors.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as may be  
9 necessary to carry out this section.

10 **SEC. 606. SAFETY CRITICAL STAFFING.**

11 (a) AVIATION SAFETY INSPECTORS.—The Adminis-  
12 trator of the Federal Aviation Administration shall in-  
13 crease the number of aviation safety inspectors, safety  
14 technical specialists, and operations support positions in  
15 the Flight Standard Service (as those terms are used in  
16 the Administration’s fiscal year 2008 congressional budget  
17 justification) each fiscal year commensurate with the  
18 funding levels provided in subsection (b) for such fiscal  
19 year. Such increases shall be measured relative to the  
20 number of persons serving in positions of aviation safety  
21 inspectors and safety technical specialists and in oper-  
22 ational support positions as of September 30, 2007.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
24 tion to amounts authorized by section 106(k) of title 49,

1 United States Code, there is authorized to be appropriated  
2 to carry out subsection (a)—

- 3 (1) \$58,000,000 for fiscal year 2008;
- 4 (2) \$134,000,000 for fiscal year 2009;
- 5 (3) \$170,000,000 for fiscal year 2010; and
- 6 (4) \$208,000,000 for fiscal year 2011.

7 Such sums shall remain available until expended.

8 (c) IMPLEMENTATION OF STAFFING STANDARDS.—

9 Notwithstanding any other provision of this section, upon  
10 completion of the flight standards service staffing model  
11 under section 605 of this Act, and validation of the model  
12 by the Administrator, there are authorized to be appro-  
13 priated such sums as may be necessary to support the  
14 number of aviation safety inspectors, safety technical spe-  
15 cialists, and operation support positions that such model  
16 determines are required to meet the responsibilities of the  
17 Flight Standards Service.

18 **SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.**

19 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

20 Not later than 90 days after the date of enactment of this  
21 Act, the Administrator of the Federal Aviation Adminis-  
22 tration shall enter into appropriate arrangements with the  
23 National Academy of Sciences to conduct a study of the  
24 assumptions and methods used by the Federal Aviation  
25 Administration (in this section referred to as the “FAA”)

1 to estimate staffing needs for FAA air traffic controllers  
2 to ensure the safe operation of the national airspace sys-  
3 tem.

4 (b) CONSULTATION.—In conducting the study, the  
5 National Academy of Sciences shall consult with the exclu-  
6 sive bargaining representative of employees of the FAA  
7 certified under section 7111 of title 5, United States Code,  
8 the Administrator of the Federal Aviation Administration,  
9 and representatives of the Civil Aeronautical Medical In-  
10 stitute.

11 (c) CONTENTS.—The study shall include an examina-  
12 tion of representative information on human factors, traf-  
13 fic activity, and the technology and equipment used in air  
14 traffic control.

15 (d) RECOMMENDATIONS AND ESTIMATES.—In con-  
16 ducting the study, the National Academy of Sciences shall  
17 develop—

18 (1) recommendations for the development by  
19 the FAA of objective staffing standards to maintain  
20 the safety and efficiency of the national airspace sys-  
21 tem with current and future projected air traffic lev-  
22 els; and

23 (2) estimates of cost and schedule for the devel-  
24 opment of such standards by the FAA or its con-  
25 tractors.



1 (e) REPORT.—Not later than 18 months after the  
2 date of enactment of this Act, the National Academy of  
3 Sciences shall submit to the Committee on Transportation  
4 and Infrastructure of the House of Representatives and  
5 the Committee on Commerce, Science, and Transportation  
6 of the Senate a report on the results of the study.

7 **SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**  
8 **TRAFFIC CONTROLLERS.**

9 (a) STUDY.—The Administrator of the Federal Avia-  
10 tion Administration shall conduct a study to assess the  
11 adequacy of training programs for air traffic controllers.

12 (b) CONTENTS.—The study shall include—

13 (1) a review of the current training system for  
14 air traffic controllers;

15 (2) an analysis of the competencies required of  
16 air traffic controllers for successful performance in  
17 the current air traffic control environment;

18 (3) an analysis of competencies required of air  
19 traffic controllers as the Federal Aviation Adminis-  
20 tration transitions to the Next Generation Air  
21 Transportation System; and

22 (4) an analysis of various training approaches  
23 available to satisfy the controller competencies iden-  
24 tified under paragraphs (2) and (3).

1           (c) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to the Committee on Transportation and Infrastructure  
4 of the House of Representatives and the Committee on  
5 Commerce, Science, and Transportation of the Senate a  
6 report on the results of the study.

7 **SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.**

8           (a) STUDY.—The Administrator of the Federal Avia-  
9 tion Administration shall conduct a study on training op-  
10 tions for graduates of the Collegiate Training Initiative  
11 program conducted under section 44506(c) of title 49  
12 United States Code. The study shall analyze the impact  
13 of providing as an alternative to the current training pro-  
14 vided at the Mike Monroney Aeronautical Center of the  
15 Administration a new controller orientation session for  
16 graduates of such programs at the Mike Monroney Aero-  
17 nautical Center followed by on-the-job training for newly  
18 hired air traffic controllers who are graduates of such pro-  
19 gram and shall include—

20                   (1) the cost effectiveness of such an alternative  
21 training approach; and

22                   (2) the effect that such an alternative training  
23 approach would have on the overall quality of train-  
24 ing received by graduates of such programs.

1 (b) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to the Committee on Transportation and Infrastructure  
4 of the House of Representatives and to the Committee on  
5 Commerce, Science, and Transportation of the Senate a  
6 report on the results of the study.

7 **SEC. 610. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
8 **CILITY CONDITIONS.**

9 (a) ESTABLISHMENT.—The Administrator of the  
10 Federal Aviation Administration shall establish a special  
11 task force to be known as the “FAA Task Force on Air  
12 Traffic Control Facility Conditions” (in this section re-  
13 ferred to as the “Task Force”).

14 (b) MEMBERSHIP.—

15 (1) COMPOSITION.—The Task Force shall be  
16 composed of 12 members of whom—

17 (A) 8 members shall be appointed by the  
18 Administrator; and

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

22 (2) QUALIFICATIONS.—Of the members ap-  
23 pointed by the Administrator under paragraph  
24 (1)(A)—

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

8           (B) 2 members shall be specialists on the  
9 rehabilitation of aging buildings.

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

12          (4) VACANCIES.—A vacancy in the Task Force  
13 shall be filled in the manner in which the original  
14 appointment was made.

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

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

24          (d) TASK FORCE PERSONNEL MATTERS.—

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

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

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

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

1 head of that department or agency shall furnish such in-  
2 formation to the Task Force.

3 (f) DUTIES.—

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

6 (A) the conditions of all air traffic control  
7 facilities across the Nation, including towers,  
8 centers, and terminal radar air control;

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

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

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

22 (E) whether employees of the Administra-  
23 tion who report facility-related illnesses are  
24 treated fairly;

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

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

7           (2) FACILITY CONDITION INDICIES (FCI).—The  
8           Task Force shall review the facility condition  
9           indicies of the Administration (in this section re-  
10          ferred to as the “FCI”) for inclusion in the rec-  
11          ommendations under subsection (g).

12          (g) RECOMMENDATIONS.—Based on the results of  
13          the study and review of the FCI under subsection (f), the  
14          Task Force shall make recommendations as it considers  
15          necessary to—

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

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

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

1           (h) REPORT.—Not later than 6 months after the date  
2 on which initial appointments of members to the Task  
3 Force are completed, the Task Force shall submit to the  
4 Administrator, the Committee on Transportation and In-  
5 frastructure of the House of Representatives, and the  
6 Committee on Commerce, Science, and Transportation of  
7 the Senate a report on the activities of the Task Force,  
8 including the recommendations of the Task Force under  
9 subsection (g).

10           (i) IMPLEMENTATION.—Within 30 days of the receipt  
11 of the Task Force report under subsection (h), the Admin-  
12 istrator shall submit to the Committee on Transportation  
13 and Infrastructure of the House of Representatives and  
14 the Committee on Commerce, Science, and Transportation  
15 of the Senate a report that includes a plan and timeline  
16 to implement the recommendations of the Task Force and  
17 to align future budgets and priorities of the Administra-  
18 tion accordingly.

19           (j) TERMINATION.—The Task Force shall terminate  
20 on the last day of the 30-day period beginning on the date  
21 on which the report under subsection (h) was submitted.

22           (k) APPLICABILITY OF THE FEDERAL ADVISORY  
23 COMMITTEE ACT.—The Federal Advisory Committee Act  
24 (5 U.S.C. App.) shall not apply to the Task Force.



1 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Secretary of  
3 Transportation \$250,000 to carry out this section.

## 4 **TITLE VII—AVIATION** 5 **INSURANCE**

### 6 **SEC. 701. GENERAL AUTHORITY.**

7 (a) EXTENSION OF POLICIES.—Section 44302(f)(1)  
8 is amended—

9 (1) by striking “August 31, 2006” and insert-  
10 ing “September 30, 2011”; and

11 (2) by striking “December 31, 2006” and in-  
12 serting “December 31, 2017”.

13 (b) SUCCESSOR PROGRAM.—Section 44302(f) is  
14 amended by adding at the end the following:

15 “(3) SUCCESSOR PROGRAM.—

16 “(A) IN GENERAL.—After December 31,  
17 2017, coverage for the risks specified in a policy  
18 that has been extended under paragraph (1)  
19 shall be provided in an airline industry spon-  
20 sored risk retention or other risk-sharing ar-  
21 rangement approved by the Secretary.

22 “(B) TRANSFER OF PREMIUMS.—

23 “(i) IN GENERAL.—On December 31,  
24 2017, and except as provided in clause (ii),  
25 premiums that are collected by the Sec-

1           retary from the airline industry after Sep-  
2           tember 22, 2001, for any policy under this  
3           subsection, and interest earned thereon, as  
4           determined by the Secretary, shall be  
5           transferred to an airline industry spon-  
6           sored risk retention or other risk-sharing  
7           arrangement approved by the Secretary.

8           “(ii) DETERMINATION OF AMOUNT  
9           TRANSFERRED.—The amount transferred  
10          pursuant to clause (i) shall be less—

11                   “(I) the amount of any claims  
12                   paid out on such policies from Sep-  
13                   tember 22, 2001, through December  
14                   31, 2017;

15                   “(II) the amount of any claims  
16                   pending under such policies as of De-  
17                   cember 31, 2017; and

18                   “(III) the cost, as determined by  
19                   the Secretary, of administering the  
20                   provision of insurance policies under  
21                   this chapter from September 22,  
22                   2001, through December 31, 2017.”.

1 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD**  
2 **PARTY LIABILITY OF AIR CARRIERS ARISING**  
3 **OUT OF ACTS OF TERRORISM.**

4 Section 44303(b) is amended by striking “December  
5 31, 2006” and inserting “December 31, 2012”.

6 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

7 Section 44304 is amended in the second sentence by  
8 striking “the carrier” and inserting “any insurance car-  
9 rier”.

10 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

11 Section 44308(c)(1) is amended in the second sen-  
12 tence by striking “agent” and inserting “agent, or a  
13 claims adjuster who is independent of the underwriting  
14 agent,”.

15 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

16 Section 44310 is amended by striking “March 30,  
17 2008” and inserting “December 31, 2017”.

18 **TITLE VIII—MISCELLANEOUS**

19 **SEC. 801. AIR CARRIER CITIZENSHIP.**

20 Section 40102(a)(15) is amended by adding at the  
21 end the following:

22 “For purposes of subparagraph (C), an air carrier  
23 shall not be deemed to be under the actual control  
24 of citizens of the United States unless citizens of the  
25 United States control all matters pertaining to the  
26 business and structure of the air carrier, including

1 operational matters such as marketing, branding,  
2 fleet composition, route selection, pricing, and labor  
3 relations.”.

4 **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**  
5 **INTEREST OF NATIONAL SECURITY.**

6 Section 40119(b) is amended by adding at the end  
7 the following:

8 “(3) LIMITATION ON APPLICABILITY OF FREE-  
9 DOM OF INFORMATION ACT.—Section 552a of title 5,  
10 United States Code, shall not apply to disclosures  
11 that the Administrator of the Federal Aviation Ad-  
12 ministration may make from the systems of records  
13 of the Administration to any Federal law enforce-  
14 ment, intelligence, protective service, immigration, or  
15 national security official in order to assist the offi-  
16 cial receiving the information in the performance of  
17 official duties.”.

18 **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**  
19 **AND DATABASE SYSTEMS.**

20 (a) IN GENERAL.—Chapter 401 is amended by add-  
21 ing at the end the following:

22 **“§ 40130. FAA access to criminal history records or**  
23 **databases systems**

24 “(a) ACCESS TO RECORDS OR DATABASES SYS-  
25 TEMS.—

1           “(1) ACCESS TO INFORMATION.—Notwith-  
2 standing section 534 of title 28, and regulations  
3 issued to implement such section, the Administrator  
4 of the Federal Aviation Administration may access a  
5 system of documented criminal justice information  
6 maintained by the Department of Justice or by a  
7 State but may do so only for the purpose of carrying  
8 out civil and administrative responsibilities of the  
9 Administration to protect the safety and security of  
10 the national airspace system or to support the mis-  
11 sions of the Department of Justice, the Department  
12 of Homeland Security, and other law enforcement  
13 agencies.

14           “(2) RELEASE OF INFORMATION.— In access-  
15 ing a system referred to in paragraph (1), the Ad-  
16 ministrator shall be subject to the same conditions  
17 and procedures established by the Department of  
18 Justice or the State for other governmental agencies  
19 with access to the system.

20           “(3) LIMITATION.—The Administrator may not  
21 use the access authorized under paragraph (1) to  
22 conduct criminal investigations.

23           “(b) DESIGNATED EMPLOYEES.—The Administrator  
24 shall designate, by order, employees of the Administration

1 who shall carry out the authority described in subsection

2 (a). The designated employees may—

3           “(1) have access to and receive criminal history,  
4 driver, vehicle, and other law enforcement informa-  
5 tion contained in the law enforcement databases of  
6 the Department of Justice, or any jurisdiction of a  
7 State, in the same manner as a police officer em-  
8 ployed by a State or local authority of that State  
9 who is certified or commissioned under the laws of  
10 that State;

11           “(2) use any radio, data link, or warning sys-  
12 tem of the Federal Government, and of any jurisdic-  
13 tion in a State, that provides information about  
14 wanted persons, be-on-the-lookout notices, warrant  
15 status, or other officer safety information to which  
16 a police officer employed by a State or local author-  
17 ity in that State who is certified or commission  
18 under the laws of that State has access and in the  
19 same manner as such police officer; or

20           “(3) receive Federal, State, or local government  
21 communications with a police officer employed by a  
22 State or local authority in that State in the same  
23 manner as a police officer employed by a State or  
24 local authority in that State who is commissioned  
25 under the laws of that State.

1       “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE  
2 INFORMATION DEFINED.—In this section, the term ‘sys-  
3 tem of documented criminal justice information’ means  
4 any law enforcement database, system, or communication  
5 containing information concerning identification, criminal  
6 history, arrests, convictions, arrest warrants, wanted or  
7 missing persons, including the National Crime Informa-  
8 tion Center and its incorporated criminal history data-  
9 bases and the National Law Enforcement Telecommuni-  
10 cations System.”.

11       (b) CLERICAL AMENDMENT.—The analysis for chap-  
12 ter 401 is amended by adding at the end the following:  
“40130. FAA access to criminal history records or databases systems.”.

13 **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

15           (1) in the section heading by striking “**air**  
16 **carrier**” and inserting “**carrier**”;

17           (2) in subsection (a) by striking “(as defined in  
18 section 40102 of this title)” and inserting “(as such  
19 terms are defined in section 40102)”;

20           (3) in the heading for subsection (d) by striking  
21 “AIR CARRIER” and inserting “AIR CARRIER AND  
22 FOREIGN AIR CARRIER”;

23           (4) in the heading for paragraph (2) of sub-  
24 section (d) by striking “AIR CARRIER” and inserting  
25 “AIR CARRIER AND FOREIGN AIR CARRIER”;





1           (2) The changes in airport capital needs be-  
2           tween fiscal years 2001 and 2007, as reported in the  
3           plan, as compared with the amounts apportioned or  
4           otherwise made available to individual airports over  
5           the same period of time.

6           (3) A comparison of the amounts received by  
7           airports under the airport improvement program in  
8           airport apportionments, State apportionments, and  
9           discretionary grants during such fiscal years with  
10          capital needs as reported in the plan.

11          (4) The effect of transfers of airport apportion-  
12          ments under title 49, United States Code.

13          (5) Any other matters pertaining to the plan  
14          that the Secretary determines appropriate.

15          (c) REPORT TO CONGRESS.—

16           (1) SUBMISSION.—Not later than 36 months  
17           after the date of initiation of the study, the Sec-  
18           retary shall submit to the Committee on Transpor-  
19           tation and Infrastructure of the House of Represent-  
20           atives and the Committee on Commerce, Science,  
21           and Transportation of the Senate a report on the re-  
22           sults of the study.

23           (2) CONTENTS.—The report shall include—

24           (A) the findings of the Secretary on each  
25           of the subjects listed in subsection (b);

1 (B) recommendations for any changes to  
2 policies and procedures for formulating the  
3 plan; and

4 (C) recommendations for any changes to  
5 the methods of determining the amounts to be  
6 apportioned or otherwise made available to indi-  
7 vidual airports.

8 **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

9 (a) IN GENERAL.—Section 201 of the Railway Labor  
10 Act (45 U.S.C. 181) is amended—

11 (1) by striking “All” and inserting “(a) IN  
12 GENERAL.—All”;

13 (2) by inserting “and every express carrier”  
14 after “common carrier by air”; and

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

16 “(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

17 “(1) IN GENERAL.—An employee of an express  
18 carrier shall be covered by this Act only if that em-  
19 ployee is in a position that is eligible for certification  
20 under part 61, 63, or 65 of title 14, Code of Federal  
21 Regulations, and only if that employee performs du-  
22 ties for the express carrier that are eligible for such  
23 certification. All other employees of an express car-  
24 rier shall be covered by the provisions of the Na-  
25 tional Labor Relations Act (29 U.S.C. 151 et seq.).

1           “(2) AIR CARRIER STATUS.—Any person that is  
2           an express carrier shall be governed by paragraph  
3           (1) notwithstanding any finding that the person is  
4           also a common carrier by air.

5           “(3) EXPRESS CARRIER DEFINED.—In this sec-  
6           tion, the term ‘express carrier’ means any person (or  
7           persons affiliated through common control or owner-  
8           ship) whose primary business is the express ship-  
9           ment of freight or packages through an integrated  
10          network of air and surface transportation.”.

11          (b) CONFORMING AMENDMENT.—Section 1 of such  
12 Act (45 U.S.C. 151) is amended in the first paragraph  
13 by striking “, any express company that would have been  
14 subject to subtitle IV of title 49, United States Code, as  
15 of December 31, 1995,,”.

16 **SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FA-**  
17 **CILITIES.**

18          (a) ESTABLISHMENT OF WORKING GROUP.—Not  
19 later than 9 months after the date of enactment of this  
20 Act, the Secretary of Transportation shall establish within  
21 the Federal Aviation Administration (in this section re-  
22 ferred to as the “FAA”) a working group to develop cri-  
23 teria and make recommendations for the realignment of  
24 services and facilities (including regional offices) of the  
25 FAA to assist in the transition to next generation facilities

1 and to help reduce capital, operating, maintenance, and  
2 administrative costs in instances in which cost reductions  
3 can be implemented without adversely affecting safety.

4 (b) MEMBERSHIP.—The working group shall be com-  
5 posed of, at a minimum—

6 (1) the Administrator of the FAA;

7 (2) 2 representatives of air carriers;

8 (3) 2 representatives of the general aviation  
9 community;

10 (4) 2 representatives of labor unions rep-  
11 resenting employees who work at regional or field fa-  
12 cilities of the FAA; and

13 (5) 2 representatives of the airport community.

14 (c) REPORT TO CONGRESS CONTAINING REC-  
15 OMMENDATIONS OF THE WORKING GROUP.—

16 (1) SUBMISSION.—Not later than 6 months  
17 after convening the working group, the Adminis-  
18 trator shall submit to the Committee on Transpor-  
19 tation and Infrastructure of the House of Represent-  
20 atives and the Committee on Commerce, Science,  
21 and Transportation of the Senate a report con-  
22 taining the criteria and recommendations developed  
23 by the working group under this section.

24 (2) CONTENTS.—The report shall include a jus-  
25 tification for each recommendation to consolidate or

1       realign a service or facility (including a regional of-  
2       fice) and a description of the costs and savings asso-  
3       ciated with the consolidation or realignment.

4       (d) PUBLIC NOTICE AND COMMENT.—The Adminis-  
5       trator shall publish the report submitted under subsection  
6       (c) in the Federal Register and allow 45 days for the sub-  
7       mission of public comments. In addition, the Adminis-  
8       trator upon request shall hold a public hearing in a com-  
9       munity that would be affected by a recommendation in the  
10      report.

11      (e) OBJECTIONS.—Any interested person may file  
12      with the Administrator a written objection to a rec-  
13      ommendation of the working group.

14      (f) REPORT TO CONGRESS CONTAINING REC-  
15      COMMENDATIONS OF THE ADMINISTRATOR.—Not later  
16      than 60 days after the last day of the period for public  
17      comment under subsection (d), the Administrator shall  
18      submit to the committees referred to in subsection (c)(1)  
19      a report containing the recommendations of the Adminis-  
20      trator on realignment of services and facilities (including  
21      regional offices) of the FAA and copies of any public com-  
22      ments and objections received by the Administrator under  
23      this section.

24      (g) LIMITATION ON IMPLEMENTATION OF REALIGN-  
25      MENTS AND CONSOLIDATIONS.—The Administrator may

1 not realign or consolidate any services or facilities (includ-  
2 ing regional offices) of the FAA before the Administrator  
3 has submitted the report under subsection (f).

4 (h) FAA DEFINED.—In this section, the term  
5 “FAA” means the Federal Aviation Administration.

6 **SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT IN-**  
7 **SURANCE FOR NATIONAL TRANSPORTATION**  
8 **SAFETY BOARD EMPLOYEES.**

9 Section 1113 is amended by adding at the end the  
10 following:

11 “(i) ACCIDENTAL DEATH AND DISMEMBERMENT IN-  
12 SURANCE.—

13 “(1) AUTHORITY TO PROVIDE INSURANCE.—

14 The Board may procure accidental death and dis-  
15 memberment insurance for an employee of the  
16 Board who travels for an accident investigation or  
17 other activity of the Board outside the United States  
18 or inside the United States under hazardous cir-  
19 cumstances, as defined by the Board.

20 “(2) CREDITING OF INSURANCE BENEFITS TO

21 OFFSET UNITED STATES TORT LIABILITY.—Any

22 amounts paid to a person under insurance coverage

23 procured under this subsection shall be credited as

24 offsetting any liability of the United States to pay

25 damages to that person under section 1346(b) of

1 title 28, chapter 171 of title 28, chapter 163 of title  
2 10, or any other provision of law authorizing recovery  
3 based upon tort liability of the United States in  
4 connection with the injury or death resulting in the  
5 insurance payment.

6 “(3) TREATMENT OF INSURANCE BENEFITS.—  
7 Any amounts paid under insurance coverage pro-  
8 cured under this subsection shall not—

9 “(A) be considered additional pay or allow-  
10 ances for purposes of section 5536 of title 5; or

11 “(B) offset any benefits an employee may  
12 have as a result of government service, includ-  
13 ing compensation under chapter 81 of title 5.

14 “(4) ENTITLEMENT TO OTHER INSURANCE.—  
15 Nothing in this subsection shall be construed as af-  
16 fecting the entitlement of an employee to insurance  
17 under section 8704(b) of title 5.”

18 **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE IN-**  
19 **DUSTRY IN INTERNATIONAL CHILD ABDUC-**  
20 **TION CASES.**

21 (a) STUDY.—The Comptroller General shall conduct  
22 a study to help determine how the Federal Aviation Ad-  
23 ministration (in this section referred to as the “FAA”)  
24 could better ensure the collaboration and cooperation of  
25 air carriers and foreign air carriers providing air transpor-

1 tation and relevant Federal agencies to develop and en-  
2 force child safety control for adults traveling internation-  
3 ally with children.

4 (b) CONTENTS.—In conducting the study, the Comp-  
5 troller General shall examine—

6 (1) the nature and scope of exit policies and  
7 procedures of the FAA, air carriers, and foreign air  
8 carriers and how the enforcement of such policies  
9 and procedures is monitored, including ticketing and  
10 boarding procedures;

11 (2) the extent to which air carriers and foreign  
12 air carriers cooperate in the investigations of inter-  
13 national child abduction cases, including cooperation  
14 with the National Center for Missing and Exploited  
15 Children and relevant Federal, State, and local  
16 agencies;

17 (3) any effective practices, procedures, or les-  
18 sons learned from the assessment of current prac-  
19 tices and procedures of air carriers, foreign air car-  
20 riers, and operators of other transportation modes  
21 that could improve the ability of the aviation com-  
22 munity to ensure the safety of children traveling  
23 internationally with adults and, as appropriate, en-  
24 hance the capability of air carriers and foreign air



1 carriers to cooperate in the investigations of inter-  
2 national child abduction cases; and

3 (4) any liability issues associated with providing  
4 assistance in such investigations.

5 (c) REPORT.—Not later than one year after the date  
6 of the enactment of this Act, the Comptroller General shall  
7 submit to Congress a report on the results of the study.

8 **SEC. 810. LOST NATION AIRPORT, OHIO.**

9 (a) APPROVAL OF SALE.—The Secretary of Trans-  
10 portation may approve the sale of Lost Nation Airport  
11 from the city of Willoughby, Ohio, to Lake County, Ohio,  
12 if—

13 (1) Lake County meets all applicable require-  
14 ments for sponsorship of the airport; and

15 (2) Lake County agrees to assume the obliga-  
16 tions and assurances of the grant agreements relat-  
17 ing to the airport executed by the city of Willoughby  
18 under chapter 471 of title 49, United States Code,  
19 and to operate and maintain the airport in accord-  
20 ance with such obligations and assurances.

21 (b) GRANTS.—

22 (1) IN GENERAL.—The Secretary may make a  
23 grant, from funds made available under section  
24 48103 of title 49, United States Code, to Lake

1 County to assist in Lake County's purchase of the  
2 Lost Nation Airport under subsection (a).

3 (2) FEDERAL SHARE.—The Federal share of  
4 the grant under this subsection shall be for 90 per-  
5 cent of the cost of Lake County's purchase of the  
6 Lost Nation Airport, but in no event may the Fed-  
7 eral share of the grant exceed \$1,220,000.

8 (3) APPROVAL.—The Secretary may make a  
9 grant under this subsection only if the Secretary re-  
10 ceives such written assurances as the Secretary may  
11 require under section 47107 of title 49, United  
12 States Code, with respect to the grant and Lost Na-  
13 tion Airport.

14 (c) TREATMENT OF PROCEEDS FROM SALE.—The  
15 Secretary may grant to the city of Willoughby an exemp-  
16 tion from the provisions of sections 47107 and 47133 of  
17 such title, any grant obligations of the city of Willoughby,  
18 and regulations and policies of the Federal Aviation Ad-  
19 ministration to the extent necessary to allow the city of  
20 Willoughby to use the proceeds from the sale approved  
21 under subsection (a) for any purpose authorized by the  
22 city of Willoughby.

23 **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

24 (a) FINDINGS.—Congress finds that—

1           (1) Pollock Municipal Airport located in Pol-  
2 lock, Louisiana (in this section referred to as the  
3 “airport”), has never been included in the National  
4 Plan of Integrated Airport Systems pursuant to sec-  
5 tion 47103 of title 49, United States Code, and is  
6 therefore not considered necessary to meet the cur-  
7 rent or future needs of the national aviation system;  
8 and

9           (2) closing the airport will not adversely affect  
10 aviation safety, aviation capacity, or air commerce.

11 (b) REQUEST FOR CLOSURE.—

12           (1) APPROVAL.—Notwithstanding any other  
13 provision of law, requirement, or agreement and sub-  
14 ject to the requirements of this section, the Adminis-  
15 trator of the Federal Aviation Administration  
16 shall—

17                   (A) approve a request from the town of  
18 Pollock, Louisiana, to close the airport as a  
19 public airport; and

20                   (B) release the town from any term, condi-  
21 tion, reservation, or restriction contained in a  
22 surplus property conveyance or transfer docu-  
23 ment, and from any order or finding by the De-  
24 partment of Transportation on the use and re-  
25 payment of airport revenue applicable to the

1           airport, that would otherwise prevent the clo-  
2           sure of the airport and redevelopment of the fa-  
3           cilities to nonaeronautical uses.

4           (2) CONTINUED AIRPORT OPERATION PRIOR TO  
5           APPROVAL.—The town of Pollock shall continue to  
6           operate and maintain the airport until the Adminis-  
7           trator grants the town’s request for closure of the  
8           airport.

9           (3) USE OF PROCEEDS FROM SALE OF AIR-  
10          PORT.—Upon the approval of the request to close  
11          the airport, the town of Pollock shall obtain fair  
12          market value for the sale of the airport property and  
13          shall immediately upon receipt transfer all such pro-  
14          ceeds from the sale of the airport property to the  
15          sponsor of a public airport designated by the Admin-  
16          istrator to be used for the development or improve-  
17          ment of such airport.

18          (4) RELOCATION OF AIRCRAFT.—Before closure  
19          of the airport, the town of Pollock shall provide ade-  
20          quate time for any airport-based aircraft to relocate.

21 **SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY**  
22 **PROGRAM.**

23          (a) IN GENERAL.—Not later than 6 months after the  
24          date of enactment of this Act, the Administrator of the  
25          Federal Aviation Administration shall develop a human

1 intervention and motivation study program for flight crew-  
2 members involved in air carrier operations in the United  
3 States under part 121 of title 14, Code of Federal Regula-  
4 tions.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 such sums as may be necessary for each of fiscal years  
8 2008 through 2011. Such sums shall remain available  
9 until expended.

10 **SEC. 813. WASHINGTON, D.C., AIR DEFENSE IDENTIFICA-**  
11 **TION ZONE.**

12 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later  
13 than 90 days after the date of enactment of this Act, the  
14 Administrator of the Federal Aviation Administration, in  
15 coordination with Secretary of Homeland Security and  
16 Secretary of Defense, shall submit to the Committee on  
17 Transportation and Infrastructure and Committee on  
18 Homeland Security of the House of Representatives and  
19 the Committee on Commerce, Science, and Transportation  
20 of the Senate a plan for the Washington, D.C., Air De-  
21 fense Identification Zone.

22 (b) CONTENTS OF PLAN.—The plan shall outline spe-  
23 cific changes to the Washington, D.C., Air Defense Identi-  
24 fication Zone that will decrease operational impacts and

1 improve general aviation access to airports in the National  
2 Capital Region that are currently impacted by the zone.

3 **SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

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

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

1 **SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.**  
2 **HOBBY AIRPORT, HOUSTON, TEXAS.**

3 It is the sense of Congress that the Nation—

4 (1) supports the goals and ideals of the 1940  
5 Air Terminal Museum located at William P. Hobby  
6 Airport in the city of Houston, Texas;

7 (2) congratulates the city of Houston and the  
8 1940 Air Terminal Museum on the 80-year history  
9 of William P. Hobby Airport and the vital role of the  
10 airport in Houston's and the Nation's transportation  
11 infrastructure; and

12 (3) recognizes the 1940 Air Terminal Museum  
13 for its importance to the Nation in the preservation  
14 and presentation of civil aviation heritage and recog-  
15 nizes the importance of civil aviation to the Nation's  
16 history and economy.

17 **SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**  
18 **APPLICABLE TO FLIGHT CREWMEMBERS.**

19 Not later than 180 days after the date of enactment  
20 of this Act, the Administrator of the Federal Aviation Ad-  
21 ministration shall initiate a rulemaking proceeding for the  
22 following purposes:

23 (1) To require a flight crewmember who is em-  
24 ployed by an air carrier conducting operations under  
25 part 121 of title 14, Code of Federal Regulations,  
26 and who accepts an additional assignment for flying

1 under part 91 of such title from the air carrier or  
2 from any other air carrier conducting operations  
3 under part 121 or 135 of such title, to apply the pe-  
4 riod of the additional assignment (regardless of  
5 whether the assignment is performed by the flight  
6 crewmember before or after an assignment to fly  
7 under part 121 of such title) toward any limitation  
8 applicable to the flight crewmember relating to duty  
9 periods or flight times under part 121 of such title.

10 (2) To require a flight crewmember who is em-  
11 ployed by an air carrier conducting operations under  
12 part 135 of title 14, Code of Federal Regulations,  
13 and who accepts an additional assignment for flying  
14 under part 91 of such title from the air carrier or  
15 any other air carrier conducting operations under  
16 part 121 or 135 of such title, to apply the period of  
17 the additional assignment (regardless of whether the  
18 assignment is performed by the flight crewmember  
19 before or after an assignment to fly under part 135  
20 of such title) toward any limitation applicable to the  
21 flight crewmember relating to duty periods or flight  
22 times under part 135 of such title.

23 **SEC. 817. LABOR INTEGRATION.**

24 (a) LABOR INTEGRATION.—With respect to any cov-  
25 ered transaction involving a covered air carrier that results



1 in the combination of crafts or classes that are subject  
2 to the Railway Labor Act (45 U.S.C. 151 et seq.), sections  
3 3 and 13 of the labor protective provisions imposed by the  
4 Civil Aeronautics Board in the Allegheny-Mohawk merger  
5 (as published at 59 C.A.B. 45) shall apply to the integra-  
6 tion of covered employees of the covered air carrier; except  
7 that—

8           (1) if the same collective bargaining agent rep-  
9           resents the combining crafts or classes at the cov-  
10          ered air carrier, that collective bargaining agent's in-  
11          ternal policies regarding integration, if any, will not  
12          be affected by and will supercede the requirements  
13          of this section; and

14          (2) the requirements of any collective bar-  
15          gaining agreement that may be applicable to the  
16          terms of integration involving covered employees of  
17          the covered air carrier shall also not be affected by  
18          and will supersede the requirements of this section,  
19          so long as those provisions supply at least the pro-  
20          tections afforded by sections 3 and 13 of the Alle-  
21          gheny-Mohawk provisions.

22          (b) ENFORCEMENT.—Any labor organization that  
23          represents individuals that are aggrieved as a result of a  
24          violation of the labor protective provisions applied under  
25          subsection (a) may bring an action to enforce this section,

1 or to enforce the terms of any award or agreement result-  
2 ing from arbitration or a settlement relating to the re-  
3 quirements of this section. An action under this subsection  
4 shall be brought in an appropriate United States district  
5 court determined in accordance with section 1391 of title  
6 28, United States Code, without regard to the amount in  
7 controversy.

8 (c) DEFINITIONS.—In this section, the following defi-  
9 nitions apply:

10 (1) AIR CARRIER.—The term “air carrier”  
11 means an air carrier that holds a certificate issued  
12 under chapter 411 of title 49, United States Code.

13 (2) COVERED AIR CARRIER.—The term “cov-  
14 ered air carrier” means an air carrier that is in-  
15 volved in a covered transaction.

16 (3) COVERED EMPLOYEE.—The term “covered  
17 employee” means an employee who—

18 (A) is not a temporary employee; and

19 (B) is a member of a craft or class that is  
20 subject to the Railway Labor Act (45 U.S.C.  
21 151 et seq.).

22 (4) COVERED TRANSACTION.—The term “cov-  
23 ered transaction” means—

1 (A) a transaction for the combination of  
2 multiple air carriers into a single air carrier;  
3 and which

4 (B) involves the transfer of ownership or  
5 control of—

6 (i) 50 percent or more of the equity  
7 securities (as defined in section 101 of title  
8 11, United States Code) of an air carrier;  
9 or

10 (ii) 50 percent or more (by value) of  
11 the assets of the air carrier.

12 (d) APPLICATION.—This section shall not apply to  
13 any covered transaction involving a covered air carrier  
14 that took place before the date of enactment of this Act.

15 **SEC. 818. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
16 **PORT PROPERTIES.**

17 (a) IN GENERAL.—Not later than one year after the  
18 date of enactment of this Act, the Administrator of the  
19 Federal Aviation Administration shall establish a pilot  
20 program at up to 4 public-use airports (as defined in sec-  
21 tion 47102 of title 49, United States Code) that have a  
22 noise compatibility program approved by the Adminis-  
23 trator under section 47504 of such title.

24 (b) GRANTS.—Under the pilot program, the Adminis-  
25 trator may make a grant in a fiscal year, from funds made

1 available under section 47117(e)(1)(A) of such title, to the  
2 operator of an airport participating in the pilot program—

3           (1) to support joint planning (including plan-  
4           ning described in section 47504(a)(2)(F) of such  
5           title), engineering design, and environmental permit-  
6           ting for the assembly and redevelopment of real  
7           property purchased with noise mitigation funds  
8           made available under section 48103 or passenger fa-  
9           cility revenues collected for the airport under section  
10          40117 of such title; and

11          (2) to encourage compatible land uses with the  
12          airport and generate economic benefits to the airport  
13          operator and an affected local jurisdiction.

14          (c) GRANT REQUIREMENTS.—The Administrator  
15 may not make a grant under this section unless the grant  
16 is made—

17           (1) to enable the airport operator and an af-  
18           fected local jurisdiction to expedite their noise miti-  
19           gation redevelopment efforts with respect to real  
20           property described in subsection (b)(1); and

21           (2) subject to a requirement that the affected  
22           local jurisdiction has adopted zoning regulations that  
23           permit compatible redevelopment of real property de-  
24           scribed in subsection (b)(1);

1           (3) subject to a requirement that funds made  
2           available under section 47117(e)(1)(A) with respect  
3           to real property assembled and redeveloped under  
4           subsection (b)(1) plus the amount of any grants  
5           made for acquisition of such property under section  
6           47504 of such title are repaid to the Administrator  
7           upon the sale of such property.

8           (d) COOPERATION WITH LOCAL AFFECTED JURIS-  
9           DICTION.—An airport operator may use funds granted  
10          under this section for a purpose described in subsection  
11          (b) only in cooperation with an affected local jurisdiction.

12          (e) UNITED STATES GOVERNMENT SHARE.—

13               (1) IN GENERAL.—The United States Govern-  
14               ment share of the allowable costs of a project carried  
15               out under the pilot program shall be 80 percent.

16               (2) DETERMINATION.—In determining the al-  
17               lowable project costs of a project carried out under  
18               the pilot program for purposes of this subsection,  
19               the Administrator shall deduct from the total costs  
20               of the project that portion of the total costs of the  
21               project that are incurred with respect to real prop-  
22               erty that is not owned or to be acquired by the air-  
23               port operator pursuant to the noise compatibility  
24               program for the airport or that is not owned by an  
25               affected local jurisdiction or other public entity.

1           (3) MAXIMUM AMOUNT.—Not more than  
2           \$5,000,000 in funds made available under section  
3           47117(e) of title 49, United States Code, may be ex-  
4           pended under this pilot program at any single pub-  
5           lic-use airport.

6           (f) SPECIAL RULES FOR REPAID FUNDS.—The  
7           amounts repaid to the Administrator with respect to an  
8           airport under subsection (c)(3)—

9           (1) shall be available to the Administrator for  
10          the following actions giving preference to such ac-  
11          tions in descending order:

12                 (A) reinvestment in an approved noise  
13                 compatibility project at the airport;

14                 (B) reinvestment in another project at the  
15                 airport that is available for funding under sec-  
16                 tion 47117(e) of title 49, United States Code;

17                 (C) reinvestment in an approved airport  
18                 development project at the airport that is eligi-  
19                 ble for funding under section 47114, 47115, or  
20                 47117 of such title;

21                 (D) reinvestment in approved noise com-  
22                 patibility project at any other public airport;  
23                 and

24                 (E) deposit in the Airport and Airway  
25                 Trust Fund established under section 9502 of

1           the Internal Revenue Code of 1986 (26 U.S.C.  
2           9502);

3           (2) shall be in addition to amounts authorized  
4           under section 48103 of title 49, United States Code;  
5           and

6           (3) shall remain available until expended.

7           (g) USE OF PASSENGER FACILITY REVENUE.—An  
8           operator of an airport participating in the pilot program  
9           may use passenger facility revenue collected for the airport  
10          under section 40117 of title 49, United States Code, to  
11          pay the portion of the total cost of a project carried out  
12          by the operator under the pilot program that are not al-  
13          lowable under subsection (e)(2).

14          (h) SUNSET.—The Administrator may not make a  
15          grant under the pilot program after September 30, 2011.

16          (i) REPORT TO CONGRESS.—Not later than the last  
17          day of the 30th month following the date on which the  
18          first grant is made under this section, the Administrator  
19          shall report to Congress on the effectiveness of the pilot  
20          program on returning real property purchased with noise  
21          mitigation funds made available under section  
22          47117(e)(1)(A) or 47505 or passenger facility revenues to  
23          productive use.

24          (j) NOISE COMPATIBILITY MEASURES.—Section  
25          47504(a)(2) is amended—

1           (1) by striking “and” at the end of subpara-  
2 graph (D);

3           (2) by striking the period at the end of sub-  
4 paragraph (E) and inserting “; and”; and

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

6                   “(F) joint comprehensive land use plan-  
7 ning, including master plans, traffic studies, en-  
8 vironmental evaluation and economic and feasi-  
9 bility studies, with neighboring local jurisdic-  
10 tions undertaking community redevelopment in  
11 the area where any land or other property in-  
12 terest acquired by the airport operator under  
13 this subsection is located, to encourage and en-  
14 hance redevelopment opportunities that reflect  
15 zoning and uses that will prevent the introduc-  
16 tion of additional incompatible uses and en-  
17 hance redevelopment potential.”.

18 **SEC. 819. HELICOPTER OPERATIONS OVER LONG ISLAND,**

19 **NEW YORK.**

20           (a) **STUDY.**—The Administrator of the Federal Avia-  
21 tion Administration shall conduct a study on helicopter op-  
22 erations over Long Island, New York.

23           (b) **CONTENTS.**—In conducting the study, the Ad-  
24 ministrator shall examine, at a minimum, the following:



1           (1) The effect of helicopter operations on resi-  
2           dential areas, including—

3                   (A) safety issues relating to helicopter op-  
4                   erations;

5                   (B) noise levels relating to helicopter oper-  
6                   ations and ways to abate the noise levels; and

7                   (C) any other issue relating to helicopter  
8                   operations on residential areas.

9           (2) The feasibility of diverting helicopters from  
10           residential areas.

11           (3) The feasibility of creating specific air lanes  
12           for helicopter operations.

13           (4) The feasibility of establishing altitude limits  
14           for helicopter operations.

15           (c) EXCEPTIONS.—Any determination under this sec-  
16           tion on the feasibility of establishing limitations or restric-  
17           tions for helicopter operations over Long Island, New  
18           York, shall not apply to helicopters performing operations  
19           for news organizations, the military, law enforcement, or  
20           providers of emergency services.

21           (d) LIMITATION ON STATUTORY CONSTRUCTION.—  
22           Nothing in this section shall be construed to interfere with  
23           the Federal Aviation Administration’s authority to ensure  
24           the safe and efficient use of the national airspace system.

1 (e) REPORT.—Not later than 6 months after the date  
2 of the enactment of this Act, the Administrator shall sub-  
3 mit to Congress a report on the results of the study, in-  
4 cluding information and recommendations concerning the  
5 issues examined under subsection (b).

6 **SEC. 820. CABIN TEMPERATURE STANDARDS STUDY.**

7 (a) STUDY.—Not later than 6 months after the date  
8 of enactment of this Act, the Administrator of the Federal  
9 Aviation Administration shall conduct a study to deter-  
10 mine whether onboard temperature standards are nec-  
11 essary to protect cabin and cockpit crew members and pas-  
12 sengers on an aircraft of an air carrier used to provide  
13 air transportation from excessive heat onboard such air-  
14 craft during standard operations or during an excessive  
15 flight delay.

16 (b) TEMPERATURE REVIEW.—In conducting the  
17 study under subsection (a), the Administrator shall—

18 (1) survey onboard cabin and cockpit tempera-  
19 tures of a representative sampling of different air-  
20 craft types and operations;

21 (2) address the appropriate placement of tem-  
22 perature monitoring devices onboard the aircraft to  
23 determine the most accurate measurement of on-  
24 board temperature and develop a system for the re-

1 porting of excessive temperature onboard passenger  
2 aircraft by cockpit and cabin crew members; and

3 (3) review the impact of implementing such on-  
4 board temperature standards on the environment,  
5 fuel economy, and avionics and determine the costs  
6 associated with such implementation and the feasi-  
7 bility of using ground equipment or other mitigation  
8 measures to offset any such costs.

9 (c) REPORT TO CONGRESS.—Not later than 18  
10 months after the date of enactment of this Act, the Ad-  
11 ministrator shall submit to Congress a report on the find-  
12 ings of the study.

13 **SEC. 821. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

14 Section 46301 is amended—

15 (1) in subsection (a)(1)(A) by inserting “chap-  
16 ter 451,” before “section 47107(b)”;

17 (2) in subsection (a)(5)(A)(i)—

18 (A) by striking “or chapter 449” and in-  
19 serting “chapter 449”; and

20 (B) by inserting after “44909)” the fol-  
21 lowing: “, or chapter 451”; and

22 (3) in subsection (d)(2)—

23 (A) by inserting after “44723)” the fol-  
24 lowing: “, chapter 451 (except section 45107)”;

25 and

1 (B) by inserting after “44909),” the fol-  
2 lowing: “section 45107 or”.

3 **SEC. 822. REALIGNMENT OF TERMINAL RADAR APPROACH**  
4 **CONTROL AT PALM BEACH INTERNATIONAL**  
5 **AIRPORT.**

6 (a) PROHIBITION.—The Administrator of the Federal  
7 Aviation Administration may not carry out, or plan for,  
8 the consolidation, deconsolidation, colocation, execution of  
9 interfacility reorganization, or facility elimination of the  
10 terminal radar approach control (TRACON) at Palm  
11 Beach International Airport.

12 (b) REPLACEMENT OF TERMINAL RADAR APPROACH  
13 CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—  
14 The Administrator shall take such action as may be nec-  
15 essary to ensure that any air traffic control tower or facil-  
16 ity placed into operation at Palm Beach International Air-  
17 port after September 30, 2007, to replace an air traffic  
18 control tower or facility placed into operation before Sep-  
19 tember 30, 2007, includes an operating terminal radar ap-  
20 proach control.

21 **SEC. 823. STUDY AND REPORT ON ALLEVIATING CONGES-**  
22 **TION.**

23 Not later than 6 months after the date of enactment  
24 of this Act, the Comptroller General shall conduct a study  
25 and submit a report to Congress regarding effective strat-

1 egies to alleviate congestion in the national airspace at air-  
2 ports during peak travel times, by evaluating the effective-  
3 ness of reducing flight schedules and staggering flights,  
4 developing incentives for airlines to reduce the number of  
5 flights offered, and instituting slots and quotas at air-  
6 ports. In addition, the Comptroller General shall compare  
7 the efficiency of implementing the strategies in the pre-  
8 ceding sentence with redesigning airspace and evaluate  
9 any legal obstacles to implementing such strategies.

10 **SEC. 824. AIRLINE PERSONNEL TRAINING ENHANCEMENT.**

11 Not later than 180 days after the date of enactment  
12 of this Act, the Secretary of Transportation shall issue  
13 regulations under chapter 447 of title 49, United States  
14 Code, that require air carriers to provide initial and an-  
15 nual recurring training for flight attendants and gate at-  
16 tendants regarding serving alcohol, dealing with disruptive  
17 passengers, and recognizing intoxicated persons. The  
18 training shall include situational training on methods of  
19 handling an intoxicated person who is belligerent.

20 **SEC. 825. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**  
21 **PUBLIC INTERNET WEB-BASED SEARCH EN-**  
22 **GINE ON WIND TURBINE INSTALLATION OB-**  
23 **STRUCTION.**

24 (a) STUDY.—The Administrator of the Federal Avia-  
25 tion Administration shall carry out a study on the feasi-

1 bility of developing a publicly searchable, Internet Web-  
2 based resource that provides information regarding the ac-  
3 ceptable height and distance that wind turbines may be  
4 installed in relation to aviation sites and the level of ob-  
5 struction such turbines may present to such sites.

6 (b) CONSIDERATIONS.—In conducting the study, the  
7 Administrator shall consult, if appropriate, with the Secre-  
8 taries of the Army, Navy and Air Force, Homeland Secu-  
9 rity, and Energy to coordinate the requirements of each  
10 agency for future air space needs, determine what the ac-  
11 ceptable risks are to existing infrastructure of each agen-  
12 cy, and define the different levels of risk for such infra-  
13 structure.

14 (c) REPORT.—Not later than 1 year after the date  
15 of enactment of this Act, the Secretary shall submit a re-  
16 port on the results of the study to the Committee on  
17 Transportation and Infrastructure, Committee on Home-  
18 land Security, Committee on Armed Services and Com-  
19 mittee on Science and Technology in the House of Rep-  
20 resentatives and the Committee on Commerce, Science  
21 and Transportation, Committee on Government Affairs  
22 and Homeland Security, and the Committee on Armed  
23 Services in the Senate.

1     **TITLE IX—FEDERAL AVIATION**  
2     **RESEARCH AND DEVELOPMENT**

3     **SEC. 901. SHORT TITLE.**

4           This title may be cited as the “Federal Aviation Re-  
5 search and Development Reauthorization Act of 2007”.

6     **SEC. 902. DEFINITIONS.**

7           As used in this title, the following definition apply:

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

11          (2) FAA.—The term “FAA” means the Fed-  
12 eral Aviation Administration.

13          (3) NASA.—The term “NASA” means the Na-  
14 tional Aeronautics and Space Administration.

15          (4) NATIONAL RESEARCH COUNCIL.—The term  
16 “National Research Council” means the National  
17 Research Council of the National Academies of  
18 Science and Engineering.

19          (5) NOAA.—The term “NOAA” means the Na-  
20 tional Oceanic and Atmospheric Administration.

21          (6) NSF.—The term “NSF” means the Na-  
22 tional Science Foundation.

23          (7) SECRETARY.—The term “Secretary” means  
24 the Secretary of Transportation.

1 **SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IM-**  
2 **PACT OF AVIATION ON THE CLIMATE.**

3 (a) IN GENERAL.—The Administrator, in coordina-  
4 tion with NASA and the United States Climate Change  
5 Science Program, shall establish a research initiative to  
6 assess the impact of aviation on the climate and, if war-  
7 ranted, to evaluate approaches to mitigate that impact.

8 (b) RESEARCH PLAN.—Not later than one year after  
9 the date of enactment of this Act, the participating Fed-  
10 eral entities shall jointly develop a plan for the research  
11 program that contains the objectives, proposed tasks, mile-  
12 stones, and 5-year budgetary profile.

13 **SEC. 904. RESEARCH PROGRAM ON RUNWAYS.**

14 (a) RESEARCH PROGRAM.—The Administrator shall  
15 maintain a program of research grants to universities and  
16 nonprofit research foundations for research and tech-  
17 nology demonstrations related to—

18 (1) improved runway surfaces; and

19 (2) engineered material restraining systems for  
20 runways at both general aviation airports and air-  
21 ports with commercial air carrier operations.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated such sums as may be nec-  
24 essary for each of the fiscal years 2008 through 2011 to  
25 carry out this section.



1 **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

2 (a) ESTABLISHMENT OF PROGRAM.—Not later than  
3 6 months after the date of enactment of this Act, the  
4 FAA, in consultation with other agencies as appropriate,  
5 shall establish a research program on methods to improve  
6 both confidence in and the timeliness of certification of  
7 new technologies for their introduction into the national  
8 airspace system.

9 (b) RESEARCH PLAN.—Not later than 1 year after  
10 the date of enactment of this Act, as part of the activity  
11 described in subsection (a), the FAA shall develop a plan  
12 for the research program that contains the objectives, pro-  
13 posed tasks, milestones, and five-year budgetary profile.

14 (c) REVIEW.—The Administrator shall have the Na-  
15 tional Research Council conduct an independent review of  
16 the research program plan and provide the results of that  
17 review to the Committee on Science and Technology and  
18 the Committee on Transportation and Infrastructure of  
19 the House of Representatives and the Committee on Com-  
20 merce, Science, and Transportation of the Senate not later  
21 than 18 months after the date of enactment of this Act.

22 **SEC. 906. CENTERS OF EXCELLENCE.**

23 (a) GOVERNMENT'S SHARE OF COSTS.—Section  
24 44513(f) is amended to read as follows:

25 “(f) GOVERNMENT'S SHARE OF COSTS.—The United  
26 States Government's share of establishing and operating

1 the center and all related research activities that grant  
2 recipients carry out shall not exceed 75 percent of the  
3 costs. The United States Government's share of an indi-  
4 vidual grant under this section shall not exceed 90 percent  
5 of the costs.”.

6 (b) ANNUAL REPORT.—The Administrator shall  
7 transmit annually to the Committee on Science and Tech-  
8 nology and the Committee on Transportation and Infra-  
9 structure of the House of Representatives and the Com-  
10 mittee on Commerce, Science, and Transportation of the  
11 Senate at the time of the President's budget request a re-  
12 port that lists—

13 (1) the research projects that have been initi-  
14 ated by each Center of Excellence in the preceding  
15 year;

16 (2) the amount of funding for each research  
17 project and the funding source;

18 (3) the institutions participating in each project  
19 and their shares of the overall funding for each re-  
20 search project; and

21 (4) the level of cost-sharing for each research  
22 project.

23 **SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

24 Section 44511(f) is amended—

1 (1) in paragraph (1) by striking “establish a 4-  
2 year pilot” and inserting “maintain an”; and

3 (2) in paragraph (4)—

4 (A) by striking “expiration of the pro-  
5 gram” and inserting “expiration of the pilot  
6 program”; and

7 (B) by striking “program, including rec-  
8 ommendations as to the need for establishing a  
9 permanent airport cooperative research pro-  
10 gram” and inserting “program”.

11 **SEC. 908. UNMANNED AIRCRAFT SYSTEMS.**

12 (a) RESEARCH INITIATIVE.—Section 44504(b) is  
13 amended—

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

16 (2) in paragraph (7) by striking the period at  
17 the end and inserting “; and”; and

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

19 “(8) in conjunction with other Federal agencies,  
20 as appropriate, to develop technologies and methods  
21 to assess the risk of and prevent defects, failures,  
22 and malfunctions of products, parts, and processes,  
23 for use in all classes of unmanned aircraft systems  
24 that could result in a catastrophic failure of the un-

1       manned aircraft that would endanger other aircraft  
2       in the national airspace system.”.

3       (b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-  
4 VICES.—Section 44505(b) is amended—

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

7           (2) in paragraph (5)(C) by striking the period  
8       at the end and inserting a semicolon; and

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

10          “(6) to develop a better understanding of the  
11       relationship between human factors and unmanned  
12       aircraft systems safety; and

13          “(7) to develop dynamic simulation models for  
14       integrating all classes of unmanned aircraft systems  
15       into the national airspace system without any deg-  
16       radation of existing levels of safety for all national  
17       airspace system users.”.

18 **SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UN-**  
19 **DERGRADUATE STUDENTS.**

20       (a) IN GENERAL.—The Administrator shall establish  
21 a program to utilize colleges and universities, including  
22 Historically Black Colleges and Universities, Hispanic  
23 serving institutions, tribally controlled colleges and univer-  
24 sities, and Alaska Native and Native Hawaiian serving in-  
25 stitutions in conducting research by undergraduate stu-

1 dents on subjects of relevance to the FAA. Grants may  
2 be awarded under this section for—

3 (1) research projects to be carried out primarily  
4 by undergraduate students;

5 (2) research projects that combine under-  
6 graduate research with other research supported by  
7 the FAA;

8 (3) research on future training requirements re-  
9 lated to projected changes in regulatory require-  
10 ments for aircraft maintenance and power plant li-  
11 censees; and

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

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$5,000,000 for each of the  
19 fiscal years 2008 through 2011, for research grants under  
20 this section.

21 **SEC. 910. RESEARCH PROGRAM ON SPACE WEATHER AND**  
22 **AVIATION.**

23 (a) ESTABLISHMENT.—The Administrator shall, in  
24 coordination with the National Science Foundation, Na-  
25 tional Aeronautics and Space Administration, National

1 Oceanic and Atmospheric Administration, and other rel-  
2 evant agencies, initiate a research program to—

3 (1) conduct or supervise research projects on  
4 impacts of space weather to aviation, including com-  
5 munication, navigation, avionic systems, and on air-  
6 line passengers and personnel; and

7 (2) facilitate the transfer of technology from  
8 space weather research programs to Federal agen-  
9 cies with operational responsibilities and to the pri-  
10 vate sector.

11 (b) USE OF GRANTS OR COOPERATIVE AGREE-  
12 MENTS.—The Administrator may use grants or coopera-  
13 tive agreements in carrying out this section.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
15 tion to amounts authorized to be appropriated by the  
16 amendments made by this Act, there is authorized to be  
17 appropriated \$1,000,000 for each of the fiscal years 2008  
18 through 2011 to carry out this section.

19 **SEC. 911. AVIATION GAS RESEARCH AND DEVELOPMENT**  
20 **PROGRAM.**

21 (a) CONTINUATION OF PROGRAM.—The Adminis-  
22 trator, in coordination with the NASA Administrator,  
23 shall continue research and development activities into  
24 technologies for modification of existing general aviation

1 piston engines to enable their safe operation using un-  
2 leaded aviation fuel.

3 (b) ROADMAP.—Not later than 120 days after the  
4 date of enactment of this Act, the Administrator shall de-  
5 velop a research and development roadmap for the pro-  
6 gram continued in subsection (a), containing the specific  
7 research and development objectives and the anticipated  
8 timetable for achieving the objectives.

9 (c) REPORT.—Not later than 130 days after the date  
10 of enactment of this Act, the Administrator shall provide  
11 the roadmap specified in subsection (b) to the Committee  
12 on Science and Technology of the House of Representa-  
13 tives and the Committee on Commerce, Science, and  
14 Transportation of the Senate.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated \$750,000 for each of the  
17 fiscal years 2008 through 2010 to carry out this section.

18 **SEC. 912. RESEARCH REVIEWS AND ASSESSMENTS.**

19 (a) REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-  
20 RELATED RESEARCH PROGRAMS.—

21 (1) STUDY.—The Administrator shall enter into  
22 an arrangement with the National Research Council  
23 for a review of the FAA's energy- and environment-  
24 related research programs. The review shall assess  
25 whether—

1 (A) the programs have well-defined,  
2 prioritized, and appropriate research objectives;

3 (B) the programs are properly coordinated  
4 with the energy- and environment-related re-  
5 search programs of NASA, NOAA, and other  
6 relevant agencies;

7 (C) the programs have allocated appro-  
8 priate resources to each of the research objec-  
9 tives; and

10 (D) there exist suitable mechanisms for  
11 transitioning the research results into the  
12 FAA's operational technologies and procedures  
13 and certification activities.

14 (2) REPORT.—A report containing the results  
15 of the review shall be provided to the Committee on  
16 Science and Technology of the House of Representa-  
17 tives and the Committee on Commerce, Science, and  
18 Transportation of the Senate within 18 months of  
19 the enactment of this Act.

20 (b) ASSESSMENT OF THE IMPACT OF SPACE WEATH-  
21 ER ON AVIATION.—

22 (1) STUDY.—The Administrator shall enter into  
23 an arrangement with the National Research Council  
24 for a study of the impacts of space weather on the  
25 current and future United States aviation industry,



1 and in particular, to examine the risks for Over-The-  
2 Pole (OTP) and Ultra-Long-Range (ULR) oper-  
3 ations. The study shall—

4 (A) examine space weather impacts on at  
5 least the following areas: communications, navi-  
6 gation, avionics, and human health in flight;

7 (B) assess the benefits of space weather in-  
8 formation and services to reduce aviation costs  
9 and maintain safety;

10 (C) provide recommendations on how  
11 NASA, NOAA, and the NSF can most effec-  
12 tively carry out research and monitoring activi-  
13 ties related to space weather and aviation; and

14 (D) provide recommendations on how to  
15 integrate space weather information into the  
16 Next Generation Air Transportation System.

17 (2) REPORT.—A report containing the results  
18 of the study shall be provided to the Committee on  
19 Science and Technology of the House of Representa-  
20 tives and the Committee on Commerce, Science, and  
21 Transportation of the Senate not later than 1 year  
22 after the date of enactment of this Act.

1 **SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**  
2 **SEARCH PROGRAMS.**

3 (a) REVIEW.—The Administrator shall enter into an  
4 arrangement with the National Research Council for an  
5 independent review of the FAA's aviation safety-related  
6 research programs. The review shall assess whether—

7 (1) the programs have well-defined, prioritized,  
8 and appropriate research objectives;

9 (2) the programs are properly coordinated with  
10 the safety research programs of NASA and other  
11 relevant Federal agencies;

12 (3) the programs have allocated appropriate re-  
13 sources to each of the research objectives; and

14 (4) there exist suitable mechanisms for  
15 transitioning the research results from the programs  
16 into the FAA's operational technologies and proce-  
17 dures and certification activities in a timely manner.

18 (b) AVIATION SAFETY-RELATED RESEARCH PRO-  
19 GRAMS TO BE ASSESSED.—The FAA aviation safety-re-  
20 lated research programs to be assessed under the review  
21 shall include, at a minimum, the following:

22 (1) Air traffic control/technical operations  
23 human factors.

24 (2) Runway incursion reduction.

25 (3) Flightdeck/maintenance system integration  
26 human factors.

- 1 (4) Airports technology research—safety.
- 2 (5) Airport cooperative research program—safe-
- 3 ty.
- 4 (6) Weather program.
- 5 (7) Atmospheric hazards/digital system safety.
- 6 (8) Fire research and safety.
- 7 (9) Propulsion and fuel systems.
- 8 (10) Advanced materials/structural safety.
- 9 (11) Aging aircraft.
- 10 (12) Aircraft catastrophic failure prevention re-
- 11 search.
- 12 (13) Aeromedical research.
- 13 (14) Aviation safety risk analysis.
- 14 (15) Unmanned aircraft systems research.
- 15 (16) Safe Flight 21—Alaska Capstone.

16 (c) REPORT.—Not later than 14 months after the  
17 date of enactment of this Act, the Administrator shall sub-  
18 mit to Congress a report on the results of the review.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
20 tion to amounts authorized to be appropriated by the  
21 amendments made by this Act, there is authorized to be  
22 appropriated \$700,000 for fiscal year 2008 to carry out  
23 this section.

1 **SEC. 914. RESEARCH PROGRAM ON ALTERNATIVE JET**  
2 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

3 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
4 Using amounts made available under section 48102(a) of  
5 title 49, United States Code, the Secretary of Transpor-  
6 tation shall establish a research program related to devel-  
7 oping jet fuel from alternative sources (such as coal, nat-  
8 ural gas, biomass, ethanol, butanol, and hydrogen)  
9 through grants or other measures authorized under sec-  
10 tion 106(l)(6) of such title, including reimbursable agree-  
11 ments with other Federal agencies.

12 (b) PARTICIPATION BY EDUCATIONAL AND RE-  
13 SEARCH INSTITUTIONS.—In conducting the program, the  
14 Secretary shall provide for participation by educational  
15 and research institutions that have existing facilities and  
16 experience in the development and deployment of tech-  
17 nology for alternative jet fuels.

18 (c) DESIGNATION OF INSTITUTE AS A CENTER OF  
19 EXCELLENCE.—Not later than 6 months after the date  
20 of enactment of this Act, the Administrator of the Federal  
21 Aviation Administration shall designate an institution de-  
22 scribed in subsection (a) as a Center of Excellence for Al-  
23 ternative Jet Fuel Research.

1 **SEC. 915. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**  
2 **MENT.**

3 (a) ESTABLISHMENT.—The Administrator shall es-  
4 tablish a Center for Excellence in Aviation Employment  
5 (in this section referred to as the “Center”).

6 (b) APPLIED RESEARCH AND TRAINING.—The Cen-  
7 ter shall conduct applied research and training on—

8 (1) human performance in the air transpor-  
9 tation environment;

10 (2) air transportation personnel, including air  
11 traffic controllers, pilots, and technicians; and

12 (3) any other aviation human resource issues  
13 pertinent to developing and maintaining a safe and  
14 efficient air transportation system.

15 (c) DUTIES.—The Center shall—

16 (1) in conjunction with the Collegiate Training  
17 Initiative and other air traffic controller training  
18 programs, develop, implement, and evaluate a com-  
19 prehensive, best-practices based training program  
20 for air traffic controllers;

21 (2) work with the Office of Human Resource  
22 Management of the FAA as that office develops and  
23 implements a strategic recruitment and marketing  
24 program to help the FAA compete for the best quali-  
25 fied employees and incorporate an employee value  
26 proposition process that results in attracting a

1 broad-based and diverse aviation workforce in mis-  
2 sion critical positions, including air traffic controller,  
3 aviation safety inspector, airway transportation safe-  
4 ty specialist, and engineer;

5 (3) through industry surveys and other research  
6 methodologies and in partnership with the  
7 “Taskforce on the Future of the Aerospace Work-  
8 force” and the Secretary of Labor, establish a base-  
9 line of general aviation employment statistics for  
10 purposes of projecting and anticipating future work-  
11 force needs and demonstrating the economic impact  
12 of general aviation employment;

13 (4) conduct a comprehensive analysis of the air-  
14 frame and powerplant technician certification proc-  
15 ess and employment trends for maintenance repair  
16 organization facilities, certificated repair stations,  
17 and general aviation maintenance organizations;

18 (5) establish a best practices model in aviation  
19 maintenance technician school environments; and

20 (6) establish a workforce retraining program to  
21 allow for transition of recently unemployed and high-  
22 ly skilled mechanics into aviation employment.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Administrator

1 such sums as may be necessary to carry out this section.

2 Such sums shall remain available until expended.

3 **TITLE X—AIRPORT AND AIRWAY**  
4 **TRUST FUND FINANCING**

5 **SEC. 1001. SHORT TITLE.**

6 This title may be cited as the “Airport and Airway  
7 Trust Fund Financing Act of 2007”.

8 **SEC. 1002. EXTENSION AND MODIFICATION OF TAXES**  
9 **FUNDING AIRPORT AND AIRWAY TRUST**  
10 **FUND.**

11 (a) RATE OF TAX ON AVIATION-GRADE KEROSENE  
12 AND AVIATION GASOLINE.—

13 (1) AVIATION-GRADE KEROSENE.—Subpara-  
14 graph (A) of section 4081(a)(2) of the Internal Rev-  
15 enue Code of 1986 (relating to rates of tax) is  
16 amended by striking “and” at the end of clause (ii),  
17 by striking the period at the end of clause (iii) and  
18 inserting “, and”, and by adding at the end the fol-  
19 lowing new clause:

20 “(iv) in the case of aviation-grade ker-  
21 osene, 35.9 cents per gallon.”.

22 (2) AVIATION GASOLINE.—Clause (ii) of section  
23 4081(a)(2)(A) of such Code is amended by striking  
24 “19.3 cents” and inserting “24.1 cents”.

1           (3) FUEL REMOVED DIRECTLY INTO FUEL  
2 TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIA-  
3 TION.—Subparagraph (C) of section 4081(a)(2) of  
4 such Code is amended to read as follows:

5           “(C) TAXES IMPOSED ON FUEL USED IN  
6 COMMERCIAL AVIATION.— In the case of avia-  
7 tion-grade kerosene which is removed from any  
8 refinery or terminal directly into the fuel tank  
9 of an aircraft for use in commercial aviation by  
10 a person registered for such use under section  
11 4101, the rate of tax under subparagraph  
12 (A)(iv) shall be 4.3 cents per gallon.”.

13           (4) CONFORMING AMENDMENTS.—

14           (A) Clause (iii) of section 4081(a)(2)(A) of  
15 such Code is amended by inserting “other than  
16 aviation-grade kerosene” after “kerosene”.

17           (B) The following provisions of such Code  
18 are each amended by striking “kerosene” and  
19 inserting “aviation-grade kerosene”:

20                   (i) Section 4081(a)(3)(A)(ii).

21                   (ii) Section 4081(a)(3)(A)(iv).

22                   (iii) Section 4081(a)(3)(D).

23           (C) Section 4081(a)(3)(D) of such Code is  
24 amended—



1 (i) by striking “paragraph (2)(C)(i)”  
2 in clause (i) and inserting “paragraph  
3 (2)(C)”, and

4 (ii) by striking “paragraph (2)(C)(ii)”  
5 in clause (ii) and inserting “paragraph  
6 (2)(A)(iv)”.

7 (D) Section 4081(a)(4) of such Code is  
8 amended in the heading by striking “KER-  
9 OSENE” and inserting “AVIATION-GRADE KER-  
10 OSENE”.

11 (E) Section 4081(d)(2) of such Code is  
12 amended by inserting “, (a)(2)(A)(iv),” after  
13 “subsections (a)(2)(A)(ii)”.

14 (b) EXTENSION.—

15 (1) FUELS TAXES.—Paragraph (2) of section  
16 4081(d) of such Code is amended by striking “gal-  
17 lon—” and all that follows and inserting “gallon  
18 after September 30, 2011”.

19 (2) TAXES ON TRANSPORTATION OF PERSONS  
20 AND PROPERTY.—

21 (A) PERSONS.—Clause (ii) of section  
22 4261(j)(1)(A) of such Code is amended by  
23 striking “September 30, 2007” and inserting  
24 “September 30, 2011”.

1           (B) PROPERTY.—Clause (ii) of section  
2           4271(d)(1)(A) of such Code is amended by  
3           striking “September 30, 2007” and inserting  
4           “September 30, 2011”.

5           (c) EXEMPTION FOR AVIATION-GRADE KEROSENE  
6           REMOVED INTO AN AIRCRAFT.—Subsection (e) of section  
7           4082 of such Code is amended—

8           (1) by striking “kerosene” and inserting “avia-  
9           tion-grade kerosene”,

10          (2) by striking “section 4081(a)(2)(A)(iii)” and  
11          inserting “section 4081(a)(2)(A)(iv)”, and

12          (3) by striking “KEROSENE” in the heading  
13          and inserting “AVIATION-GRADE KEROSENE”.

14          (d) RETAIL TAX ON AVIATION FUEL.—

15          (1) EXEMPTION FOR PREVIOUSLY TAXED  
16          FUEL.—Paragraph (2) of section 4041(c) of such  
17          Code is amended by inserting “at the rate specified  
18          in subsection (a)(2)(A)(iv) thereof” after “section  
19          4081”.

20          (2) RATE OF TAX.—Paragraph (3) of section  
21          4041(c) of such Code is amended to read as follows:

22                 “(3) RATE OF TAX.—The rate of tax imposed  
23                 by this subsection shall be the rate of tax in effect  
24                 under section 4081(a)(2)(A)(iv) (4.3 cents per gallon

1 with respect to any sale or use for commercial avia-  
2 tion).”.

3 (e) REFUNDS RELATING TO AVIATION-GRADE KER-  
4 OSENE.—

5 (1) KEROSENE USED IN COMMERCIAL AVIA-  
6 TION.—Clause (ii) of section 6427(l)(4)(A) of such  
7 Code is amended by striking “specified in section  
8 4041(c) or 4081(a)(2)(A)(iii), as the case may be,”  
9 and inserting “so imposed”.

10 (2) KEROSENE USED IN AVIATION.—Paragraph  
11 (4) of section 6427(l) of such Code is amended—

12 (A) by striking subparagraph (B) and re-  
13 designating subparagraph (C) as subparagraph  
14 (B), and

15 (B) by amending subparagraph (B), as re-  
16 designated by subparagraph (A), to read as fol-  
17 lows:

18 “(B) PAYMENTS TO ULTIMATE, REG-  
19 ISTERED VENDOR.—With respect to any ker-  
20 osene used in aviation (other than kerosene to  
21 which paragraph (6) applies), if the ultimate  
22 purchaser of such kerosene waives (at such time  
23 and in such form and manner as the Secretary  
24 shall prescribe) the right to payment under  
25 paragraph (1) and assigns such right to the ul-

1           timate vendor, then the Secretary shall pay  
2           (without interest) the amount which would be  
3           paid under paragraph (1) to such ultimate ven-  
4           dor, but only if such ultimate vendor—

5                     “(i) is registered under section 4101,

6                     and

7                     “(ii) meets the requirements of sub-  
8                     paragraph (A), (B), or (D) of section  
9                     6416(a)(1).”.

10           (3) AVIATION-GRADE KEROSENE NOT USED IN  
11           AVIATION.—Subsection (l) of section 6427 of such  
12           Code is amended by redesignating paragraph (5) as  
13           paragraph (6) and by inserting after paragraph (4)  
14           the following new paragraph:

15                     “(5) REFUNDS FOR AVIATION-GRADE KER-  
16                     OSENE NOT USED IN AVIATION.—If tax has been im-  
17                     posed under section 4081 at the rate specified in  
18                     section 4081(a)(2)(A)(iv) and the fuel is used other  
19                     than in an aircraft, the Secretary shall pay (without  
20                     interest) to the ultimate purchaser of such fuel an  
21                     amount equal to the amount of tax imposed on such  
22                     fuel reduced by the amount of tax that would be im-  
23                     posed under section 4041 if no tax under section  
24                     4081 had been imposed.”.

25           (4) CONFORMING AMENDMENTS.—

1 (A) Section 6427(i)(4) of such Code is  
2 amended—

3 (i) by striking “(4)(C)” the first two  
4 places it occurs and inserting “(4)(B)”,  
5 and

6 (ii) by striking “, (l)(4)(C)(ii), and”  
7 and inserting “and”.

8 (B) Section 4082(d)(2)(B) of such Code is  
9 amended by striking “6427(l)(5)(B)” and in-  
10 serting “6427(l)(6)(B)”.

11 (f) AIRPORT AND AIRWAY TRUST FUND.—

12 (1) EXTENSION OF TRUST FUND AUTHORI-  
13 TIES.—

14 (A) EXPENDITURES FROM TRUST FUND.—  
15 Paragraph (1) of section 9502(d) of such Code  
16 is amended—

17 (i) in the matter preceding subpara-  
18 graph (A) by striking “October 1, 2007”  
19 and inserting “October 1, 2011”, and

20 (ii) in subparagraph (A) by inserting  
21 “or the FAA Reauthorization Act of 2007”  
22 before the semicolon at the end.

23 (B) LIMITATION ON TRANSFERS TO TRUST  
24 FUND.—Paragraph (2) of section 9502(f) of

1           such Code is amended by striking “October 1,  
2           2007” and inserting “October 1, 2011”.

3           (2) TRANSFERS TO TRUST FUND.—Subpara-  
4           graph (C) of section 9502(b)(1) of such Code is  
5           amended to read as follows:

6                   “(C) section 4081 with respect to aviation  
7                   gasoline and aviation-grade kerosene, and”.

8           (3) TRANSFERS ON ACCOUNT OF CERTAIN RE-  
9           FUNDS.—

10                   (A) IN GENERAL.—Subsection (d) of sec-  
11                   tion 9502 of such Code is amended—

12                           (i) in paragraph (2) by striking  
13                           “(other than subsection (l)(4) thereof”,  
14                           and

15                           (ii) in paragraph (3) by striking  
16                           “(other than payments made by reason of  
17                           paragraph (4) of section 6427(l))”.

18                   (B) CONFORMING AMENDMENTS.—

19                           (i) Section 9503(b)(4) of such Code is  
20                           amended by striking “or” at the end of  
21                           subparagraph (C), by striking the period  
22                           at the end of subparagraph (D) and insert-  
23                           ing a comma, and by inserting after sub-  
24                           paragraph (D) the following:

1           “(E) section 4081 to the extent attrib-  
2           utable to the rate specified in clause (ii) or (iv)  
3           of section 4081(a)(2)(A), or

4           “(F) section 4041(c).”.

5           (ii) Section 9503(c) of such Code is  
6           amended by striking the last paragraph  
7           (relating to transfers from the Trust Fund  
8           for certain aviation fuel taxes).

9           (iii) Section 9502(a) of such Code is  
10          amended by striking “, section  
11          9503(c)(7),”.

12          (4) TRANSFERS ON ACCOUNT OF AVIATION-  
13          GRADE KEROSENE NOT USED IN AVIATION.—Section  
14          9502(d) of such Code is amended by adding at the  
15          end the following new paragraph:

16          “(7) TRANSFERS FROM AIRPORT AND AIRWAY  
17          TRUST FUND ON ACCOUNT OF AVIATION-GRADE  
18          KEROSENE NOT USED IN AVIATION.—The Secretary  
19          of the Treasury shall pay from time to time from the  
20          Airport and Airway Trust Fund into the Highway  
21          Trust Fund amounts as determined by the Secretary  
22          of the Treasury equivalent to amounts transferred to  
23          the Airport and Airway Trust Fund with respect to  
24          aviation-grade kerosene not used in aviation.”.

1           (5) EXPENDITURES FOR AIR TRAFFIC CONTROL  
2 MODERNIZATION.—Section 9502(d) of such Code, as  
3 amended by this title, is amended by adding at the  
4 end the following new paragraph:

5           “(8) EXPENDITURES FOR AIR TRAFFIC CON-  
6 TROL MODERNIZATION.—The following amounts  
7 may be used only for making expenditures to carry  
8 out air traffic control modernization:

9           “(A) So much of the amounts appropriated  
10 under subsection (b)(1)(C) as the Secretary es-  
11 timates are attributable to—

12           “(i) 14.1 cents per gallon of the tax  
13 imposed at the rate specified in section  
14 4081(a)(2)(A)(iv) in the case of aviation-  
15 grade kerosene used other than in commer-  
16 cial aviation (as defined in section  
17 4083(b)), and

18           “(ii) 4.8 cents per gallon of the tax  
19 imposed at the rate specified in section  
20 4081(a)(2)(A)(ii) in the case of aviation  
21 gasoline used other than in commercial  
22 aviation (as so defined).

23           “(B) Any amounts credited to the Airport  
24 and Airway Trust Fund under section 9602(b)



1 with respect to amounts described in this para-  
2 graph.”.

3 (g) EFFECTIVE DATE.—

4 (1) MODIFICATIONS.—Except as provided in  
5 paragraph (2), the amendments made by this section  
6 shall apply to fuels removed, entered, or sold after  
7 December 31, 2007.

8 (2) EXTENSIONS.—The amendments made by  
9 subsections (b) and (f)(1) shall take effect on the  
10 date of the enactment of this Act.

11 (h) FLOOR STOCKS TAX.—

12 (1) IMPOSITION OF TAX.—In the case of avia-  
13 tion fuel which is held on January 1, 2008, by any  
14 person, there is hereby imposed a floor stocks tax on  
15 aviation fuel equal to—

16 (A) the tax which would have been imposed  
17 before such date on such fuel had the amend-  
18 ments made by this section been in effect at all  
19 times before such date, reduced by

20 (B) the sum of—

21 (i) the tax imposed before such date  
22 on such fuel under section 4081 of the In-  
23 ternal Revenue Code of 1986, as in effect  
24 on such date, and

1                   (ii) in the case of kerosene held exclu-  
2                   sively for such person's own use, the  
3                   amount which such person would (but for  
4                   this clause) reasonably expect (as of such  
5                   date) to be paid as a refund under section  
6                   6427(l) of such Code with respect to such  
7                   kerosene.

8                   (2) LIABILITY FOR TAX AND METHOD OF PAY-  
9                   MENT.—

10                   (A) LIABILITY FOR TAX.—A person hold-  
11                   ing aviation fuel on January 1, 2008, shall be  
12                   liable for such tax.

13                   (B) TIME AND METHOD OF PAYMENT.—  
14                   The tax imposed by paragraph (1) shall be paid  
15                   on April 30, 2008, and in such manner as the  
16                   Secretary of the Treasury shall prescribe.

17                   (3) TRANSFER OF FLOOR STOCK TAX REVE-  
18                   NUES TO TRUST FUNDS.—For purposes of deter-  
19                   mining the amount transferred to the Airport and  
20                   Airway Trust Fund, the tax imposed by this sub-  
21                   section shall be treated as imposed by the provision  
22                   of section 4081 of the Internal Revenue Code of  
23                   1986 which applies with respect to the aviation fuel  
24                   involved.

1           (4) DEFINITIONS.—For purposes of this sub-  
2 section—

3           (A) AVIATION FUEL.—The term “aviation  
4 fuel” means aviation-grade kerosene and avia-  
5 tion gasoline, as such terms are used within the  
6 meaning of section 4081 of the Internal Rev-  
7 enue Code of 1986.

8           (B) HELD BY A PERSON.—Aviation fuel  
9 shall be considered as held by a person if title  
10 thereto has passed to such person (whether or  
11 not delivery to the person has been made).

12           (C) SECRETARY.—The term “Secretary”  
13 means the Secretary of the Treasury or the  
14 Secretary’s delegate.

15           (5) EXCEPTION FOR EXEMPT USES.—The tax  
16 imposed by paragraph (1) shall not apply to any  
17 aviation fuel held by any person exclusively for any  
18 use to the extent a credit or refund of the tax is al-  
19 lowable under the Internal Revenue Code of 1986  
20 for such use.

21           (6) EXCEPTION FOR CERTAIN AMOUNTS OF  
22 FUEL.—

23           (A) IN GENERAL.—No tax shall be im-  
24 posed by paragraph (1) on any aviation fuel  
25 held on January 1, 2008, by any person if the

1 aggregate amount of such aviation fuel held by  
2 such person on such date does not exceed 2,000  
3 gallons. The preceding sentence shall apply only  
4 if such person submits to the Secretary (at the  
5 time and in the manner required by the Sec-  
6 retary) such information as the Secretary shall  
7 require for purposes of this subparagraph.

8 (B) EXEMPT FUEL.—For purposes of sub-  
9 paragraph (A), there shall not be taken into ac-  
10 count any aviation fuel held by any person  
11 which is exempt from the tax imposed by para-  
12 graph (1) by reason of paragraph (6).

13 (C) CONTROLLED GROUPS.—For purposes  
14 of this subsection—

15 (i) CORPORATIONS.—

16 (I) IN GENERAL.—All persons  
17 treated as a controlled group shall be  
18 treated as 1 person.

19 (II) CONTROLLED GROUP.—The  
20 term “controlled group” has the  
21 meaning given to such term by sub-  
22 section (a) of section 1563 of such  
23 Code; except that for such purposes  
24 the phrase “more than 50 percent”  
25 shall be substituted for the phrase “at

1           least 80 percent” each place it ap-  
2           pears in such subsection.

3           (ii) NONINCORPORATED PERSONS  
4           UNDER COMMON CONTROL.—Under regula-  
5           tions prescribed by the Secretary, prin-  
6           ciples similar to the principles of subpara-  
7           graph (A) shall apply to a group of per-  
8           sons under common control if 1 or more of  
9           such persons is not a corporation.

10           (7) OTHER LAWS APPLICABLE.—All provisions  
11           of law, including penalties, applicable with respect to  
12           the taxes imposed by section 4081 of such Code on  
13           the aviation fuel involved shall, insofar as applicable  
14           and not inconsistent with the provisions of this sub-  
15           section, apply with respect to the floor stock taxes  
16           imposed by paragraph (1) to the same extent as if  
17           such taxes were imposed by such section.

Passed the House of Representatives September 20,  
2007.

Attest:

*Clerk.*

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2881**

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**AN ACT**

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.