

***In the House of Representatives, U. S.,***

*March 25, 2010.*

*Resolved,* That the House agree to the amendment of the Senate to the title of the bill (H.R. 1586) entitled “An Act to impose an additional tax on bonuses received from certain TARP recipients.” and be it further

*Resolved,* That the House agree to the amendment of the Senate to the text of the aforesaid bill, with the following

**HOUSE AMENDMENT TO SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

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

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Aviation Safety and Investment Act of 2010”.*

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. Award of architectural and engineering contracts for airside projects.*
- Sec. 114. Intermodal ground access project pilot program.*
- Sec. 115. Participation of disadvantaged business enterprises in contracts, sub-contracts, and business opportunities funded using passenger facility revenues and in airport concessions.*
- Sec. 116. 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. Solid waste recycling plans.*
- Sec. 133. Amendments to grant assurances.*
- Sec. 134. Government share of project costs.*
- Sec. 135. Amendments to allowable costs.*
- Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.*
- Sec. 137. Airport disadvantaged business enterprise program.*
- Sec. 138. Training program for certification of disadvantaged business enterprises.*
- Sec. 139. Calculation of State apportionment fund.*
- Sec. 140. Reducing apportionments.*
- Sec. 141. Minimum amount for discretionary fund.*
- Sec. 142. Marshall Islands, Micronesia, and Palau.*
- Sec. 143. Use of apportioned amounts.*
- Sec. 144. Sale of private airport to public sponsor.*
- Sec. 145. Airport privatization pilot program.*
- Sec. 146. Airport security program.*
- Sec. 147. Sunset of pilot program for purchase of airport development rights.*
- Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.*
- Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.*
- Sec. 150. Midway Island Airport.*
- Sec. 151. Puerto Rico minimum guarantee.*
- Sec. 152. Miscellaneous amendments.*
- Sec. 153. Airport Master Plans.*

*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. Judicial review of denial of airman certificates.*
- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.*
- Sec. 303. Inspection of foreign repair stations.*
- Sec. 304. Runway safety.*
- Sec. 305. Improved pilot licenses.*
- Sec. 306. Flight crew fatigue.*
- Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.*
- Sec. 308. Aircraft surveillance in mountainous areas.*
- Sec. 309. Off-airport, low-altitude aircraft weather observation technology.*
- Sec. 310. Noncertificated maintenance providers.*
- Sec. 311. Aircraft rescue and firefighting standards.*
- Sec. 312. Cockpit smoke.*
- Sec. 313. Safety of helicopter air ambulance operations.*
- Sec. 314. Feasibility of requiring helicopter pilots to use night vision goggles.*
- Sec. 315. Study of helicopter and fixed wing air ambulance services.*

#### 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.*

#### Subtitle C—Safety and Protections

- Sec. 331. Aviation safety whistleblower investigation office.*
- Sec. 332. Modification of customer service initiative.*
- Sec. 333. Post-employment restrictions for flight standards inspectors.*
- Sec. 334. Assignment of principal supervisory inspectors.*
- Sec. 335. Headquarters review of air transportation oversight system database.*
- Sec. 336. Improved voluntary disclosure reporting system.*

*Subtitle D—Airline Safety and Pilot Training Improvement*

- Sec. 341. Short title.*
- Sec. 342. Definitions.*
- Sec. 343. FAA Task Force on Air Carrier Safety and Pilot Training.*
- Sec. 344. Implementation of NTSB flight crewmember training recommendations.*
- Sec. 345. Secretary of Transportation responses to safety recommendations.*
- Sec. 346. FAA pilot records database.*
- Sec. 347. FAA rulemaking on training programs.*
- Sec. 348. Aviation safety inspectors and operational research analysts.*
- Sec. 349. Flight crewmember mentoring, professional development, and leadership.*
- Sec. 350. Flight crewmember screening and qualifications.*
- Sec. 351. Airline transport pilot certification.*
- Sec. 352. Flight schools, flight education, and pilot academic training.*
- Sec. 353. Voluntary safety programs.*
- Sec. 354. ASAP and FOQA implementation plan.*
- Sec. 355. Safety management systems.*
- Sec. 356. Disclosure of air carriers operating flights for tickets sold for air transportation.*
- Sec. 357. Pilot fatigue.*
- Sec. 358. Flight crewmember pairing and crew resource management techniques.*

*TITLE IV—AIR SERVICE IMPROVEMENTS*

- Sec. 401. Smoking prohibition.*
- Sec. 402. Monthly air carrier reports.*
- Sec. 403. Flight operations at Reagan National Airport.*
- Sec. 404. EAS contract guidelines.*
- Sec. 405. Essential air service reform.*
- Sec. 406. Small community air service.*
- Sec. 407. Air passenger service improvements.*
- Sec. 408. Contents of competition plans.*
- Sec. 409. Extension of competitive access reports.*
- Sec. 410. Contract tower program.*
- Sec. 411. Airfares for members of the Armed Forces.*
- Sec. 412. Repeal of essential air service local participation program.*
- Sec. 413. Adjustment to subsidy cap to reflect increased fuel costs.*
- 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. Compensation for delayed baggage.*
- Sec. 423. Schedule reduction.*
- Sec. 424. Expansion of DOT airline consumer complaint investigations.*
- Sec. 425. Prohibitions against voice communications using mobile communications devices on scheduled flights.*
- Sec. 426. Antitrust exemptions.*
- Sec. 427. Musical instruments.*

*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. Determination of fair market value of residential properties.*
- Sec. 506. Soundproofing of residences.*
- Sec. 507. CLEEN research, development, and implementation partnership.*
- Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.*
- Sec. 509. Environmental mitigation pilot program.*
- Sec. 510. Aircraft departure queue management pilot program.*
- Sec. 511. High performance and sustainable air traffic control facilities.*
- Sec. 512. Regulatory responsibility for aircraft engine noise and emissions standards.*
- Sec. 513. Cabin air quality technology.*
- Sec. 514. Sense of Congress.*
- Sec. 515. Airport noise compatibility planning study, Port Authority of New York and New Jersey.*
- Sec. 516. GAO study on compliance with FAA record of decision.*
- Sec. 517. Westchester County Airport, New York.*
- Sec. 518. Aviation noise complaints.*

*TITLE VI—FAA EMPLOYEES AND ORGANIZATION*

- Sec. 601. Federal Aviation Administration personnel management system.*
- Sec. 602. Merit system principles and prohibited personnel practices.*
- Sec. 603. Applicability of back pay requirements.*
- Sec. 604. FAA technical training and staffing.*
- Sec. 605. Designee program.*
- Sec. 606. Staffing model for aviation safety inspectors.*
- Sec. 607. Safety critical staffing.*
- Sec. 608. FAA air traffic controller staffing.*
- Sec. 609. Assessment of training programs for air traffic controllers.*
- Sec. 610. Collegiate training initiative study.*
- Sec. 611. 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, DC, 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. Pilot program for redevelopment of airport properties.*
- Sec. 818. Helicopter operations over Long Island and Staten Island, New York.*
- Sec. 819. Cabin temperature and humidity standards study.*
- Sec. 820. Civil penalties technical amendments.*
- Sec. 821. Study and report on alleviating congestion.*
- Sec. 822. Airline personnel training enhancement.*
- Sec. 823. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.*
- Sec. 824. FAA radar signal locations.*
- Sec. 825. Wind turbine lighting.*
- Sec. 826. Prohibition on use of certain funds.*
- Sec. 827. Limiting access to flight decks of all-cargo aircraft.*
- Sec. 828. Whistleblowers at FAA.*
- Sec. 829. College Point Marine Transfer Station, New York.*
- Sec. 830. Pilot training and certification.*
- Sec. 831. St. George, Utah.*
- Sec. 832. Replacement of terminal radar approach control at Palm Beach International Airport.*
- Sec. 833. Santa Monica Airport, California.*

#### *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. Aviation gas research and development program.*
- Sec. 911. Review of FAA's Energy- and Environment-Related Research Programs.*
- Sec. 912. Review of FAA's aviation safety-related research programs.*
- Sec. 913. Research program on alternative jet fuel technology for civil aircraft.*
- Sec. 914. 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.*

*TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF  
2010*

*Sec. 1101. Compliance provision.*

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

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

7 **SEC. 3. EFFECTIVE DATE.**

8 *Except as otherwise expressly provided, this Act and*  
9 *the amendments made by this Act shall apply only to fiscal*  
10 *years beginning after September 30, 2008.*

11 **TITLE I—AUTHORIZATIONS**  
12 **Subtitle A—Funding of FAA**  
13 **Programs**

14 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**  
15 **NOISE COMPATIBILITY PLANNING AND PRO-**  
16 **GRAMS.**

17 *(a) AUTHORIZATION.—Section 48103 is amended—*

18 *(1) by striking “September 30, 2003” and insert-*  
19 *ing “September 30, 2008”; and*

20 *(2) by striking paragraphs (1) through (6) and*  
21 *inserting the following:*

22 *“(1) \$4,000,000,000 for fiscal year 2010;*

23 *“(2) \$4,100,000,000 for fiscal year 2011; and*

1           “(3) \$4,200,000,000 for fiscal year 2012.”.

2           (b) *ALLOCATIONS OF FUNDS.*—Section 48103 is  
3 amended—

4           (1) by striking “The total amounts” and insert-  
5 ing “(a) *AVAILABILITY OF AMOUNTS.*—The total  
6 amounts”; and

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

8           “(b) *AIRPORT COOPERATIVE RESEARCH PROGRAM.*—  
9 Of the amounts made available under subsection (a),  
10 \$15,000,000 for each of fiscal years 2010 through 2012 may  
11 be used for carrying out the Airport Cooperative Research  
12 Program.

13           “(c) *AIRPORTS TECHNOLOGY RESEARCH.*—Of the  
14 amounts made available under subsection (a), \$19,348,000  
15 for each of fiscal years 2010 through 2012 may be used for  
16 carrying out airports technology research.”.

17           (c) *OBLIGATIONAL AUTHORITY.*—Section 47104(c) is  
18 amended by striking “September 30, 2009” and inserting  
19 “September 30, 2012”.

20           (d) *RESCISSION OF UNOBLIGATED BALANCES.*—Of the  
21 amounts authorized under sections 48103 and 48112 of title  
22 49, United States Code, for fiscal year 2009, \$305,500,000  
23 are hereby rescinded. Of the unobligated balances from  
24 funds available under such sections for fiscal years prior  
25 to fiscal year 2009, \$102,000,000 are hereby rescinded.



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

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
3 48101(a) is amended by striking paragraphs (1) through  
4 (5) and inserting the following:

5 “(1) \$3,259,000,000 for fiscal year 2010.

6 “(2) \$3,353,000,000 for fiscal year 2011.

7 “(3) \$3,506,000,000 for fiscal year 2012.”.

8 (b) *USE OF FUNDS.*—Section 48101 is amended by  
9 striking subsections (c) through (i) and inserting the fol-  
10 lowing:

11 “(c) *WAKE VORTEX MITIGATION.*—Of amounts appro-  
12 priated under subsection (a), such sums as may be nec-  
13 essary for each of fiscal years 2010 through 2012 may be  
14 used for the development and analysis of wake vortex miti-  
15 gation, including advisory systems.

16 “(d) *WEATHER HAZARDS.*—

17 “(1) *IN GENERAL.*—Of amounts appropriated  
18 under subsection (a), such sums as may be necessary  
19 for each of fiscal years 2010 through 2012 may be  
20 used for the development of in-flight and ground-based  
21 weather threat mitigation systems, including ground  
22 de-icing and anti-icing systems and other systems for  
23 predicting, detecting, and mitigating the effects of cer-  
24 tain weather conditions on both airframes and en-  
25 gines.

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

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

5                   “(B) oceanic weather, including convective  
6                   weather, and other hazards associated with oce-  
7                   anic operations (where commercial traffic is high  
8                   and only rudimentary satellite sensing is avail-  
9                   able) to reduce the hazards presented to commer-  
10                  cial aviation, including convective weather ice  
11                  crystal ingestion threats; and

12                  “(C) en route turbulence prediction.

13           “(e) *SAFETY MANAGEMENT SYSTEMS.*—Of amounts  
14           appropriated under subsection (a) and section 106(k)(1),  
15           such sums as may be necessary for each of fiscal years 2010  
16           through 2012 may be used to advance the development and  
17           implementation of safety management systems.

18           “(f) *RUNWAY INCURSION REDUCTION PROGRAMS.*—Of  
19           amounts appropriated under subsection (a), \$12,000,000  
20           for fiscal year 2010, \$12,000,000 for fiscal year 2011, and  
21           \$12,000,000 for fiscal year 2012 may be used for the devel-  
22           opment and implementation of runway incursion reduction  
23           programs.

24           “(g) *RUNWAY STATUS LIGHTS.*—Of amounts appro-  
25           priated under subsection (a), \$125,000,000 for fiscal year

1 2010, \$100,000,000 for 2011, and \$50,000,000 for fiscal  
2 year 2012 may be used for the acquisition and installation  
3 of runway status lights.

4 “(h) *NEXTGEN SYSTEMS DEVELOPMENT PRO-*  
5 *GRAMS.*—Of amounts appropriated under subsection (a),  
6 \$102,900,000 for fiscal year 2010, \$104,000,000 for fiscal  
7 year 2011, and \$105,300,000 for fiscal year 2012 may be  
8 used for systems development activities associated with  
9 *NextGen*.

10 “(i) *NEXTGEN DEMONSTRATION PROGRAMS.*—Of  
11 amounts appropriated under subsection (a), \$30,000,000  
12 for fiscal year 2010, \$30,000,000 for fiscal year 2011, and  
13 \$30,000,000 for fiscal year 2012 may be used for dem-  
14 onstration activities associated with *NextGen*.

15 “(j) *CENTER FOR ADVANCED AVIATION SYSTEM DE-*  
16 *VELOPMENT.*—Of amounts appropriated under subsection  
17 (a), \$79,000,000 for fiscal year 2010, \$79,000,000 for fiscal  
18 year 2011, and \$80,800,000 for fiscal year 2012 may be  
19 used for the *Center for Advanced Aviation System Develop-*  
20 *ment*.

21 “(k) *ADDITIONAL PROGRAMS.*—Of amounts appro-  
22 priated under subsection (a), \$22,500,000 for fiscal year  
23 2010, \$22,500,000 for fiscal year 2011, and \$22,500,000 for  
24 fiscal year 2012 may be used for—

1           “(1) *system capacity, planning, and improve-*  
2           *ment;*

3           “(2) *operations concept validation;*

4           “(3) *NAS weather requirements; and*

5           “(4) *Airspace Management Lab.*”.

6   **SEC. 103. FAA OPERATIONS.**

7           (a) *IN GENERAL.*—Section 106(k)(1) is amended by  
8           striking subparagraphs (A) through (E) and inserting the  
9           following:

10                   “(A) \$9,531,272,000 for fiscal year 2010;

11                   “(B) \$9,936,259,000 for fiscal year 2011;

12                   and

13                   “(C) \$10,350,155,000 for fiscal year 2012.”.

14           (b) *AUTHORIZED EXPENDITURES.*—Section 106(k)(2)  
15           is amended—

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

18                           “(A) *Such sums as may be necessary for fis-*  
19                           *cal years 2010 through 2012 to support develop-*  
20                           *ment and maintenance of helicopter approach*  
21                           *procedures, including certification and recertifi-*  
22                           *cation of instrument flight rule, global posi-*  
23                           *tioning system, and point-in-space approaches to*  
24                           *heliports necessary to support all weather, emer-*  
25                           *gency services.*”;

1           (2) by striking subparagraphs (B), (C), and (D);

2           (3) by redesignating subparagraphs (E), (F),  
3           and (G) as subparagraphs (B), (C), and (D), respec-  
4           tively; and

5           (4) in subparagraphs (B), (C), and (D) (as so  
6           redesignated) by striking “2004 through 2007” and  
7           inserting “2010 through 2012”.

8           (c) *AIRLINE DATA AND ANALYSIS*.—There is author-  
9           ized to be appropriated to the Secretary of Transportation  
10           out of the Airport and Airway Trust Fund established by  
11           section 9502 of the Internal Revenue Code of 1986 (26  
12           U.S.C. 9502) to fund airline data collection and analysis  
13           by the Bureau of Transportation Statistics in the Research  
14           and Innovative Technology Administration of the Depart-  
15           ment of Transportation \$6,000,000 for each of fiscal years  
16           2010, 2011, and 2012.

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

18           Section 48102(a) is amended—

19           (1) in paragraph (11)—

20                   (A) in subparagraph (K) by inserting  
21                   “and” at the end; and

22                   (B) in subparagraph (L) by striking “and”  
23                   at the end;

24           (2) in paragraph (12)(L) by striking “and” at  
25           the end; and

1           (3) by striking paragraph (13) and inserting the  
2 following:

3           “(13) for fiscal year 2010, \$214,587,000, includ-  
4 ing—

5           “(A) \$8,546,000 for fire research and safety;

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

8           “(C) \$2,965,000 for advanced materials and  
9 structural safety;

10           “(D) \$4,921,000 for atmospheric hazards  
11 and digital system safety;

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

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

15           “(G) \$11,000,000 for flightdeck mainte-  
16 nance, system integration, and human factors;

17           “(H) \$12,589,000 for aviation safety risk  
18 analysis;

19           “(I) \$15,471,000 for air traffic control, tech-  
20 nical operations, and human factors;

21           “(J) \$8,699,000 for aeromedical research;

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

23           “(L) \$6,236,000 for unmanned aircraft sys-  
24 tems research;

1           “(M) \$18,100,000 for the Next Generation  
2           Air Transportation System Joint Planning and  
3           Development Office;

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

5           “(O) \$10,400,000 for NextGen—Air ground  
6           integration;

7           “(P) \$8,000,000 for NextGen—Self separa-  
8           tion;

9           “(Q) \$7,567,000 for NextGen—Weather  
10          technology in the cockpit;

11          “(R) \$20,278,000 for environment and en-  
12          ergy;

13          “(S) \$19,700,000 for NextGen—Environ-  
14          mental research—Aircraft technologies, fuels,  
15          and metrics;

16          “(T) \$1,827,000 for system planning and  
17          resource management; and

18          “(U) \$3,674,000 for the William J. Hughes  
19          Technical Center Laboratory Facility;

20          “(14) for fiscal year 2011, \$225,993,000, includ-  
21          ing—

22          “(A) \$8,815,000 for fire research and safety;

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

1           “(C) \$2,975,000 for advanced materials and  
2           structural safety;

3           “(D) \$4,949,000 for atmospheric hazards  
4           and digital system safety;

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

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

8           “(G) \$12,000,000 for flightdeck mainte-  
9           nance, system integration, and human factors;

10          “(H) \$12,497,000 for aviation safety risk  
11          analysis;

12          “(I) \$15,715,000 for air traffic control, tech-  
13          nical operations, and human factors;

14          “(J) \$8,976,000 for aeromedical research;

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

16          “(L) \$6,295,000 for unmanned aircraft sys-  
17          tems research;

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

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

22          “(O) \$10,600,000 for NextGen—Air ground  
23          integration;

24          “(P) \$8,300,000 for NextGen—Self separa-  
25          tion;



1           “(Q) \$8,345,000 for NextGen—Weather  
2           *technology in the cockpit;*

3           “(R) \$27,075,000 for environment and en-  
4           *ergy;*

5           “(S) \$20,368,000 for NextGen—Environ-  
6           *mental research—Aircraft technologies, fuels,*  
7           *and metrics;*

8           “(T) \$1,836,000 for system planning and  
9           *resource management; and*

10           “(U) \$3,804,000 for the William J. Hughes  
11           *Technical Center Laboratory Facility; and*

12           “(15) for fiscal year 2012, \$244,860,000, includ-  
13           *ing—*

14           “(A) \$8,957,000 for fire research and safety;

15           “(B) \$4,201,000 for propulsion and fuel  
16           *systems;*

17           “(C) \$2,986,000 for advanced materials and  
18           *structural safety;*

19           “(D) \$4,979,000 for atmospheric hazards  
20           *and digital system safety;*

21           “(E) \$15,013,000 for aging aircraft;

22           “(F) \$2,192,000 for aircraft catastrophic  
23           *failure prevention research;*

24           “(G) \$12,000,000 for flightdeck mainte-  
25           *nance, system integration, and human factors;*

1           “(H) \$12,401,000 for aviation safety risk  
2           analysis;

3           “(I) \$16,000,000 for air traffic control, tech-  
4           nical operations, and human factors;

5           “(J) \$9,267,000 for aeromedical research;

6           “(K) \$23,800,000 for weather program;

7           “(L) \$6,400,000 for unmanned aircraft sys-  
8           tems research;

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

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

13          “(O) \$10,800,000 for NextGen—Air ground  
14          integration;

15          “(P) \$8,500,000 for NextGen—Self separa-  
16          tion;

17          “(Q) \$8,569,000 for NextGen—Weather  
18          technology in the cockpit;

19          “(R) \$44,409,000 for environment and en-  
20          ergy;

21          “(S) \$20,034,000 for NextGen—Environ-  
22          mental research—Aircraft technologies, fuels,  
23          and metrics;

24          “(T) \$1,840,000 for system planning and  
25          resource management; and

1                   “(U) \$3,941,000 for the William J. Hughes  
2                   *Technical Center Laboratory Facility.*”

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

4           (a) *AIRPORT AND AIRWAY TRUST FUND GUAR-*  
5 *ANTEE.*—*Section 48114(a)(1)(A) is amended to read as fol-*  
6 *lows:*

7                   “(A) *IN GENERAL.*—*The total budget re-*  
8 *sources made available from the Airport and*  
9 *Airway Trust Fund each fiscal year through fis-*  
10 *cal year 2012 pursuant to sections 48101, 48102,*  
11 *48103, and 106(k) shall—*

12                           “(i) *in fiscal year 2010, be equal to 90*  
13 *percent of the estimated level of receipts plus*  
14 *interest credited to the Airport and Airway*  
15 *Trust Fund for that fiscal year; and*

16                           “(ii) *in each of fiscal years 2011 and*  
17 *2012, be equal to the sum of—*

18                                   “(I) *90 percent of the estimated*  
19 *level of receipts plus interest credited to*  
20 *the Airport and Airway Trust Fund*  
21 *for that fiscal year; and*

22                                   “(II) *the actual level of receipts*  
23 *plus interest credited to the Airport*  
24 *and Airway Trust Fund for the second*  
25 *preceding fiscal year minus the total*

1                    *amount made available for obligation*  
 2                    *from the Airport and Airway Trust*  
 3                    *Fund for the second preceding fiscal*  
 4                    *year.*

5                    *Such amounts may be used only for aviation in-*  
 6                    *vestment programs listed in subsection (b).”.*

7                    *(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-*  
 8                    *TIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is*  
 9                    *amended by striking “2007” and inserting “2012”.*

10                    *(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST*  
 11                    *DEFINED.—Section 48114(b)(2) is amended—*

12                    *(1) in the paragraph heading by striking*  
 13                    *“LEVEL” and inserting “ESTIMATED LEVEL”; and*

14                    *(2) by striking “level of receipts plus interest”*  
 15                    *and inserting “estimated level of receipts plus inter-*  
 16                    *est”.*

17                    *(d) ENFORCEMENT OF GUARANTEES.—Section*  
 18                    *48114(c)(2) is amended by striking “2007” and inserting*  
 19                    *“2012”.*

20                    ***Subtitle B—Passenger Facility***  
 21                    ***Charges***

22                    ***SEC. 111. PFC AUTHORITY.***

23                    *(a) PFC DEFINED.—Section 40117(a)(5) is amended*  
 24                    *to read as follows:*

1           “(5) *PASSENGER FACILITY CHARGE*.—The term  
2           ‘passenger facility charge’ means a charge or fee im-  
3           posed under this section.”.

4           (b) *INCREASE IN PFC MAXIMUM LEVEL*.—Section  
5           40117(b)(4) is amended by striking “\$4.00 or \$4.50” and  
6           inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

7           (c) *PILOT PROGRAM FOR PFC AT NONHUB AIR-*  
8           *PORTS*.—Section 40117(l) is amended—

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

10                   (2) by redesignating paragraph (8) as para-  
11           graph (7).

12           (d) *CORRECTION OF REFERENCES*.—

13                   (1) *SECTION 40117*.—Section 40117 is amend-  
14           ed—

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

17                           (B) in the heading for subsection (e) by  
18           striking “*FEEES*” and inserting “*CHARGES*”;

19                           (C) in the heading for subsection (l) by  
20           striking “*FEE*” and inserting “*CHARGE*”;

21                           (D) in the heading for paragraph (5) of  
22           subsection (l) by striking “*FEE*” and inserting  
23           “*CHARGE*”;

24                           (E) in the heading for subsection (m) by  
25           striking “*FEEES*” and inserting “*CHARGES*”;

1           (F) in the heading for paragraph (1) of sub-  
 2           section (m) by striking “FEES” and inserting  
 3           “CHARGES”;

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

7           (H) by striking “fees” each place it appears  
 8           and inserting “charges”.

9           (2) *OTHER REFERENCES.*—Subtitle VII is  
 10          amended by striking “fee” and inserting “charge”  
 11          each place it appears in each of the following sections:

12           (A) Section 47106(f)(1).

13           (B) Section 47110(e)(5).

14           (C) Section 47114(f).

15           (D) Section 47134(g)(1).

16           (E) Section 47139(b).

17           (F) Section 47524(e).

18           (G) Section 47526(2).

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

20          (a) *IN GENERAL.*—Section 40117(a)(3) is amended by  
 21          adding at the end the following:

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

1       (b) *REPORT TO CONGRESS.*—Not later than 1 year  
2 after the date of enactment of this Act, the Administrator  
3 of the Federal Aviation Administration shall submit to  
4 Congress a report on the progress being made by airports  
5 to install bicycle parking for airport customers and airport  
6 employees.

7 **SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING**  
8 **CONTRACTS FOR AIRSIDE PROJECTS.**

9       (a) *IN GENERAL.*—Section 40117(d) is amended—

10           (1) by striking “and” at the end of paragraph

11           (3);

12           (2) by striking the period at the end of para-  
13 graph (4) and inserting “; and”; and

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

15           “(5) in the case of an application to finance a  
16 project to meet the airside needs of the airport, the  
17 application includes written assurances, satisfactory  
18 to the Secretary, that each contract and subcontract  
19 for program management, construction management,  
20 planning studies, feasibility studies, architectural  
21 services, preliminary engineering, design, engineering,  
22 surveying, mapping, and related services will be  
23 awarded in the same way that a contract for architec-  
24 tural and engineering services is negotiated under  
25 chapter 11 of title 40 or an equivalent qualifications-

1 based requirement prescribed for or by the eligible  
2 agency.”.

3 (b) *APPLICABILITY*.—The amendment made by sub-  
4 section (a) shall apply to an application submitted to the  
5 Secretary of Transportation by an eligible agency under  
6 section 40117 of title 49, United States Code, after the date  
7 of enactment of this Act.

8 **SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT**  
9 **PROGRAM.**

10 Section 40117 is amended by adding at the end the  
11 following:

12 “(n) *PILOT PROGRAM FOR PFC ELIGIBILITY FOR*  
13 *INTERMODAL GROUND ACCESS PROJECTS*.—

14 “(1) *PFC ELIGIBILITY*.—Subject to the require-  
15 ments of this subsection, the Secretary shall establish  
16 a pilot program under which the Secretary may au-  
17 thorize, at no more than 5 airports, a passenger facil-  
18 ity charge imposed under subsection (b)(1) or (b)(4)  
19 to be used to finance the eligible cost of an intermodal  
20 ground access project.

21 “(2) *INTERMODAL GROUND ACCESS PROJECT DE-*  
22 *FINED*.—In this section, the term ‘intermodal ground  
23 access project’ means a project for constructing a local  
24 facility owned or operated by an eligible agency that  
25 is directly and substantially related to the movement



1 of passengers or property traveling in air transpor-  
2 tation.

3 “(3) *ELIGIBLE COSTS.*—

4 “(A) *IN GENERAL.*—For purposes of para-  
5 graph (1), the eligible cost of an intermodal  
6 ground access project shall be the total cost of the  
7 project multiplied by the ratio that—

8 “(i) the number of individuals pro-  
9 jected to use the project to gain access to or  
10 depart from the airport; bears to

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

13 “(B) *DETERMINATIONS REGARDING PRO-*  
14 *JECTED PROJECT USE.*—

15 “(i) *IN GENERAL.*—Except as provided  
16 by clause (ii), the Secretary shall determine  
17 the projected use of a project for purposes of  
18 subparagraph (A) at the time the project is  
19 approved under this subsection.

20 “(ii) *PUBLIC TRANSPORTATION*  
21 *PROJECTS.*—In the case of a project ap-  
22 proved under this section to be financed in  
23 part using funds administered by the Fed-  
24 eral Transit Administration, the Secretary  
25 shall use the travel forecasting model for the

1            *project at the time such project is approved*  
 2            *by the Federal Transit Administration to*  
 3            *enter preliminary engineering to determine*  
 4            *the projected use of the project for purposes*  
 5            *of subparagraph (A).”.*

6 **SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS**  
 7            **ENTERPRISES IN CONTRACTS, SUB-**  
 8            **CONTRACTS, AND BUSINESS OPPORTUNITIES**  
 9            **FUNDED USING PASSENGER FACILITY REVE-**  
 10            **NUES AND IN AIRPORT CONCESSIONS.**

11            *Section 40117 (as amended by this Act) is further*  
 12            *amended by adding at the end the following:*

13            *“(o) PARTICIPATION BY DISADVANTAGED BUSINESS*  
 14            *ENTERPRISES.—*

15            *“(1) APPLICABILITY OF REQUIREMENTS.—Except*  
 16            *to the extent otherwise provided by the Secretary, re-*  
 17            *quirements relating to disadvantaged business enter-*  
 18            *prises, as set forth in parts 23 and 26 of title 49,*  
 19            *Code of Federal Regulations (or a successor regula-*  
 20            *tion), shall apply to an airport collecting passenger*  
 21            *facility revenue.*

22            *“(2) REGULATIONS.—The Secretary shall issue*  
 23            *any regulations necessary to implement this sub-*  
 24            *section, including—*

1           “(A) goal setting requirements for an eligi-  
2           ble agency to ensure that contracts, subcontracts,  
3           and business opportunities funded using pas-  
4           senger facility revenues, and airport concessions,  
5           are awarded consistent with the levels of partici-  
6           pation of disadvantaged business enterprises and  
7           airport concessions disadvantaged business enter-  
8           prises that would be expected in the absence of  
9           discrimination;

10           “(B) provision for an assurance that re-  
11           quires that an eligible agency will not discrimi-  
12           nate on the basis of race, color, national origin,  
13           or sex in the award and performance of any con-  
14           tract funded using passenger facility revenues;  
15           and

16           “(C) a requirement that an eligible agency  
17           will take all necessary and reasonable steps to  
18           ensure nondiscrimination in the award and ad-  
19           ministration of contracts funded using passenger  
20           facility revenues.

21           “(3) *EFFECTIVE DATE.*—Paragraph (1) shall  
22           take effect on the day following the date on which the  
23           Secretary issues final regulations under paragraph  
24           (2).

1           “(4) *DEFINITIONS.*—*In this subsection, the fol-*  
2           *lowing definitions apply:*

3                   “(A) *AIRPORT CONCESSIONS DISADVAN-*  
4                   *TAGED BUSINESS ENTERPRISE.*—*The term ‘air-*  
5                   *port concessions disadvantaged business enter-*  
6                   *prise’ has the meaning given that term in part*  
7                   *23 of title 49, Code of Federal Regulations (or a*  
8                   *successor regulation).*

9                   “(B) *DISADVANTAGED BUSINESS ENTER-*  
10                   *PRISE.*—*The term ‘disadvantaged business enter-*  
11                   *prise’ has the meaning given that term in part*  
12                   *26 of title 49, Code of Federal Regulations (or a*  
13                   *successor regulation).’.*

14 **SEC. 116. IMPACTS ON AIRPORTS OF ACCOMMODATING**  
15 **CONNECTING PASSENGERS.**

16           (a) *STUDY.*—*Not later than 90 days after the date of*  
17 *enactment of this Act, the Secretary of Transportation shall*  
18 *initiate a study to evaluate—*

19                   (1) *the impacts on airports of accommodating*  
20 *connecting passengers; and*

21                   (2) *the treatment of airports at which the major-*  
22 *ity of passengers are connecting passengers under the*  
23 *passenger facility charge program authorized by sec-*  
24 *tion 40117 of title 49, United States Code.*

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

3           (1) *the differences in facility needs, and the costs*  
4 *for constructing, maintaining, and operating those fa-*  
5 *cilities, for airports at which the majority of pas-*  
6 *sengers are connecting passengers as compared to air-*  
7 *ports at which the majority of passengers are origi-*  
8 *nating and destination passengers;*

9           (2) *whether the costs to an airport of accommo-*  
10 *dating additional connecting passengers differs from*  
11 *the cost of accommodating additional originating and*  
12 *destination passengers;*

13           (3) *for each airport charging a passenger facility*  
14 *charge, the percentage of passenger facility charge rev-*  
15 *enue attributable to connecting passengers and the*  
16 *percentage of such revenue attributable to originating*  
17 *and destination passengers;*

18           (4) *the potential effects on airport revenues of re-*  
19 *quiring airports to charge different levels of passenger*  
20 *facility charges on connecting passengers and origi-*  
21 *nating and destination passengers; and*

22           (5) *the added costs to air carriers of collecting*  
23 *passenger facility charges under a system in which*  
24 *different levels of passenger facility charges are im-*

1        *posed on connecting passengers and originating and*  
 2        *destination passengers.*

3        *(c) REPORT TO CONGRESS.—*

4            *(1) IN GENERAL.—Not later than 1 year after*  
 5        *the date of initiation of the study, the Secretary shall*  
 6        *submit to Congress a report on the results of the*  
 7        *study.*

8            *(2) CONTENTS.—The report shall include—*

9            *(A) the findings of the Secretary on each of*  
 10        *the subjects listed in subsection (b); and*

11            *(B) recommendations, if any, of the Sec-*  
 12        *retary based on the results of the study for any*  
 13        *changes to the passenger facility charge program,*  
 14        *including recommendations as to whether dif-*  
 15        *ferent levels of passenger facility charges should*  
 16        *be imposed on connecting passengers and origi-*  
 17        *nating and destination passengers.*

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

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

20            *(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—*

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

22            *“(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—*

23            *“(1) IN GENERAL.—In establishing and adjust-*  
 24        *ing fees under subsection (a), the Administrator shall*  
 25        *ensure that the fees are reasonably related to the Ad-*

1        *ministration’s costs, as determined by the Adminis-*  
2        *trator, of providing the services rendered. Services for*  
3        *which costs may be recovered include the costs of air*  
4        *traffic control, navigation, weather services, training,*  
5        *and emergency services which are available to facili-*  
6        *tate safe transportation over the United States and*  
7        *the costs of other services provided by the Adminis-*  
8        *trator, or by programs financed by the Administrator,*  
9        *to flights that neither take off nor land in the United*  
10       *States. The determination of such costs by the Admin-*  
11       *istrator, and the allocation of such costs by the Ad-*  
12       *ministrator to services provided, are not subject to ju-*  
13       *dicial review.*

14                *“(2) ADJUSTMENT OF FEES.—The Administrator*  
15        *shall adjust the overflight fees established by sub-*  
16        *section (a)(1) by expedited rulemaking and begin col-*  
17        *lections under the adjusted fees by May 1, 2010. In*  
18        *developing the adjusted overflight fees, the Adminis-*  
19        *trator may seek and consider the recommendations of-*  
20        *fered by an aviation rulemaking committee for over-*  
21        *flight fees that are provided to the Administrator by*  
22        *September 1, 2009, and are intended to ensure that*  
23        *overflight fees are reasonably related to the Adminis-*  
24        *trator’s costs of providing air traffic control and re-*  
25        *lated services to overflights.*

1           “(3) *AIRCRAFT ALTITUDE.*—*Nothing in this sec-*  
2           *tion shall require the Administrator to take into ac-*  
3           *count aircraft altitude in establishing any fee for air-*  
4           *craft operations in en route or oceanic airspace.*

5           “(4) *COSTS DEFINED.*—*In this subsection, the*  
6           *term ‘costs’ includes those costs associated with the*  
7           *operation, maintenance, leasing costs, and overhead*  
8           *expenses of the services provided and the facilities and*  
9           *equipment used in such services, including the pro-*  
10          *jected costs for the period during which the services*  
11          *will be provided.*

12          “(5) *PUBLICATION; COMMENT.*—*The Adminis-*  
13          *trator shall publish in the Federal Register any fee*  
14          *schedule under this section, including any adjusted*  
15          *overflight fee schedule, and the associated collection*  
16          *process as an interim final rule, pursuant to which*  
17          *public comment will be sought and a final rule*  
18          *issued.”.*

19          “(b) *ADJUSTMENTS.*—*Section 45301 is amended by*  
20          *adding at the end the following:*

21          “(e) *ADJUSTMENTS.*—*In addition to adjustments*  
22          *under subsection (b), the Administrator may periodically*  
23          *adjust the fees established under this section.”.*



1 **SEC. 122. REGISTRATION FEES.**

2 (a) *IN GENERAL.*—Chapter 453 is amended by adding  
3 at the end the following:

4 **“§ 45305. Registration, certification, and related fees**

5 “(a) *GENERAL AUTHORITY AND FEES.*—Subject to  
6 subsection (b), the Administrator of the Federal Aviation  
7 Administration shall establish the following fees for services  
8 and activities of the Administration:

9 “(1) \$130 for registering an aircraft.

10 “(2) \$45 for replacing an aircraft registration.

11 “(3) \$130 for issuing an original dealer’s air-  
12 craft certificate.

13 “(4) \$105 for issuing an aircraft certificate  
14 (other than an original dealer’s aircraft certificate).

15 “(5) \$80 for issuing a special registration num-  
16 ber.

17 “(6) \$50 for issuing a renewal of a special reg-  
18 istration number.

19 “(7) \$130 for recording a security interest in an  
20 aircraft or aircraft part.

21 “(8) \$50 for issuing an airman certificate.

22 “(9) \$25 for issuing a replacement airman cer-  
23 tificate.

24 “(10) \$42 for issuing an airman medical certifi-  
25 cate.

1           “(11) \$100 for providing a legal opinion per-  
2           taining to aircraft registration or recordation.

3           “(b) *LIMITATION ON COLLECTION.*—No fee may be col-  
4           lected under this section unless the expenditure of the fee  
5           to pay the costs of activities and services for which the fee  
6           is imposed is provided for in advance in an appropriations  
7           Act.

8           “(c) *FEEES CREDITED AS OFFSETTING COLLEC-*  
9           *TIONS.*—

10           “(1) *IN GENERAL.*—Notwithstanding section  
11           3302 of title 31, any fee authorized to be collected  
12           under this section shall—

13                   “(A) be credited as offsetting collections to  
14                   the account that finances the activities and serv-  
15                   ices for which the fee is imposed;

16                   “(B) be available for expenditure only to  
17                   pay the costs of activities and services for which  
18                   the fee is imposed; and

19                   “(C) remain available until expended.

20           “(2) *CONTINUING APPROPRIATIONS.*—The Ad-  
21           ministrators may continue to assess, collect, and spend  
22           fees established under this section during any period  
23           in which the funding for the Federal Aviation Admin-  
24           istration is provided under an Act providing con-

1 *tinuing appropriations in lieu of the Administra-*  
2 *tion's regular appropriations.*

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

10 *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
11 *453 is amended by adding at the end the following:*

*“45305. Registration, certification, and related fees.”.*

12 *(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR*  
13 *TRANSPORTATION.—Section 45302(e) is amended—*

14 *(1) by striking “A fee” and inserting the fol-*  
15 *lowing:*

16 *“(1) IN GENERAL.—A fee”; and*

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

18 *“(2) EFFECT OF IMPOSITION OF OTHER FEES.—*  
19 *A fee may not be imposed for a service or activity*  
20 *under this section during any period in which a fee*  
21 *for the same service or activity is imposed under sec-*  
22 *tion 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 parking  
9 within a fuel farm at a nonprimary airport  
10 meeting the requirements of section 112.8 of title  
11 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-exclu-  
17 sive use facilities to aircraft parked at a public  
18 use airport for the purpose of reducing energy  
19 use or harmful emissions as compared to the pro-  
20 vision of such air conditioning, heating, or elec-  
21 tric power from aircraft-based systems.”.

22       (b) *AIRPORT PLANNING.*—Section 47102(5) is amend-  
23 ed by inserting before the period at the end the following:  
24 “, developing an environmental management 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 (22)  
6 as paragraphs (9) through (23), respectively; and

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

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

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

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

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

19           “(24) ‘revenue producing aeronautical support  
20 facilities’ means fuel farms, hangar buildings, self-  
21 service credit card aeronautical fueling systems, air-  
22 plane wash racks, major rehabilitation of a hangar  
23 owned by a sponsor, or other aeronautical support fa-  
24 cilities that the Secretary determines will increase the  
25 revenue producing ability of the airport.”.

1           (e) *TERMINAL DEVELOPMENT*.—Section 47102 is fur-  
2 *ther amended by adding at the end the following:*

3                   “(28) ‘terminal development’ means—

4                           “(A) development of—

5                                   “(i) an airport passenger terminal  
6 *building, including terminal gates;*

7                                   “(ii) access roads servicing exclusively  
8 *airport traffic that leads directly to or from*  
9 *an airport passenger terminal building; and*

10                                   “(iii) walkways that lead directly to or  
11 *from an airport passenger terminal build-*  
12 *ing; and*

13                           “(B) the cost of a vehicle described in sec-  
14 *tion 47119(a)(1)(B).”.*

15 **SEC. 132. SOLID WASTE RECYCLING PLANS.**

16           (a) *AIRPORT PLANNING*.—Section 47102(5) (as  
17 *amended by section 131(b) of this Act) is amended by in-*  
18 *serting before the period at the end the following: “, and*  
19 *planning to minimize the generation of, and to recycle, air-*  
20 *port solid waste in a manner that is consistent with appli-*  
21 *cable State and local recycling laws”.*

22           (b) *MASTER PLAN*.—Section 47106(a) is amended—

23                   (1) by striking “and” at the end of paragraph  
24                   (4);

1           (2) *by striking the period at the end of para-*  
2 *graph (5) and inserting “; and”; and*

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

4           “(6) *in any case in which the project is for an*  
5 *airport that has an airport master plan, the master*  
6 *plan addresses the feasibility of solid waste recycling*  
7 *at the airport and minimizing the generation of solid*  
8 *waste at the airport.”.*

9 **SEC. 133. AMENDMENTS TO GRANT ASSURANCES.**

10       (a) *GENERAL WRITTEN ASSURANCES.*—Section  
11 *47107(a)(16)(D)(ii) is amended by inserting before the*  
12 *semicolon at the end the following: “, except in the case of*  
13 *a relocation or replacement of an existing airport facility*  
14 *that meets the conditions of section 47110(d)”.*

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

16           (1) *USE OF PROCEEDS.*—Section  
17 *47107(c)(2)(A)(iii) is amended by striking “paid to*  
18 *the Secretary” and all that follows before the semi-*  
19 *colon and inserting “reinvested in another project at*  
20 *the airport or transferred to another airport as the*  
21 *Secretary prescribes under paragraph (4)”.*

22           (2) *ELIGIBLE PROJECTS.*—Section 47107(c) *is*  
23 *amended by adding at the end the following:*

24           “(4) *PRIORITIES FOR REINVESTMENT.*—*In ap-*  
25 *proving the reinvestment or transfer of proceeds under*

1 subsection (c)(2)(A)(iii), the Secretary shall give pref-  
2 erence, in descending order, to the following actions:

3 “(A) Reinvestment in an approved noise  
4 compatibility project.

5 “(B) Reinvestment in an approved project  
6 that is eligible for funding under section  
7 47117(e).

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

11 “(D) Transfer to a sponsor of another pub-  
12 lic airport to be reinvested in an approved noise  
13 compatibility project at such airport.

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

16 (c) CLERICAL AMENDMENT.—Section  
17 47107(c)(2)(B)(iii) is amended by striking “the Fund” and  
18 inserting “the Airport and Airway Trust Fund established  
19 under section 9502 of the Internal Revenue Code of 1986  
20 (26 U.S.C. 9502)”.

21 **SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.**

22 Section 47109 is amended—

23 (1) in subsection (a) by striking “provided in  
24 subsection (b) or subsection (c) of this section” and



1       inserting “otherwise specifically provided in this sec-  
2       tion”; and

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

4       “(e) *SPECIAL RULE FOR TRANSITION FROM SMALL*  
5 *HUB TO MEDIUM HUB STATUS.*—If the status of a small  
6 hub airport changes to a medium hub airport, the Govern-  
7 ment’s share of allowable project costs for the airport may  
8 not exceed 90 percent for the first 2 fiscal years following  
9 such change in hub status.

10       “(f) *SPECIAL RULE FOR ECONOMICALLY DEPRESSED*  
11 *COMMUNITIES.*—The Government’s share of allowable  
12 project costs shall be 95 percent for a project at an airport  
13 that—

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

16               “(2) is located in an area that meets one or more  
17 of the criteria established in section 301(a) of the  
18 Public Works and Economic Development Act of 1965  
19 (42 U.S.C. 3161(a)), as determined by the Secretary  
20 of Commerce.”.

21 **SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.**

22       (a) *ALLOWABLE PROJECT COSTS.*—Section  
23 47110(b)(2)(D) is amended to read as follows:

24               “(D) if the cost is for airport development and  
25 is incurred before execution of the grant agreement,

1       *but in the same fiscal year as execution of the grant*  
2       *agreement, and if—*

3               “(i) *the cost was incurred before execution*  
4               *of the grant agreement due to the short construc-*  
5               *tion season in the vicinity of the airport;*

6               “(ii) *the cost is in accordance with an air-*  
7               *port layout plan approved by the Secretary and*  
8               *with all statutory and administrative require-*  
9               *ments that would have been applicable to the*  
10              *project if the project had been carried out after*  
11              *execution of the grant agreement;*

12              “(iii) *the sponsor notifies the Secretary be-*  
13              *fore authorizing work to commence on the*  
14              *project; and*

15              “(iv) *the sponsor’s decision to proceed with*  
16              *the project in advance of execution of the grant*  
17              *agreement does not affect the priority assigned to*  
18              *the project by the Secretary for the allocation of*  
19              *discretionary funds;”.*

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

22              “(d) *RELOCATION OF AIRPORT-OWNED FACILITIES.—*  
23       *The Secretary may determine that the costs of relocating*  
24       *or replacing an airport-owned facility are allowable for an*  
25       *airport development project at an airport only if—*

1           “(1) the Government’s share of such costs will be  
2           paid with funds apportioned to the airport sponsor  
3           under section 47114(c)(1) or 47114(d);

4           “(2) the Secretary determines that the relocation  
5           or replacement is required due to a change in the Sec-  
6           retary’s design standards; and

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

9           (c) *NONPRIMARY AIRPORTS.*—Section 47110(h) is  
10          amended—

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

13           (2) by striking “, including fuel farms and hang-  
14           ars,”.

15          **SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS**  
16                                **OWNED AND CONTROLLED BY DISABLED VET-**  
17                                **ERANS.**

18           Section 47112(c) is amended by adding at the end the  
19          following:

20           “(3) A contract involving labor for carrying out an  
21          airport development project under a grant agreement under  
22          this subchapter must require that a preference be given to  
23          the use of small business concerns (as defined in section 3  
24          of the Small Business Act (15 U.S.C. 632)) owned and con-  
25          trolled by disabled veterans.”.

1 **SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTER-**  
2 **PRISE PROGRAM.**

3 (a) *PURPOSE.*—*It is the purpose of the airport dis-*  
4 *advantaged business program to ensure that minority- and*  
5 *women-owned businesses have a full and fair opportunity*  
6 *to compete in federally assisted airport contracts and con-*  
7 *cessions and to ensure that the Federal Government does*  
8 *not subsidize discrimination in private or locally funded*  
9 *airport-related industries.*

10 (b) *FINDINGS.*—*Congress finds the following:*

11 (1) *While significant progress has occurred due*  
12 *to the enactment of the airport disadvantaged busi-*  
13 *ness enterprise program (49 U.S.C. 47107(e) and*  
14 *47113), discrimination continues to be a significant*  
15 *barrier for minority- and women-owned businesses*  
16 *seeking to do business in airport-related markets. This*  
17 *continuing discrimination merits the continuation of*  
18 *the airport disadvantaged business enterprise pro-*  
19 *gram.*

20 (2) *Discrimination poses serious barriers to the*  
21 *full participation in airport-related businesses of*  
22 *women business owners and minority business own-*  
23 *ers, including African Americans, Hispanic Ameri-*  
24 *cans, Asian Americans, and Native Americans.*

25 (3) *Discrimination impacts minority and*  
26 *women business owners in every geographic region of*

1        *the United States and in every airport-related indus-*  
2        *try.*

3            *(4) Discrimination has impacted many aspects*  
4        *of airport-related business, including—*

5            *(A) the availability of venture capital and*  
6        *credit;*

7            *(B) the availability of bonding and insur-*  
8        *ance;*

9            *(C) the ability to obtain licensing and cer-*  
10       *tification;*

11          *(D) public and private bidding and quoting*  
12       *procedures;*

13          *(E) the pricing of supplies and services;*

14          *(F) business training, education, and ap-*  
15       *prenticeship programs; and*

16          *(G) professional support organizations and*  
17       *informal networks through which business oppor-*  
18       *tunities are often established.*

19          *(5) Congress has received voluminous evidence of*  
20       *discrimination against minority and women business*  
21       *owners in airport-related industries, including—*

22          *(A) statistical analyses demonstrating sig-*  
23       *nificant disparities in the utilization of*  
24       *minority- and women-owned businesses in feder-*

1            *ally and locally funded airport related con-*  
2            *tracting;*

3            *(B) statistical analyses of private sector dis-*  
4            *parities in business success by minority- and*  
5            *women-owned businesses in airport related in-*  
6            *dustries;*

7            *(C) research compiling anecdotal reports of*  
8            *discrimination by individual minority and*  
9            *women business owners;*

10           *(D) individual reports of discrimination by*  
11           *minority and women business owners and the*  
12           *organizations and individuals who represent mi-*  
13           *nority and women business owners;*

14           *(E) analyses demonstrating significant re-*  
15           *ductions in the participation of minority and*  
16           *women businesses in jurisdictions that have re-*  
17           *duced or eliminated their minority- and women-*  
18           *owned business programs;*

19           *(F) statistical analyses showing significant*  
20           *disparities in the credit available to minority-*  
21           *and women-owned businesses;*

22           *(G) research and statistical analyses dem-*  
23           *onstrating how discrimination negatively im-*  
24           *pacts firm formation, growth, and success;*

1           (H) *experience of airports and other local-*  
2           *ities demonstrating that race- and gender-neu-*  
3           *tral efforts alone are insufficient to remedy dis-*  
4           *crimination; and*

5           (I) *other qualitative and quantitative evi-*  
6           *dence of discrimination against minority- and*  
7           *women-owned businesses in airport-related in-*  
8           *dustries.*

9           (6) *All of this evidence provides a strong basis*  
10          *for the continuation of the airport disadvantaged*  
11          *business enterprise program and the airport conces-*  
12          *sions disadvantaged business enterprise program.*

13          (7) *Congress has received and reviewed recent*  
14          *comprehensive and compelling evidence of discrimina-*  
15          *tion from many different sources, including congres-*  
16          *sional hearings and roundtables, scientific reports, re-*  
17          *ports issued by public and private agencies, news sto-*  
18          *ries, reports of discrimination by organizations and*  
19          *individuals, and discrimination lawsuits.*

20          (c) *DISADVANTAGED BUSINESS ENTERPRISE PER-*  
21          *SONAL NET WORTH CAP; BONDING REQUIREMENTS.—Sec-*  
22          *tion 47113 is amended by adding at the end the following:*

23           “(e) *PERSONAL NET WORTH CAP.—*

24           “(1) *REGULATIONS.—Not later than 180 days*  
25          *after the date of enactment of this subsection, the Sec-*

1        *retary shall issue final regulations to adjust the per-*  
2        *sonal net worth cap used in determining whether an*  
3        *individual is economically disadvantaged for pur-*  
4        *poses of qualifying under the definition contained in*  
5        *subsection (a)(2) and under section 47107(e). The reg-*  
6        *ulations shall correct for the impact of inflation since*  
7        *the Small Business Administration established the*  
8        *personal net worth cap at \$750,000 in 1989.*

9                *“(2) ANNUAL ADJUSTMENT.—Following the ini-*  
10        *tial adjustment under paragraph (1), the Secretary*  
11        *shall adjust, on June 30 of each year thereafter, the*  
12        *personal net worth cap to account for changes, occur-*  
13        *ring in the preceding 12-month period, in the Con-*  
14        *sumer Price Index of All Urban Consumers (United*  
15        *States city average, all items) published by the Sec-*  
16        *retary of Labor.*

17                *“(f) EXCLUSION OF RETIREMENT BENEFITS.—*

18                *“(1) IN GENERAL.—In calculating a business*  
19        *owner’s personal net worth, any funds held in a*  
20        *qualified retirement account owned by the business*  
21        *owner shall be excluded, subject to regulations to be*  
22        *issued by the Secretary.*

23                *“(2) REGULATIONS.—Not later than one year*  
24        *after the date of enactment of this subsection, the Sec-*  
25        *retary shall issue final regulations to implement*



1 paragraph (1), including consideration of appro-  
 2 priate safeguards, such as a limit on the amount of  
 3 such accounts, to prevent circumvention of personal  
 4 net worth requirements.

5 “(g) *PROHIBITION ON EXCESSIVE OR DISCRIMINATORY*  
 6 *BONDING REQUIREMENTS.*—

7 “(1) *IN GENERAL.*—The Secretary shall establish  
 8 a program to eliminate barriers to small business  
 9 participation in airport-related contracts and conces-  
 10 sions by prohibiting excessive, unreasonable, or dis-  
 11 criminatory bonding requirements for any project  
 12 funded under this chapter or using passenger facility  
 13 revenues under section 40117.

14 “(2) *REGULATIONS.*—Not later than one year  
 15 after the date of enactment of this subsection, the Sec-  
 16 retary shall issue a final rule to establish the program  
 17 under paragraph (1).”.

18 **SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DIS-**  
 19 **ADVANTAGED BUSINESS ENTERPRISES.**

20 (a) *MANDATORY TRAINING PROGRAM.*—Section 47113  
 21 (as amended by this Act) is further amended—

22 (1) in subsection (b) by striking “Secretary” and  
 23 inserting “Secretary of Transportation”; and

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

25 “(h) *MANDATORY TRAINING PROGRAM.*—

1           “(1) *IN GENERAL.*—Not later than one year after  
2           the date of enactment of this subsection, the Secretary  
3           shall establish a mandatory training program for  
4           persons described in paragraph (3) on certifying  
5           whether a small business concern qualifies as a small  
6           business concern owned and controlled by socially and  
7           economically disadvantaged individuals under this  
8           section and section 47107(e).

9           “(2) *IMPLEMENTATION.*—The training program  
10          may be implemented by one or more private entities  
11          approved by the Secretary.

12          “(3) *PARTICIPANTS.*—A person referred to in  
13          paragraph (1) is an official or agent of an airport  
14          sponsor—

15                 “(A) who is required to provide a written  
16                 assurance under this section or section 47107(e)  
17                 that the airport owner or operator will meet the  
18                 percentage goal of subsection (b) or section  
19                 47107(e)(1); or

20                 “(B) who is responsible for determining  
21                 whether or not a small business concern qualifies  
22                 as a small business concern owned and controlled  
23                 by socially and economically disadvantaged in-  
24                 dividuals under this section or section 47107(e).

1           “(4) *AUTHORIZATION OF APPROPRIATIONS.—Out*  
2           *of amounts appropriated under section 106(k), not*  
3           *less than \$2,000,000 for each of fiscal years 2010,*  
4           *2011, and 2012 shall be used to carry out this sub-*  
5           *section and to support other programs and activities*  
6           *of the Secretary related to the participation of small*  
7           *business concerns owned and controlled by socially*  
8           *and economically disadvantaged individuals in air-*  
9           *port related contracts or concessions.”.*

10          *(b) REPORT.—Not later than 24 months after the date*  
11          *of enactment of this Act, the Secretary shall submit to the*  
12          *Committee on Transportation and Infrastructure of the*  
13          *House of Representatives, the Committee on Commerce,*  
14          *Science, and Transportation of the Senate, and other ap-*  
15          *propriate committees of Congress a report on the results of*  
16          *the training program conducted under the amendment*  
17          *made by subsection (b).*

18          **SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.**

19          *Section 47114(d) is amended—*

20                  *(1) in paragraph (2)—*

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

24                          *(B) by striking “18.5 percent” and insert-*  
25                          *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 amounts  
5 apportioned under paragraph (2), and subject to  
6 subparagraph (B), the Secretary shall apportion  
7 to each airport, excluding primary airports but  
8 including reliever and nonprimary commercial  
9 service airports, in States the lesser of—

10           “(i) \$150,000; or

11           “(ii)  $\frac{1}{5}$  of the most recently published  
12 estimate of the 5-year costs for airport im-  
13 provement for the airport, as listed in the  
14 national plan of integrated airport systems  
15 developed by the Federal Aviation Adminis-  
16 tration under section 47103.

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

1 **SEC. 140. REDUCING APPORTIONMENTS.**

2 *Section 47114(f)(1) is amended—*

3 *(1) by striking “and” at the end of subpara-*  
4 *graph (A);*

5 *(2) in subparagraph (B)—*

6 *(A) by inserting “except as provided by sub-*  
7 *paragraph (C),” before “in the case”; and*

8 *(B) by striking the period at the end and*  
9 *inserting “; and”; and*

10 *(3) by adding at the end the following:*

11 *“(C) in the case of a charge of more than*  
12 *\$4.50 imposed by the sponsor of an airport en-*  
13 *planing at least one percent of the total number*  
14 *of boardings each year in the United States, 100*  
15 *percent of the projected revenues from the charge*  
16 *in the fiscal year but not more than 100 percent*  
17 *of the amount that otherwise would be appor-*  
18 *tioned under this section.”.*

19 **SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.**

20 *Section 47115(g)(1) is amended by striking “sum of—*  
21 *” and all that follows through the period at the end of sub-*  
22 *paragraph (B) and inserting “sum of \$520,000,000.”.*

23 **SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

24 *Section 47115(j) is amended by striking “fiscal years*  
25 *2004 through 2009,” and inserting “fiscal years 2010*  
26 *through 2012,”.*

1 **SEC. 143. USE OF APPORTIONED AMOUNTS.**

2 *Section 47117(e)(1)(A) is amended—*

3 *(1) in the first sentence—*

4 *(A) by striking “35 percent” and inserting*  
5 *“\$300,000,000”;*

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

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

14 *(2) in the second sentence by striking “such 35*  
15 *percent requirement is” and inserting “the require-*  
16 *ments of the preceding sentence are”.*

17 **SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

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

19 *(1) by striking “Subsection (a) shall not apply*  
20 *if” and inserting the following:*

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

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

24 *“(2) SALE OF PRIVATE AIRPORT TO PUBLIC*  
25 *SPONSOR.—In the case of a privately owned airport,*

1 subsection (a) shall not apply to the proceeds from the  
2 sale of the airport to a public sponsor if—

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

4 “(B) funding is provided under this subtitle  
5 for any portion of the public sponsor’s acquisi-  
6 tion of airport land; and

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

17 “(3) TREATMENT OF REPAYMENTS.—Repayments  
18 referred to in paragraph (2)(C) shall be treated as a  
19 recovery of prior year obligations.”.

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

23 **SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.**

24 (a) APPROVAL REQUIREMENTS.—Section 47134 is  
25 amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii),

1 (c)(4)(A), and (c)(4)(B) by striking “65 percent” each place  
2 it appears and inserting “75 percent”.

3 (b) *PROHIBITION ON RECEIPT OF FUNDS.*—

4 (1) *SECTION 47134.*—Section 47134 is amended  
5 by adding at the end the following:

6 “(n) *PROHIBITION ON RECEIPT OF CERTAIN FUNDS.*—

7 An airport receiving an exemption under subsection (b)  
8 shall be prohibited from receiving apportionments under  
9 section 47114 or discretionary funds under section 47115.”.

10 (2) *CONFORMING AMENDMENTS.*—Section  
11 47134(g) is amended—

12 (A) in the subsection heading by striking  
13 “*APPORTIONMENTS;*”;

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

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

17 (D) by redesignating paragraph (3) as  
18 paragraph (2).

19 (c) *FEDERAL SHARE OF PROJECT COSTS.*—Section  
20 47109(a) is amended—

21 (1) by striking the semicolon at the end of para-  
22 graph (3) and inserting “; and”;

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

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



1 **SEC. 146. AIRPORT SECURITY PROGRAM.**

2 (a) *GENERAL AUTHORITY.*—Section 47137(a) is  
3 amended by inserting “, in consultation with the Secretary  
4 of Homeland Security,” after “Transportation”.

5 (b) *IMPLEMENTATION.*—Section 47137(b) is amended  
6 to read as follows:

7 “(b) *IMPLEMENTATION.*—

8 “(1) *IN GENERAL.*—In carrying out this section,  
9 the Secretary of Transportation shall provide funding  
10 through a grant, contract, or another agreement de-  
11 scribed in section 106(l)(6) to a nonprofit consortium  
12 that—

13 “(A) is composed of public and private per-  
14 sons, including an airport sponsor; and

15 “(B) has at least 10 years of demonstrated  
16 experience in testing and evaluating anti-ter-  
17 rorist technologies at airports.

18 “(2) *PROJECT SELECTION.*—The Secretary shall  
19 select projects under this subsection that—

20 “(A) evaluate and test the benefits of inno-  
21 vative aviation security systems or related tech-  
22 nology, including explosives detection systems,  
23 for the purpose of improving aviation and air-  
24 craft physical security, access control, and pas-  
25 senger and baggage screening; and

1           “(B) provide testing and evaluation of air-  
2           port security systems and technology in an oper-  
3           ational, testbed environment.”.

4           (c) *MATCHING SHARE*.—Section 47137(c) is amended  
5 by inserting after “section 47109” the following: “or any  
6 other provision of law”.

7           (d) *ADMINISTRATION*.—Section 47137(e) is amended  
8 by adding at the end the following: “The Secretary may  
9 enter into an agreement in accordance with section 106(m)  
10 to provide for the administration of any project under the  
11 program.”.

12          (e) *ELIGIBLE SPONSOR*.—Section 47137 is amended  
13 by striking subsection (f) and redesignating subsection (g)  
14 as subsection (f).

15          (f) *AUTHORIZATION OF APPROPRIATIONS*.—Section  
16 47137(f) (as so redesignated) is amended by striking  
17 “\$5,000,000” and inserting “\$8,500,000”.

18 **SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**

19 **AIRPORT DEVELOPMENT RIGHTS.**

20          Section 47138 is amended by adding at the end the  
21 following:

22          “(f) *SUNSET*.—This section shall not be in effect after  
23 September 30, 2008.”.

1 **SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**  
2 **IBLE LAND USE PLANNING AND PROJECTS BY**  
3 **STATE AND LOCAL GOVERNMENTS.**

4 *Section 47141(f) is amended by striking “September*  
5 *30, 2009” and inserting “September 30, 2012”.*

6 **SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN**  
7 **WASHINGTON AIRPORTS AUTHORITY.**

8 *Section 49108, and the item relating to such section*  
9 *in the analysis for chapter 491, are repealed.*

10 **SEC. 150. MIDWAY ISLAND AIRPORT.**

11 *Section 186(d) of the Vision 100—Century of Aviation*  
12 *Reauthorization Act (117 Stat. 2518) is amended by strik-*  
13 *ing “October 1, 2009,” and inserting “October 1, 2012,”.*

14 **SEC. 151. PUERTO RICO MINIMUM GUARANTEE.**

15 *Section 47114(e) is amended—*

16 *(1) in the subsection heading by inserting “AND*  
17 *PUERTO RICO” after “ALASKA”; and*

18 *(2) by adding at the end the following:*

19 *“(5) PUERTO RICO MINIMUM GUARANTEE.—In*  
20 *any fiscal year in which the total amount appor-*  
21 *tioned to airports in Puerto Rico under subsections*  
22 *(c) and (d) is less than 1.5 percent of the total*  
23 *amount apportioned to all airports under subsections*  
24 *(c) and (d), the Secretary shall apportion to the Puer-*  
25 *to Rico Ports Authority for airport development*  
26 *projects in such fiscal year an amount equal to the*

1       *difference between 1.5 percent of the total amounts*  
2       *apportioned under subsections (c) and (d) in such fis-*  
3       *cal year and the amount otherwise apportioned under*  
4       *subsections (c) and (d) to airports in Puerto Rico in*  
5       *such fiscal year.”.*

6       **SEC. 152. MISCELLANEOUS AMENDMENTS.**

7       *(a) TECHNICAL CHANGES TO NATIONAL PLAN OF IN-*  
8       *TEGRATED AIRPORT SYSTEMS.—Section 47103 is amend-*  
9       *ed—*

10               *(1) in subsection (a)—*

11                       *(A) by striking “each airport to—” and in-*  
12                       *serting “the airport system to—”;*

13                       *(B) in paragraph (1) by striking “system*  
14                       *in the particular area;” and inserting “system,*  
15                       *including connection to the surface transpor-*  
16                       *tation network; and”;*

17                       *(C) in paragraph (2) by striking “; and”*  
18                       *and inserting a period; and*

19                       *(D) by striking paragraph (3);*

20               *(2) in subsection (b)—*

21                       *(A) in paragraph (1) by striking the semi-*  
22                       *colon and inserting “; and”;*

23                       *(B) by striking paragraph (2) and redesign-*  
24                       *ating paragraph (3) as paragraph (2); and*

1           (C) in paragraph (2) (as so redesignated)  
2           by striking “, Short Takeoff and Landing/Very  
3           Short Takeoff and Landing aircraft operations,”;  
4           and  
5           (3) in subsection (d) by striking “status of the”.

6           (b) *UPDATE VETERANS PREFERENCE DEFINITION.*—  
7           Section 47112(c) is amended—

8           (1) in paragraph (1)—

9           (A) in subparagraph (B) by striking “sepa-  
10           rated from” and inserting “discharged or re-  
11           leased from active duty in”; and

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

13           “(C) ‘Afghanistan-Iraq war veteran’ means an  
14           individual who served on active duty (as defined by  
15           section 101 of title 38) in the Armed Forces for a pe-  
16           riod of more than 180 consecutive days, any part of  
17           which occurred during the period beginning on Sep-  
18           tember 11, 2001, and ending on the date prescribed  
19           by presidential proclamation or by law as the last  
20           date of Operation Iraqi Freedom, and who was sepa-  
21           rated from the Armed Forces under honorable condi-  
22           tions.”; and

23           (2) in paragraph (2) by striking “veterans and”  
24           and inserting “veterans, Afghanistan-Iraq war vet-  
25           erans, and”.

1       (c) *CONSOLIDATION OF TERMINAL DEVELOPMENT*

2 *PROVISIONS.—Section 47119 is amended—*

3           (1) *by redesignating subsections (a), (b), (c), and*  
4 *(d) as subsections (b), (c), (d), and (e), respectively;*  
5 *and*

6           (2) *by inserting before subsection (b) (as so re-*  
7 *designated) the following:*

8       “(a) *TERMINAL DEVELOPMENT PROJECTS.—*

9           “(1) *IN GENERAL.—The Secretary may approve*  
10 *a project for terminal development (including*  
11 *multimodal terminal development) in a nonrevenue-*  
12 *producing public-use area of a commercial service*  
13 *airport—*

14           “(A) *if the sponsor certifies that the airport,*  
15 *on the date the grant application is submitted to*  
16 *the Secretary, has—*

17           “(i) *all the safety equipment required*  
18 *for certification of the airport under section*  
19 *44706;*

20           “(ii) *all the security equipment re-*  
21 *quired by regulation; and*

22           “(iii) *provided for access by passengers*  
23 *to the area of the airport for boarding or*  
24 *exiting aircraft that are not air carrier air-*  
25 *craft;*

1           “(B) if the cost is directly related to moving  
2           passengers and baggage in air commerce within  
3           the airport, including vehicles for moving pas-  
4           sengers between terminal facilities and between  
5           terminal facilities and aircraft; and

6           “(C) under terms necessary to protect the  
7           interests of the Government.

8           “(2) *PROJECT IN REVENUE-PRODUCING AREAS*  
9           *AND NONREVENUE-PRODUCING PARKING LOTS.—In*  
10          *making a decision under paragraph (1), the Secretary*  
11          *may approve as allowable costs the expenses of ter-*  
12          *минаl development in a revenue-producing area and*  
13          *construction, reconstruction, repair, and improvement*  
14          *in a nonrevenue-producing parking lot if—*

15               “(A) except as provided in section  
16               47108(e)(3), the airport does not have more than  
17               .05 percent of the total annual passenger  
18               boardings in the United States; and

19               “(B) the sponsor certifies that any needed  
20               airport development project affecting safety, secu-  
21               rity, or capacity will not be deferred because of  
22               the Secretary’s approval.”;

23               (3) in paragraphs (3) and (4)(A) of subsection  
24               (b) (as redesignated by paragraph (1) of this sub-

1        *section) by striking “section 47110(d)” and inserting*  
2        *“subsection (a)”;*

3            *(4) in paragraph (5) of subsection (b) (as redesi-*  
4        *gnated by paragraph (1) of this subsection) by strik-*  
5        *ing “subsection (b)(1) and (2)” and inserting “sub-*  
6        *sections (c)(1) and (c)(2)”;*

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

11           *(6) in paragraph (2)(B) of subsection (c) (as re-*  
12        *designated by paragraph (1) of this subsection) by*  
13        *striking “section 47110(d)” and inserting “subsection*  
14        *(a)”;*

15           *(7) in subsection (c)(5) (as redesignated by para-*  
16        *graph (1) of this subsection) by striking “section*  
17        *47110(d)” and inserting “subsection (a)”;* and

18           *(8) by adding at the end the following:*

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



1       (d) *ANNUAL REPORT.*—Section 47131(a) is amend-  
2 *ed*—

3           (1) *by striking “April 1” and inserting “June*  
4 *1”*; *and*

5           (2) *by striking paragraphs (1), (2), (3), and (4)*  
6 *and inserting the following:*

7           “*(1) a summary of airport development and*  
8 *planning completed;*

9           “*(2) a summary of individual grants issued;*

10          “*(3) an accounting of discretionary and appor-*  
11 *tioned funds allocated;*

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

13       (e) *CORRECTION TO EMISSION CREDITS PROVISION.*—  
14 *Section 47139 is amended—*

15           (1) *in subsection (a) by striking “47102(3)(F),”*;  
16 *and*

17           (2) *in subsection (b)—*

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

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

20       (f) *CONFORMING AMENDMENT TO CIVIL PENALTY AS-*  
21 *SESSMENT AUTHORITY.*—Section 46301(d)(2) is amended  
22 *by inserting “46319,” after “46318,”*.

23       (g) *OTHER CONFORMING AMENDMENTS.*—

1           (1) Sections 40117(a)(3)(B) is amended by strik-  
2           ing “section 47110(d)” and inserting “section  
3           47119(a)”.

4           (2) Section 47108(e)(3) is amended—

5                   (A) by striking “section 47110(d)(2)” and  
6                   inserting “section 47119(a)”; and

7                   (B) by striking “section 47110(d)” and in-  
8                   serting “section 47119(a)”.

9           (h) *CORRECTION TO SURPLUS PROPERTY AUTHOR-*  
10 *ITY.*—Section 47151(e) is amended by striking “(other than  
11 *real property*” and all that follows through “(10 U.S.C.  
12 *2687 note)*”.

13           (i) *AIRPORT CAPACITY BENCHMARK REPORTS.*—Sec-  
14 *tion 47175(2) is amended by striking “Airport Capacity*  
15 *Benchmark Report 2001” and inserting “2001 and 2004*  
16 *Airport Capacity Benchmark Reports or table 1 of the Fed-*  
17 *eral Aviation Administration’s most recent airport capac-*  
18 *ity benchmark report”.*

19 **SEC. 153. AIRPORT MASTER PLANS.**

20           Section 47101 is amended by adding at the end the  
21 *following:*

22           “(i) *ADDITIONAL GOALS FOR AIRPORT MASTER*  
23 *PLANS.*—*In addition to the goals set forth in subsection*  
24 *(g)(2), the Secretary shall encourage airport sponsors and*  
25 *State and local officials, through Federal Aviation Admin-*

1 *istration advisory circulars, to consider customer conven-*  
2 *ience, airport ground access, and access to airport facilities*  
3 *in airport master plans.”.*

4 **TITLE II—NEXT GENERATION**  
5 **AIR TRANSPORTATION SYS-**  
6 **TEM AND AIR TRAFFIC CON-**  
7 **TROL MODERNIZATION**

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

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

10 *(1) The United States faces a great national*  
11 *challenge as the Nation’s aviation infrastructure is at*  
12 *a crossroads.*

13 *(2) The demand for aviation services, a critical*  
14 *element of the United States economy, vital in sup-*  
15 *porting the quality of life of the people of the United*  
16 *States, and critical in support of the Nation’s defense*  
17 *and national security, is growing at an ever increas-*  
18 *ing rate. At the same time, the ability of the United*  
19 *States air transportation system to expand and*  
20 *change to meet this increasing demand is limited.*

21 *(3) The aviation industry accounts for more*  
22 *than 11,000,000 jobs in the United States and con-*  
23 *tributes approximately \$741,000,000,000 annually to*  
24 *the United States gross domestic product.*

1           (4) *The United States air transportation system*  
2 *continues to drive economic growth in the United*  
3 *States and will continue to be a major economic driv-*  
4 *er as air traffic triples over the next 20 years.*

5           (5) *The Next Generation Air Transportation*  
6 *System (in this section referred to as the “NextGen*  
7 *System”)* *is the system for achieving long-term trans-*  
8 *formation of the United States air transportation sys-*  
9 *tem that focuses on developing and implementing new*  
10 *technologies and that will set the stage for the long-*  
11 *term development of a scalable and more flexible air*  
12 *transportation system without compromising the un-*  
13 *precedented safety record of United States aviation.*

14           (6) *The benefits of the NextGen System, in terms*  
15 *of promoting economic growth and development, are*  
16 *enormous.*

17           (7) *The NextGen System will guide the path of*  
18 *the United States air transportation system in the*  
19 *challenging years ahead.*

20           (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
21 *that—*

22           (1) *modernizing the air transportation system is*  
23 *a national priority and the United States must make*  
24 *a commitment to revitalizing this essential component*  
25 *of the Nation’s transportation infrastructure;*

1           (2) *one fundamental requirement for the success*  
2 *of the NextGen System is strong leadership and suffi-*  
3 *cient resources;*

4           (3) *the Joint Planning and Development Office*  
5 *of the Federal Aviation Administration and the Next*  
6 *Generation Air Transportation System Senior Policy*  
7 *Committee, each established by Congress in 2003, will*  
8 *lead and facilitate this important national mission to*  
9 *ensure that the programs and capabilities of the*  
10 *NextGen System are carefully integrated and aligned;*

11          (4) *Government agencies and industry must*  
12 *work together, carefully integrating and aligning*  
13 *their work to meet the needs of the NextGen System*  
14 *in the development of budgets, programs, planning,*  
15 *and research;*

16          (5) *the Department of Transportation, the Fed-*  
17 *eral Aviation Administration, the Department of De-*  
18 *fense, the Department of Homeland Security, the De-*  
19 *partment of Commerce, and the National Aeronautics*  
20 *and Space Administration must work in cooperation*  
21 *and make transformational improvements to the*  
22 *United States air transportation infrastructure a pri-*  
23 *ority; and*

24          (6) *due to the critical importance of the NextGen*  
25 *System to the economic and national security of the*

1 *United States, partner departments and agencies*  
2 *must be provided with the resources required to com-*  
3 *plete the implementation of the NextGen System.*

4 **SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYS-**  
5 **TEM JOINT PLANNING AND DEVELOPMENT**  
6 **OFFICE.**

7 *(a) ESTABLISHMENT.—*

8 *(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT*  
9 *GENERATION AIR TRANSPORTATION SYSTEM.—Section*  
10 *709(a) of Vision 100—Century of Aviation Reauthor-*  
11 *ization Act (49 U.S.C. 40101 note; 117 Stat. 2582)*  
12 *is amended—*

13 *(A) by redesignating paragraphs (2), (3),*  
14 *and (4) as paragraphs (3), (4), and (5), respec-*  
15 *tively; and*

16 *(B) by inserting after paragraph (1) the fol-*  
17 *lowing:*

18 *“(2) The director of the Office shall be the Associate*  
19 *Administrator for the Next Generation Air Transportation*  
20 *System, who shall be appointed by the Administrator of the*  
21 *Federal Aviation Administration. The Associate Adminis-*  
22 *trator shall report to the Administrator.”.*

23 *(2) RESPONSIBILITIES.—Section 709(a)(3) of*  
24 *such Act (as redesignated by paragraph (1) of this*  
25 *subsection) is amended—*

1           (A) in subparagraph (G) by striking “;  
2 and” and inserting a semicolon;

3           (B) in subparagraph (H) by striking the  
4 period at the end and inserting a semicolon; and

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

6           “(I) establishing specific quantitative goals  
7 for the safety, capacity, efficiency, performance,  
8 and environmental impacts of each phase of Next  
9 Generation Air Transportation System imple-  
10 mentation activities and measuring actual oper-  
11 ational experience against those goals, taking  
12 into account noise pollution reduction concerns  
13 of affected communities to the greatest extent  
14 practicable in establishing the environmental  
15 goals;

16           “(J) working to ensure global interoper-  
17 ability of the Next Generation Air Transpor-  
18 tation System;

19           “(K) working to ensure the use of weather  
20 information and space weather information in  
21 the Next Generation Air Transportation System  
22 as soon as possible;

23           “(L) overseeing, with the Administrator of  
24 the Federal Aviation Administration, the selec-  
25 tion of products or outcomes of research and de-

1            *velopment activities that would be moved to the*  
2            *next stage of a demonstration project; and*

3            *“(M) maintaining a baseline modeling and*  
4            *simulation environment for testing and evalu-*  
5            *ating alternative concepts to satisfy Next Gen-*  
6            *eration Air Transportation enterprise architec-*  
7            *ture requirements.”.*

8            *(3) COOPERATION WITH OTHER FEDERAL AGEN-*  
9            *CIES.—Section 709(a)(4) of such Act (as redesignated*  
10           *by paragraph (1) of this subsection) is amended—*

11           *(A) by striking “(4)” and inserting*  
12           *“(4)(A)”;* and

13           *(B) by adding at the end the following:*

14           *“(B) The Secretary of Defense, the Administrator of*  
15           *the National Aeronautics and Space Administration, the*  
16           *Secretary of Commerce, the Secretary of Homeland Secu-*  
17           *rity, and the head of any other Federal agency from which*  
18           *the Secretary of Transportation requests assistance under*  
19           *subparagraph (A) shall designate a senior official in the*  
20           *agency to be responsible for—*

21           *“(i) carrying out the activities of the agency re-*  
22           *lating to the Next Generation Air Transportation*  
23           *System in coordination with the Office, including the*  
24           *execution of all aspects of the work of the agency in*



1       *developing and implementing the integrated work*  
2       *plan described in subsection (b)(5);*

3               “(ii) *serving as a liaison for the agency in ac-*  
4       *tivities of the agency relating to the Next Generation*  
5       *Air Transportation System and coordinating with*  
6       *other Federal agencies involved in activities relating*  
7       *to the System; and*

8               “(iii) *ensuring that the agency meets its obliga-*  
9       *tions as set forth in any memorandum of under-*  
10       *standing executed by or on behalf of the agency relat-*  
11       *ing to the Next Generation Air Transportation Sys-*  
12       *tem.*

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

15               “(i) *the responsibilities of the agency relating to*  
16       *the Next Generation Air Transportation System are*  
17       *clearly communicated to the senior official of the*  
18       *agency designated under subparagraph (B); and*

19               “(ii) *the performance of the senior official in*  
20       *carrying out the responsibilities of the agency relating*  
21       *to the Next Generation Air Transportation System is*  
22       *reflected in the official’s annual performance evalua-*  
23       *tions and compensation.*

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

1           “(i) establish or designate an office within the  
2           agency to carry out its responsibilities under the  
3           memorandum of understanding under the supervision  
4           of the designated official; and

5           “(ii) ensure that the designated official has suffi-  
6           cient budgetary authority and staff resources to carry  
7           out the agency’s Next Generation Air Transportation  
8           System responsibilities as set forth in the integrated  
9           plan under subsection (b).

10          “(E) Not later than 6 months after the date of enact-  
11          ment of this subparagraph, the head of each Federal agency  
12          that has responsibility for carrying out any activity under  
13          the integrated plan under subsection (b) shall execute a  
14          memorandum of understanding with the Office obligating  
15          that agency to carry out the activity.”.

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

19          “(6)(A) The Office shall work with the Director of the  
20          Office of Management and Budget to develop a process  
21          whereby the Director will identify projects related to the  
22          Next Generation Air Transportation System across the  
23          agencies referred to in paragraph (4)(A) and consider the  
24          Next Generation Air Transportation System as a unified,  
25          cross-agency program.

1       “(B) *The Director, to the maximum extent practicable,*  
2 *shall—*

3               “(i) *ensure that—*

4                       “(I) *each Federal agency covered by the*  
5 *plan has sufficient funds requested in the Presi-*  
6 *dent’s budget, as submitted under section*  
7 *1105(a) of title 31, United States Code, for each*  
8 *fiscal year covered by the plan to carry out its*  
9 *responsibilities under the plan; and*

10                      “(II) *the development and implementation*  
11 *of the Next Generation Air Transportation Sys-*  
12 *tem remains on schedule;*

13               “(ii) *include, in the President’s budget, a state-*  
14 *ment of the portion of the estimated budget of each*  
15 *Federal agency covered by the plan that relates to the*  
16 *activities of the agency under the Next Generation Air*  
17 *Transportation System initiative; and*

18               “(iii) *identify and justify as part of the Presi-*  
19 *dent’s budget submission any inconsistencies between*  
20 *the plan and amounts requested in the budget.*

21       “(7) *The Associate Administrator of the Next Genera-*  
22 *tion Air Transportation System shall be a voting member*  
23 *of the Joint Resources Council of the Federal Aviation Ad-*  
24 *ministration.”.*

1           (b) *INTEGRATED PLAN*.—Section 709(b) of such Act  
2 (117 Stat. 2583) is amended—

3           (1) *in the matter preceding paragraph (1)*—

4                   (A) *by striking “meets air” and inserting*  
5                   *“meets anticipated future air”*; and

6                   (B) *by striking “beyond those currently in-*  
7                   *cluded in the Federal Aviation Administration’s*  
8                   *operational evolution plan”*;

9           (2) *by striking “and” at the end of paragraph*  
10           (3);

11           (3) *by striking the period at the end of para-*  
12           *graph (4) and inserting “; and”*; and

13           (4) *by adding at the end the following:*

14                   *“(5) a multiagency integrated work plan for the*  
15                   *Next Generation Air Transportation System that in-*  
16                   *cludes—*

17                           *“(A) an outline of the activities required to*  
18                           *achieve the end-state architecture, as expressed in*  
19                           *the concept of operations and enterprise architec-*  
20                           *ture documents, that identifies each Federal*  
21                           *agency or other entity responsible for each activ-*  
22                           *ity in the outline;*

23                           *“(B) details on a year-by-year basis of spe-*  
24                           *cific accomplishments, activities, research re-*  
25                           *quirements, rulemakings, policy decisions, and*

1           *other milestones of progress for each Federal*  
2           *agency or entity conducting activities relating to*  
3           *the Next Generation Air Transportation System;*

4           “(C) *for each element of the Next Genera-*  
5           *tion Air Transportation System, an outline, on*  
6           *a year-by-year basis, of what is to be accom-*  
7           *plished in that year toward meeting the Next*  
8           *Generation Air Transportation System’s end-*  
9           *state architecture, as expressed in the concept of*  
10          *operations and enterprise architecture docu-*  
11          *ments, as well as identifying each Federal agen-*  
12          *cy or other entity that will be responsible for*  
13          *each component of any research, development, or*  
14          *implementation program;*

15          “(D) *an estimate of all necessary expendi-*  
16          *tures on a year-by-year basis, including a state-*  
17          *ment of each Federal agency or entity’s responsi-*  
18          *bility for costs and available resources, for each*  
19          *stage of development from the basic research*  
20          *stage through the demonstration and implemen-*  
21          *tation phase;*

22          “(E) *a clear explanation of how each step*  
23          *in the development of the Next Generation Air*  
24          *Transportation System will lead to the following*  
25          *step and of the implications of not successfully*

1           *completing a step in the time period described in*  
2           *the integrated work plan;*

3           “(F) *a transition plan for the implementa-*  
4           *tion of the Next Generation Air Transportation*  
5           *System that includes date-specific milestones for*  
6           *the implementation of new capabilities into the*  
7           *national airspace system;*

8           “(G) *date-specific timetables for meeting the*  
9           *environmental goals identified in subsection*  
10          *(a)(3)(I); and*

11          “(H) *a description of potentially significant*  
12          *operational or workforce changes resulting from*  
13          *deployment of the Next Generation Air Trans-*  
14          *portation System.”.*

15          (c) *NEXTGEN IMPLEMENTATION PLAN.—Section*  
16          *709(d) of such Act (117 Stat. 2584) is amended to read*  
17          *as follows:*

18          “(d) *NEXTGEN IMPLEMENTATION PLAN.—The Admin-*  
19          *istrator of the Federal Aviation Administration shall de-*  
20          *velop and publish annually the document known as the*  
21          *‘NextGen Implementation Plan’, or any successor docu-*  
22          *ment, that provides a detailed description of how the agency*  
23          *is implementing the Next Generation Air Transportation*  
24          *System.”.*

1       (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
2 709(e) of such Act (117 Stat. 2584) is amended by striking  
3 “2010” and inserting “2012”.

4       (e) *CONTINGENCY PLANNING.*—The Associate Adminis-  
5 trator for the Next Generation Air Transportation System  
6 shall, as part of the design of the System, develop contin-  
7 gency plans for dealing with the degradation of the System  
8 in the event of a natural disaster, major equipment failure,  
9 or act of terrorism.

10 **SEC. 203. NEXT GENERATION AIR TRANSPORTATION SEN-**  
11 **IOR POLICY COMMITTEE.**

12       (a) *MEETINGS.*—Section 710(a) of Vision 100—Cen-  
13 tury of Aviation Reauthorization Act (49 U.S.C. 40101  
14 note; 117 Stat. 2584) is amended by inserting before the  
15 period at the end the following “and shall meet at least  
16 twice each year”.

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

19       “(e) *ANNUAL REPORT.*—

20               “(1) *SUBMISSION TO CONGRESS.*—Not later than  
21 one year after the date of enactment of this subsection,  
22 and annually thereafter on the date of submission of  
23 the President’s budget request to Congress under sec-  
24 tion 1105(a) of title 31, United States Code, the Sec-  
25 retary shall submit to the Committee on Transpor-

1 *tation and Infrastructure and the Committee on*  
2 *Science and Technology of the House of Representa-*  
3 *tives and the Committee on Commerce, Science, and*  
4 *Transportation of the Senate a report summarizing*  
5 *the progress made in carrying out the integrated work*  
6 *plan required by section 709(b)(5) and any changes*  
7 *in that plan.*

8 “(2) *CONTENTS.*—*The report shall include—*

9 “(A) *a copy of the updated integrated work*  
10 *plan;*

11 “(B) *a description of the progress made in*  
12 *carrying out the integrated work plan and any*  
13 *changes in that plan, including any changes*  
14 *based on funding shortfalls and limitations set*  
15 *by the Office of Management and Budget;*

16 “(C) *a detailed description of—*

17 “(i) *the success or failure of each item*  
18 *of the integrated work plan for the previous*  
19 *year and relevant information as to why*  
20 *any milestone was not met; and*

21 “(ii) *the impact of not meeting the*  
22 *milestone and what actions will be taken in*  
23 *the future to account for the failure to com-*  
24 *plete the milestone;*



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

4           “(E) an identification of the levels of fund-  
5           ing for each agency participating in the inte-  
6           grated work plan devoted to programs and ac-  
7           tivities under the plan for the previous fiscal  
8           year and in the President’s budget request.”.

9   **SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**  
10           **CAST SERVICES.**

11           (a) *REPORT ON FAA PROGRAM AND SCHEDULE.*—

12                   (1) *IN GENERAL.*—*The Administrator of the Fed-*  
13                   *eral Aviation Administration shall prepare a report*  
14                   *detailing the program and schedule for integrating*  
15                   *automatic dependent surveillance-broadcast (in this*  
16                   *section referred to as “ADS-B”) technology into the*  
17                   *national airspace system.*

18                   (2) *CONTENTS.*—*The report shall include—*

19                           (A) *a description of segment 1 and segment*  
20                           *2 activity to acquire ADS-B services;*

21                           (B) *a description of plans for implementa-*  
22                           *tion of advanced operational procedures and*  
23                           *ADS-B air-to-air applications;*

24                           (C) *a description of possible options for ex-*  
25                           *panding surveillance coverage beyond the ground*

1            *stations currently under contract, including en-*  
2            *hanced ground signal coverage at airports; and*

3            *(D) a detailed description of the protections*  
4            *that the Administration will require as part of*  
5            *any contract or program in the event of a con-*  
6            *tractor's default, bankruptcy, acquisition by an-*  
7            *other entity, or any other event jeopardizing the*  
8            *uninterrupted provision of ADS-B services.*

9            *(3) SUBMISSION TO CONGRESS.—Not later than*  
10          *90 days after the date of enactment of this Act, the*  
11          *Administrator shall submit to the Committee on*  
12          *Transportation and Infrastructure of the House of*  
13          *Representatives and the Committee on Commerce,*  
14          *Science, and Transportation of the Senate the report*  
15          *prepared under paragraph (1).*

16          *(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B*  
17          *SERVICES.—Any contract entered into by the Adminis-*  
18          *trator with an entity to acquire ADS-B services shall con-*  
19          *tain terms and conditions that—*

20                  *(1) require approval by the Administrator before*  
21                  *the contract may be assigned to or assumed by an-*  
22                  *other entity, including any successor entity, sub-*  
23                  *subsidiary of the contractor, or other corporate entity;*

24                  *(2) provide that the assets, equipment, hardware,*  
25                  *and software used in the performance of the contract*

1       *be designated as critical national infrastructure for*  
2       *national security and related purposes;*

3           (3) *require the contractor to provide continued*  
4       *broadcast services for a reasonable period, as deter-*  
5       *mined by the Administrator, until the provision of*  
6       *such services can be transferred to another vendor or*  
7       *to the Government in the event of a termination of the*  
8       *contract;*

9           (4) *require the contractor to provide continued*  
10       *broadcast services for a reasonable period, as deter-*  
11       *mined by the Administrator, until the provision of*  
12       *such services can be transferred to another vendor or*  
13       *to the Government in the event of material non-*  
14       *performance, as determined by the Administrator;*  
15       *and*

16           (5) *permit the Government to acquire or utilize*  
17       *for a reasonable period, as determined by the Admin-*  
18       *istrator, the assets, equipment, hardware, and soft-*  
19       *ware necessary to ensure the continued and uninter-*  
20       *rupted provision of ADS-B services and to have ready*  
21       *access to such assets, equipment, hardware, and soft-*  
22       *ware through its own personnel, agents, or others, if*  
23       *the Administrator provides reasonable compensation*  
24       *for such acquisition or utilization.*

25       (c) *REVIEW BY DOT INSPECTOR GENERAL.—*

1           (1) *IN GENERAL.*—*The Inspector General of the*  
2           *Department of Transportation shall conduct a review*  
3           *concerning the Federal Aviation Administration’s*  
4           *award and oversight of any contract entered into by*  
5           *the Administration to provide ADS-B services for the*  
6           *national airspace system.*

7           (2) *CONTENTS.*—*The review shall include, at a*  
8           *minimum—*

9                   (A) *an examination of how program risks*  
10                  *are being managed;*

11                   (B) *an assessment of expected benefits at-*  
12                  *tributable to the deployment of ADS-B services,*  
13                  *including the implementation of advanced oper-*  
14                  *ational procedures and air-to-air applications as*  
15                  *well as to the extent to which ground radar will*  
16                  *be retained;*

17                   (C) *a determination of whether the Admin-*  
18                  *istration has established sufficient mechanisms to*  
19                  *ensure that all design, acquisition, operation,*  
20                  *and maintenance requirements have been met by*  
21                  *the contractor;*

22                   (D) *an assessment of whether the Adminis-*  
23                  *tration and any contractors are meeting cost,*  
24                  *schedule, and performance milestones, as meas-*  
25                  *ured against the original baseline of the Admin-*

1 *istration's program for providing ADS-B serv-*  
 2 *ices;*

3 *(E) an assessment of whether security issues*  
 4 *are being adequately addressed in the overall de-*  
 5 *sign and implementation of the ADS-B system;*  
 6 *and*

7 *(F) any other matters or aspects relating to*  
 8 *contract implementation and oversight that the*  
 9 *Inspector General determines merit attention.*

10 *(3) REPORTS TO CONGRESS.—The Inspector*  
 11 *General shall periodically, on at least an annual*  
 12 *basis, submit to the Committee on Transportation*  
 13 *and Infrastructure of the House of Representatives*  
 14 *and the Committee on Commerce, Science, and Trans-*  
 15 *portation of the Senate a report on the results of the*  
 16 *review conducted under this subsection.*

17 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**  
 18 **CONTROL MODERNIZATION PROJECTS.**

19 *(a) IN GENERAL.—The Administrator of the Federal*  
 20 *Aviation Administration shall establish a process for in-*  
 21 *cluding in the planning, development, and deployment of*  
 22 *air traffic control modernization projects (including the*  
 23 *Next Generation Air Transportation System) and collabo-*  
 24 *rating with qualified employees selected by each exclusive*  
 25 *collective bargaining representative of employees of the Ad-*

1 *ministration who are likely to be impacted by such plan-*  
2 *ning, development, and deployment.*

3 *(b) PARTICIPATION.—*

4 *(1) BARGAINING OBLIGATIONS AND RIGHTS.—*

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

10 *(2) CAPACITY AND COMPENSATION.—Exclusive*

11 *collective bargaining representatives and selected em-*  
12 *ployees participating in the process described in sub-*  
13 *section (a) shall—*

14 *(A) serve in a collaborative and advisory*  
15 *capacity; and*

16 *(B) receive appropriate travel and per diem*  
17 *expenses in accordance with the travel policies of*  
18 *the Administration in addition to any regular*  
19 *compensation and benefits.*

20 *(c) REPORT.—Not later than 180 days after the date*  
21 *of enactment of this Act, the Administrator shall submit*  
22 *to the Committee on Transportation and Infrastructure of*  
23 *the House of Representatives and the Committee on Com-*  
24 *merce, Science, and Transportation of the Senate a report*  
25 *on the implementation of this section.*

1 **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**  
2 **TRANSFORMING TO THE NEXT GENERATION**  
3 **AIR TRANSPORTATION SYSTEM.**

4 (a) *IN GENERAL.*—*The Comptroller General shall con-*  
5 *duct a review of the progress and challenges associated with*  
6 *transforming the Nation’s air traffic control system into the*  
7 *Next Generation Air Transportation System (in this section*  
8 *referred to as the “NextGen System”).*

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

10 (1) *An evaluation of the continued implementa-*  
11 *tion and institutionalization of the processes that are*  
12 *key to the ability of the Air Traffic Organization to*  
13 *effectively maintain management structures and sys-*  
14 *tems acquisitions procedures utilized under the cur-*  
15 *rent air traffic control modernization program as a*  
16 *basis for the NextGen System.*

17 (2) *An assessment of the progress and challenges*  
18 *associated with collaboration and contributions of the*  
19 *partner agencies working with the Joint Planning*  
20 *and Development Office of the Federal Aviation Ad-*  
21 *ministration (in this section referred to as the*  
22 *“JPDO”) in planning and implementing the NextGen*  
23 *System.*

24 (3) *The progress and challenges associated with*  
25 *coordinating government and industry stakeholders in*  
26 *activities relating to the NextGen System, including*

1        *an assessment of the contributions of the NextGen In-*  
2        *stitute.*

3                (4) *An assessment of planning and implementa-*  
4        *tion of the NextGen System against established sched-*  
5        *ules, milestones, and budgets.*

6                (5) *An evaluation of the recently modified orga-*  
7        *nizational structure of the JPDO.*

8                (6) *An examination of transition planning by*  
9        *the Air Traffic Organization and the JPDO.*

10               (7) *Any other matters or aspects of planning and*  
11        *coordination of the NextGen System by the Federal*  
12        *Aviation Administration and the JPDO that the*  
13        *Comptroller General determines appropriate.*

14        (c) *REPORTS.—*

15               (1) *REPORT TO CONGRESS ON PRIORITIES.—Not*  
16        *later than 1 after the date of enactment of this Act,*  
17        *the Comptroller General shall determine the priority*  
18        *of topics to be reviewed under this section and report*  
19        *such priorities to the Committee on Transportation*  
20        *and Infrastructure and the Committee on Science and*  
21        *Technology of the House of Representatives and the*  
22        *Committee on Commerce, Science, and Transpor-*  
23        *tation of the Senate.*

24               (2) *PERIODIC REPORTS TO CONGRESS ON RE-*  
25        *SULTS OF THE REVIEW.—The Comptroller General*



1       *shall periodically submit to the committees referred to*  
2       *in paragraph (1) a report on the results of the review*  
3       *conducted under this section.*

4   **SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANS-**  
5                   **PORTATION SYSTEM ACQUISITION AND PRO-**  
6                   **CEDURES DEVELOPMENT.**

7       *(a) STUDY.—The Comptroller General shall conduct a*  
8       *review of the progress made and challenges related to the*  
9       *acquisition of designated technologies and the development*  
10      *of procedures for the Next Generation Air Transportation*  
11      *System (in this section referred to as the “NextGen Sys-*  
12      *tem”).*

13      *(b) SPECIFIC SYSTEMS REVIEW.—The review shall in-*  
14      *clude, at a minimum, an examination of the acquisition*  
15      *costs, schedule, and other relevant considerations for the fol-*  
16      *lowing systems:*

17              *(1) En Route Automation Modernization*  
18              *(ERAM).*

19              *(2) Standard Terminal Automation Replacement*  
20              *System/Common Automated Radar Terminal System*  
21              *(STARS/CARTS).*

22              *(3) Automatic Dependent Surveillance-Broadcast*  
23              *(ADS-B).*

24              *(4) System Wide Information Management*  
25              *(SWIM).*

1           (5) *Traffic Flow Management Modernization*  
2           *(TFM-M)*.

3           (c) *REVIEW*.—*The review shall include, at a min-*  
4 *imum, an assessment of the progress and challenges related*  
5 *to the development of standards, regulations, and proce-*  
6 *dures that will be necessary to implement the NextGen Sys-*  
7 *tem, including required navigation performance, area navi-*  
8 *gation, the airspace management program, and other pro-*  
9 *grams and procedures that the Comptroller General identi-*  
10 *fies as relevant to the transformation of the air traffic sys-*  
11 *tem.*

12          (d) *PERIODIC REPORTS TO CONGRESS ON RESULTS OF*  
13 *THE REVIEW*.—*The Comptroller General shall periodically*  
14 *submit to the Committee on Transportation and Infrastruc-*  
15 *ture and the Committee on Science and Technology of the*  
16 *House of Representatives and the Committee on Commerce,*  
17 *Science, and Transportation of the Senate a report on the*  
18 *results of the review conducted under this section.*

19 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**  
20 **ATIONAL AND APPROACH PROCEDURES BY A**  
21 **THIRD PARTY.**

22          (a) *REVIEW*.—*The Inspector General of the Depart-*  
23 *ment of Transportation shall conduct a review regarding*  
24 *the effectiveness of the oversight activities conducted by the*  
25 *Federal Aviation Administration in connection with any*

1 *agreement with or delegation of authority to a third party*  
2 *for the development of flight procedures, including public*  
3 *use procedures, for the national airspace system.*

4 (b) *ASSESSMENTS.*—*The Inspector General shall in-*  
5 *clude, at a minimum, in the review—*

6 (1) *an assessment of the extent to which the Fed-*  
7 *eral Aviation Administration is relying or intends to*  
8 *rely on a third party for the development of new pro-*  
9 *cedures and a determination of whether the Adminis-*  
10 *tration has established sufficient mechanisms and*  
11 *staffing to provide safety oversight functions, which*  
12 *may include quality assurance processes, flight checks,*  
13 *integration of procedures into the National Aviation*  
14 *System, and operational assessments of procedures de-*  
15 *veloped by third parties; and*

16 (2) *an assessment regarding whether the Admin-*  
17 *istration has sufficient existing personnel and tech-*  
18 *nical resources or mechanisms to develop such flight*  
19 *procedures in a safe and efficient manner to meet the*  
20 *demands of the national airspace system without the*  
21 *use of third party resources.*

22 (c) *REPORT.*—*Not later than 1 after the date of enact-*  
23 *ment of this Act, the Inspector General shall submit to the*  
24 *Committee on Transportation and Infrastructure of the*  
25 *House of Representatives and the Committee on Commerce,*

1 *Science, and Transportation of the Senate a report on the*  
2 *results of the review conducted under this section, including*  
3 *the assessments described in subsection (b).*

4 **SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**  
5 **FOR NEXT GENERATION AIR TRANSPOR-**  
6 **TATION SYSTEM.**

7 (a) *REVIEW.*—*The Administrator of the Federal Avia-*  
8 *tion Administration shall enter into an arrangement with*  
9 *the National Research Council to review the enterprise ar-*  
10 *chitecture for the Next Generation Air Transportation Sys-*  
11 *tem.*

12 (b) *CONTENTS.*—*At a minimum, the review to be con-*  
13 *ducted under subsection (a) shall—*

14 (1) *highlight the technical activities, including*  
15 *human-system design, organizational design, and*  
16 *other safety and human factor aspects of the system,*  
17 *that will be necessary to successfully transition cur-*  
18 *rent and planned modernization programs to the fu-*  
19 *ture system envisioned by the Joint Planning and De-*  
20 *velopment Office of the Administration;*

21 (2) *assess technical, cost, and schedule risk for*  
22 *the software development that will be necessary to*  
23 *achieve the expected benefits from a highly automated*  
24 *air traffic management system and the implications*  
25 *for ongoing modernization projects; and*

1           (3) include judgments on how risks with automa-  
2           tion efforts for the Next Generation Air Transpor-  
3           tation System can be mitigated based on the experi-  
4           ences of other public or private entities in developing  
5           complex, software-intensive systems.

6           (c) *REPORT*.—Not later than 1 after the date of enact-  
7           ment of this Act, the Administrator shall submit to Congress  
8           a report containing the results of the review conducted pur-  
9           suant to subsection (a).

10 **SEC. 210. NEXTGEN TECHNOLOGY TESTBED.**

11           Of amounts appropriated under section 48101(a) of  
12           title 49, United States Code, the Administrator of the Fed-  
13           eral Aviation Administration shall use such sums as may  
14           be necessary for each of the fiscal years 2010 through 2012  
15           to contribute to the establishment by a public-private part-  
16           nership (including a university component with significant  
17           aviation expertise in air traffic management, simulation,  
18           meteorology, and engineering and aviation business) an  
19           airport-based testing site for existing Next Generation Air  
20           Transport System technologies. The Administrator shall en-  
21           sure that next generation air traffic control integrated sys-  
22           tems developed by private industries are installed at the site  
23           for demonstration, operational research, and evaluation by  
24           the Administration. The testing site shall serve a mix of  
25           general aviation and commercial traffic.

1 **SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
2 **REIMBURSABLE AGREEMENTS.**

3 *Section 106(m) is amended in the last sentence by in-*  
4 *serting “with or” before “without reimbursement”.*

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

6 *Section 40102(a)(4) is amended—*

7 *(1) by redesignating subparagraph (D) as sub-*  
8 *paragraph (E);*

9 *(2) by striking subparagraphs (B) and (C) and*  
10 *inserting the following:*

11 *“(B) runway lighting and airport surface*  
12 *visual and other navigation aids;*

13 *“(C) aeronautical and meteorological infor-*  
14 *mation to air traffic control facilities or aircraft;*

15 *“(D) communication, navigation, or sur-*  
16 *veillance equipment for air-to-ground or air-to-*  
17 *air applications;”;*

18 *(3) in subparagraph (E) (as redesignated by*  
19 *paragraph (1) of this section)—*

20 *(A) by striking “another structure” and in-*  
21 *serting “any structure, equipment,”; and*

22 *(B) by striking the period at the end and*  
23 *inserting “; and”; and*

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

25 *“(F) buildings, equipment, and systems*  
26 *dedicated to the national airspace system.”.*

1 **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
2 **TORY.**

3 *Section 40110(a)(2) is amended by striking “com-*  
4 *pensation” and inserting “compensation, and the amount*  
5 *received shall be credited as an offsetting collection to the*  
6 *account from which the amount was expended and shall re-*  
7 *main available until expended”.*

8 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**  
9 **THORITY.**

10 *Section 40110(c) is amended—*

11 *(1) by striking the semicolon at the end of para-*  
12 *graph (3) and inserting “; and”;*

13 *(2) by striking paragraph (4); and*

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

16 **SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
17 **TIES.**

18 *Section 40113(e) is amended—*

19 *(1) in paragraph (1)—*

20 *(A) by inserting “public and private” before*  
21 *“foreign aviation authorities”; and*

22 *(B) by striking the period at the end of the*  
23 *first sentence and inserting “or efficiency. The*  
24 *Administrator may participate in, and submit*  
25 *offers in response to, competitions to provide*  
26 *such services and may contract with foreign*

1           *aviation authorities to provide such services con-*  
2           *sistent with section 106(l)(6). Notwithstanding*  
3           *any other provision of law or policy, the Admin-*  
4           *istrator may accept payments received under*  
5           *this subsection in arrears.”; and*

6           *(2) in paragraph (3) by striking “credited” and*  
7           *all that follows through the period at the end and in-*  
8           *serting “credited as an offsetting collection to the ac-*  
9           *count from which the expenses were incurred in pro-*  
10          *viding such services and shall remain available until*  
11          *expended.”.*

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

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

18          *(b) CONSIDERATIONS.—In conducting the study, the*  
19          *Administrator shall take into consideration—*

20                  *(1) the number of supervisory positions of oper-*  
21                  *ation requiring watch coverage in each air traffic*  
22                  *control facility;*

23                  *(2) coverage requirements in relation to traffic*  
24                  *demand;*

25                  *(3) facility type;*



1           (4) *complexity of traffic and managerial respon-*  
2           *sibilities;*

3           (5) *proficiency and training requirements; and*

4           (6) *such other factors as the Administrator con-*  
5           *siders appropriate.*

6           (c) *DETERMINATIONS.—The Administrator shall*  
7           *transmit any determinations made as a result of the study*  
8           *to the Chief Operating Officer for the air traffic control sys-*  
9           *tem.*

10          (d) *REPORT.—Not later than 1 after the date of enact-*  
11          *ment of this Act, the Administrator shall submit to the*  
12          *Committee on Transportation and Infrastructure of the*  
13          *House of Representatives and the Committee on Commerce,*  
14          *Science, and Transportation of the Senate a report on the*  
15          *results of the study and a description of any determinations*  
16          *submitted to the Chief Operating Officer under subsection*  
17          *(c).*

18          **SEC. 217. FLIGHT SERVICE STATIONS.**

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

1       (b) *COMPONENTS.*—At a minimum, the monitoring  
2 *system shall include mechanisms to monitor—*

3           (1) *flight specialist staffing plans for individual*  
4 *facilities;*

5           (2) *actual staffing levels for individual facilities;*

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

11           (4) *system outages, excessive hold times, dropped*  
12 *calls, poor quality briefings, and any other safety or*  
13 *customer service issues under a contract for flight*  
14 *service station services.*

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

21           (1) *a description of monitoring system;*

22           (2) *if the Administrator determines that contrac-*  
23 *tual changes or corrective actions are required for the*  
24 *Administration to ensure that the vendor under a*  
25 *contract for flight service station services provides safe*

1        *and high quality service to consumers, a description*  
2        *of the changes or actions required; and*

3                *(3) a description of the contingency plans of the*  
4        *Administrator and the protections that the Adminis-*  
5        *trator will have in place to provide uninterrupted*  
6        *flight service station services in the event of—*

7                *(A) material non-performance of the con-*  
8        *tract;*

9                *(B) a vendor’s default, bankruptcy, or ac-*  
10        *quisition by another entity; or*

11                *(C) any other event that could jeopardize*  
12        *the uninterrupted provision of flight service sta-*  
13        *tion services.*

14    **SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**  
15                **TER OF EXCELLENCE.**

16        *(a) ESTABLISHMENT.—Of the amount appropriated*  
17        *under section 48101(a) of title 49, United States Code, the*  
18        *Administrator of the Federal Aviation Administration shall*  
19        *use such sums as may be necessary for each of fiscal years*  
20        *2010 through 2012 to contribute to the establishment of a*  
21        *center of excellence for the research and development of Next*  
22        *Generation Air Transportation System technologies.*

23        *(b) FUNCTIONS.—The center established under sub-*  
24        *section (a) shall—*

1           (1) *leverage the centers of excellence program of*  
2 *the Federal Aviation Administration, as well as other*  
3 *resources and partnerships, to enhance the develop-*  
4 *ment of Next Generation Air Transportation System*  
5 *technologies within academia and industry; and*

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

11 **SEC. 219. AIRSPACE REDESIGN.**

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

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

19           (2) *The critical importance of airspace redesign*  
20 *efforts is underscored by the fact that they are high-*  
21 *lighted in strategic plans of the Administration, in-*  
22 *cluding Flight Plan 2009–2013 and the document*  
23 *known as the “NextGen Implementation Plan”.*

1           (3) *Funding cuts have led to delays and deferrals*  
2           *of critical capacity enhancing airspace redesign ef-*  
3           *forts.*

4           (4) *Several new runways planned for the period*  
5           *of fiscal years 2010 to 2012 will not provide esti-*  
6           *mated capacity benefits without additional funds.*

7           (b) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*  
8           *tion to amounts authorized by section 106(k) of title 49,*  
9           *United States Code, there are authorized to be appropriated*  
10           *to the Administrator of the Federal Aviation Administra-*  
11           *tion \$20,000,000 for each of fiscal years 2010, 2011, and*  
12           *2012 to carry out such airspace redesign initiatives as the*  
13           *Administrator determines appropriate.*

14           (c) *ADDITIONAL AMOUNTS.—Of the amounts appro-*  
15           *priated under section 48101(a) of such title, the Adminis-*  
16           *trator may use \$5,000,000 for each of fiscal years 2010,*  
17           *2011, and 2012 to carry out such airspace redesign initia-*  
18           *tives as the Administrator determines appropriate.*

## 19                           **TITLE III—SAFETY**

### 20                   **Subtitle A—General Provisions**

#### 21           **SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-** 22                           **TIFICATES.**

23           (a) *JUDICIAL REVIEW OF NTSB DECISIONS.—Section*  
24           *44703(d) is amended by adding at the end the following:*

1           “(3) *JUDICIAL REVIEW*.—A person who is sub-  
2           stantially affected by an order of the Board under  
3           this subsection, or the Administrator if the Adminis-  
4           trator decides that an order of the Board will have a  
5           significant adverse impact on carrying out this sub-  
6           title, may seek judicial review of the order under sec-  
7           tion 46110. The Administrator shall be made a party  
8           to the judicial review proceedings. The findings of fact  
9           of the Board in any such case are conclusive if sup-  
10          ported by substantial evidence.”.

11          (b) *CONFORMING AMENDMENT*.—Section 1153(c) is  
12          amended by striking “section 44709 or” and inserting “sec-  
13          tion 44703(d), 44709, or”.

14          **SEC. 302. RELEASE OF DATA RELATING TO ABANDONED**  
15                                **TYPE CERTIFICATES AND SUPPLEMENTAL**  
16                                **TYPE CERTIFICATES.**

17          (a) *RELEASE OF DATA*.—Section 44704(a) is amended  
18          by adding at the end the following:

19                       “(5) *RELEASE OF DATA*.—

20                               “(A) *IN GENERAL*.—Notwithstanding any  
21                               other provision of law, the Administrator may  
22                               make available upon request to a person seeking  
23                               to maintain the airworthiness of an aircraft, en-  
24                               gine, propeller, or appliance, engineering data in  
25                               the possession of the Administration relating to

1           *a type certificate or a supplemental type certifi-*  
2           *cate for such aircraft, engine, propeller, or appli-*  
3           *ance, without the consent of the owner of record,*  
4           *if the Administrator determines that—*

5                     *“(i) the certificate containing the re-*  
6                     *quested data has been inactive for 3 or more*  
7                     *years;*

8                     *“(ii) after using due diligence, the Ad-*  
9                     *ministrator is unable to find the owner of*  
10                    *record, or the owner of record’s heir, of the*  
11                    *type certificate or supplemental certificate;*  
12                    *and*

13                    *“(iii) making such data available will*  
14                    *enhance aviation safety.*

15                    *“(B) ENGINEERING DATA DEFINED.—In*  
16                    *this section, the term ‘engineering data’ as used*  
17                    *with respect to an aircraft, engine, propeller, or*  
18                    *appliance means type design drawing and speci-*  
19                    *fications for the entire aircraft, engine, propeller,*  
20                    *or appliance or change to the aircraft, engine,*  
21                    *propeller, or appliance, including the original*  
22                    *design data, and any associated supplier data*  
23                    *for individual parts or components approved as*  
24                    *part of the particular certificate for the aircraft*  
25                    *engine, propeller, or appliance.”.*

1       (b) *DESIGN ORGANIZATION CERTIFICATES.*—Section  
2 44704(e)(1) is amended by striking “Beginning 7 years  
3 after the date of enactment of this subsection,” and inserting  
4 “Beginning January 1, 2014,”.

5 **SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.**

6       (a) *IN GENERAL.*—Chapter 447 is amended by adding  
7 at the end the following:

8 **“§ 44730. Inspection of foreign repair stations**

9       “(a) *IN GENERAL.*—Not later than one year after the  
10 date of enactment of this section, and annually thereafter,  
11 the Administrator of the Federal Aviation Administration  
12 shall—

13               “(1) submit to Congress a certification that each  
14 foreign repair station that is certified by the Admin-  
15 istrator under part 145 of title 14, Code of Federal  
16 Regulations, and performs work on air carrier air-  
17 craft or components has been inspected by safety in-  
18 spectors of the Administration not fewer than 2 times  
19 in the preceding calendar year;

20               “(2) modify the certification requirements under  
21 such part to include testing for the use of alcohol or  
22 a controlled substance in accordance with section  
23 45102 of any individual performing a safety-sensitive  
24 function at a foreign aircraft repair station, includ-  
25 ing an individual working at a station of a third



1       *party with whom an air carrier contracts to perform*  
2       *work on air carrier aircraft or components; and*

3               “(3) *continue to hold discussions with countries*  
4       *that have foreign repair stations that perform work*  
5       *on air carrier aircraft and components to ensure har-*  
6       *monization of the safety standards of such countries*  
7       *with those of the United States, including standards*  
8       *governing maintenance requirements, education and*  
9       *licensing of maintenance personnel, training, over-*  
10       *sight, and mutual inspection of work sites.*

11       “(b) *REGULATORY AUTHORITY WITH RESPECT TO*  
12       *CERTAIN FOREIGN REPAIR STATIONS.—With respect to re-*  
13       *pair stations that are located in countries that are party*  
14       *to the agreement entitled “Agreement between the United*  
15       *States of America and the European Community on Co-*  
16       *operation in the Regulation of Civil Aviation Safety”,*  
17       *dated June 30, 2008, the requirements of subsection (a) are*  
18       *an exercise of the rights of the United States under para-*  
19       *graph A of Article 15 of the Agreement, which provides that*  
20       *nothing in the Agreement shall be construed to limit the*  
21       *authority of a party to determine through its legislative,*  
22       *regulatory, and administrative measures, the level of protec-*  
23       *tion it considers appropriate for civil aviation safety.”.*

24       “(b) *CLERICAL AMENDMENT.—The analysis for such*  
25       *chapter is amended by adding at the end the following:*

“44730. *Inspection of foreign repair stations.*”.

1 **SEC. 304. RUNWAY SAFETY.**

2 (a) *STRATEGIC RUNWAY SAFETY PLAN.*—

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

8 (2) *CONTENTS OF PLAN.*—The strategic runway  
9 safety plan—

10 (A) shall include, at a minimum—

11 (i) goals to improve runway safety;

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

15 (iii) timeframes and resources needed  
16 for the actions described in clause (ii); and

17 (iv) a continuous evaluative process to  
18 track performance toward the goals referred  
19 to in clause (i); and

20 (B) shall address the increased runway safe-  
21 ty risk associated with the expected increased  
22 volume of air traffic.

23 (b) *PLAN FOR INSTALLATION AND DEPLOYMENT OF*  
24 *SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY IN-*  
25 *CURSIONS.*—Not later than December 31, 2009, the Admin-  
26 istrator of the Federal Aviation Administration shall sub-

1 *mit to Congress a report containing a plan for the installa-*  
2 *tion and deployment of systems the Administration is in-*  
3 *stalling to alert controllers or flight crews, or both, of poten-*  
4 *tial runway incursions. The plan shall be integrated into*  
5 *the annual NextGen Implementation Plan document of the*  
6 *Administration or any successor document.*

7 **SEC. 305. 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 Fed-*  
10 *eral Aviation Administration shall begin to issue improved*  
11 *pilot licenses consistent with the requirements of title 49,*  
12 *United States Code, and title 14, Code of Federal Regula-*  
13 *tions.*

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 photo-*  
21 *graph, a biometric identifier, or any other unique*  
22 *identifier that the Administrator considers necessary.*

23       *(c) TAMPERING.—To the extent practical, the Admin-*  
24 *istrator shall develop methods to determine or reveal wheth-*  
25 *er any component or security feature of a license issued*

1 *under subsection (a) has been tampered, altered, or counter-*  
2 *feited.*

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

6       (e) *REPORT.*—*Not later than 9 months after the date*  
7 *of enactment of this Act and every 6 months thereafter until*  
8 *September 30, 2012, the Administrator shall submit to the*  
9 *Committee on Transportation and Infrastructure of the*  
10 *House of Representatives and the Committee on Commerce,*  
11 *Science, and Transportation of the Senate a report on the*  
12 *issuance of improved pilot licenses under this section.*

13 **SEC. 306. FLIGHT CREW FATIGUE.**

14       (a) *IN GENERAL.*—*Not later than 3 months after the*  
15 *date of enactment of this Act, the Administrator of the Fed-*  
16 *eral Aviation Administration shall conclude arrangements*  
17 *with the National Academy of Sciences for a study of pilot*  
18 *fatigue.*

19       (b) *STUDY.*—*The study shall include consideration*  
20 *of—*

21               (1) *research on pilot fatigue, sleep, and circa-*  
22 *dian rhythms;*

23               (2) *sleep and rest requirements of pilots rec-*  
24 *ommended by the National Aeronautics and Space*

1       *Administration and the National Transportation*  
2       *Safety Board; and*

3               (3) *Federal Aviation Administration and inter-*  
4       *national standards regarding flight limitations and*  
5       *rest for pilots.*

6       (c) *REPORT.*—*Not later than 18 months after initi-*  
7       *ating the study, the National Academy of Sciences shall*  
8       *submit to the Administrator a report containing its find-*  
9       *ings and recommendations regarding the study under sub-*  
10       *sections (a) and (b), including recommendations with re-*  
11       *spect to Federal Aviation Administration regulations gov-*  
12       *erning flight time limitations and rest requirements for pi-*  
13       *lots.*

14       (d) *RULEMAKING.*—*After the Administrator receives*  
15       *the report of the National Academy of Sciences, the Admin-*  
16       *istrator shall consider the findings in the report and update*  
17       *as appropriate based on scientific data Federal Aviation*  
18       *Administration regulations governing flight time limita-*  
19       *tions and rest requirements for pilots.*

20       (e) *FLIGHT ATTENDANT FATIGUE.*—

21               (1) *STUDY.*—*The Administrator, acting through*  
22       *the Civil Aerospace Medical Institute, shall conduct a*  
23       *study on the issue of flight attendant fatigue.*

24               (2) *CONTENTS.*—*The study shall include the fol-*  
25       *lowing:*

1           (A) *A survey of field operations of flight at-*  
2           *tendants.*

3           (B) *A study of incident reports regarding*  
4           *flight attendant fatigue.*

5           (C) *Field research on the effects of such fa-*  
6           *tigue.*

7           (D) *A validation of models for assessing*  
8           *flight attendant fatigue.*

9           (E) *A review of international policies and*  
10          *practices regarding flight limitations and rest of*  
11          *flight attendants.*

12          (F) *An analysis of potential benefits of*  
13          *training flight attendants regarding fatigue.*

14          (3) *REPORT.*—*Not later than June 30, 2010, the*  
15          *Administrator shall submit to Congress a report on*  
16          *the results of the study.*

17          (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
18          *authorized to be appropriated such sums as may be nec-*  
19          *essary to carry out this section.*

20          **SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STAND-**  
21                                   **ARDS FOR FLIGHT ATTENDANTS ON BOARD**  
22                                   **AIRCRAFT.**

23          (a) *IN GENERAL.*—*Chapter 447 (as amended by sec-*  
24          *tion 303 of this Act) is further amended by adding at the*  
25          *end the following:*

1 **“§44731. Occupational safety and health standards**  
2 **for flight attendants on board aircraft**

3 “(a) *IN GENERAL.*—*The Administrator of the Federal*  
4 *Aviation Administration shall prescribe and enforce stand-*  
5 *ards and regulations to ensure the occupational safety and*  
6 *health of individuals serving as flight attendants in the*  
7 *cabin of an aircraft of an air carrier.*

8 “(b) *STANDARDS AND REGULATIONS.*—*Standards and*  
9 *regulations issued under this section shall require each air*  
10 *carrier operating an aircraft in air transportation—*

11 “(1) *to provide for an environment in the cabin*  
12 *of the aircraft that is free from hazards that could*  
13 *cause physical harm to a flight attendant working in*  
14 *the cabin; and*

15 “(2) *to meet minimum standards for the occupa-*  
16 *tional safety and health of flight attendants who work*  
17 *in the cabin of the aircraft.*

18 “(c) *RULEMAKING.*—*In carrying out this section, the*  
19 *Administrator shall conduct a rulemaking proceeding to ad-*  
20 *dress, at a minimum, the following areas:*

21 “(1) *Record keeping.*

22 “(2) *Blood borne pathogens.*

23 “(3) *Noise.*

24 “(4) *Sanitation.*

25 “(5) *Hazard communication.*

26 “(6) *Anti-discrimination.*

1           “(7) *Access to employee exposure and medical*  
2           *records.*

3           “(8) *Temperature standards for the aircraft*  
4           *cabin.*

5           “(d) *REGULATIONS.—*

6           “(1) *DEADLINE.—Not later than 3 years after*  
7           *the date of enactment of this section, the Adminis-*  
8           *trator shall issue final regulations to carry out this*  
9           *section.*

10          “(2) *CONTENTS.—Regulations issued under this*  
11          *subsection shall address each of the issues identified*  
12          *in subsection (c) and others aspects of the environ-*  
13          *ment of an aircraft cabin that may cause illness or*  
14          *injury to a flight attendant working in the cabin.*

15          “(3) *EMPLOYER ACTIONS TO ADDRESS OCCUPA-*  
16          *TIONAL SAFETY AND HEALTH HAZARDS.—Regulations*  
17          *issued under this subsection shall set forth clearly the*  
18          *circumstances under which an air carrier is required*  
19          *to take action to address occupational safety and*  
20          *health hazards.*

21          “(e) *ADDITIONAL RULEMAKING PROCEEDINGS.—After*  
22          *issuing regulations under subsection (c), the Administrator*  
23          *may conduct additional rulemaking proceedings as the Ad-*  
24          *ministrators determines appropriate to carry out this sec-*  
25          *tion.*



1       “(f) *OVERSIGHT.*—

2               “(1) *CABIN OCCUPATIONAL SAFETY AND HEALTH*  
3       *INSPECTORS.*—*The Administrator shall establish the*  
4       *position of Cabin Occupational Safety and Health*  
5       *Inspector within the Federal Aviation Administration*  
6       *and shall employ individuals with appropriate quali-*  
7       *fications and expertise to serve in the position.*

8               “(2) *RESPONSIBILITIES.*—*Inspectors employed*  
9       *under this subsection shall be solely responsible for*  
10       *conducting proper oversight of air carrier programs*  
11       *implemented under this section.*

12       “(g) *CONSULTATION.*—*In developing regulations under*  
13       *this section, the Administrator shall consult with the Ad-*  
14       *ministrator of the Occupational Safety and Health Admin-*  
15       *istration, labor organizations representing flight attend-*  
16       *ants, air carriers, and other interested persons.*

17       “(h) *SAFETY PRIORITY.*—*In developing and imple-*  
18       *menting regulations under this section, the Administrator*  
19       *shall give priority to the safe operation and maintenance*  
20       *of an aircraft.*

21       “(i) *FLIGHT ATTENDANT DEFINED.*—*In this section,*  
22       *the term ‘flight attendant’ has the meaning given that term*  
23       *by section 44728.*

24       “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
25       *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 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
4 *447 is amended by adding at the end the following:*

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

5 **SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS**  
6 **AREAS.**

7 (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*  
8 *eral Aviation Administration may establish a pilot pro-*  
9 *gram to improve safety and efficiency by providing surveil-*  
10 *lance for aircraft flying outside of radar coverage in moun-*  
11 *tainous areas.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
13 *authorized to be appropriated such sums as may be nec-*  
14 *essary to carry out this section. Such sums shall remain*  
15 *available until expended.*

16 **SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**  
17 **ER OBSERVATION TECHNOLOGY.**

18 (a) *STUDY.*—*The Administrator of the Federal Avia-*  
19 *tion Administration shall conduct a review of off-airport,*  
20 *low-altitude aircraft weather observation technologies.*

21 (b) *SPECIFIC REVIEW.*—*The review shall include, at*  
22 *a minimum, an examination of off-airport, low-altitude*  
23 *weather reporting needs, an assessment of technical alter-*  
24 *natives (including automated weather observation stations),*

1 *an investment analysis, and recommendations for improv-*  
2 *ing weather reporting.*

3 (c) *REPORT.*—*Not later than 1 after the date of enact-*  
4 *ment of this Act, the Administrator shall submit to Congress*  
5 *a report containing the results of the review.*

6 **SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.**

7 (a) *ISSUANCE OF REGULATIONS.*—*Not later than 3*  
8 *years after the date of enactment of this Act, the Adminis-*  
9 *trator of the Federal Aviation Administration shall issue*  
10 *regulations requiring that all covered maintenance work on*  
11 *aircraft used to provide air transportation under part 121*  
12 *of title 14, Code of Federal Regulations, be performed by*  
13 *individuals in accordance with subsection (b).*

14 (b) *PERSONS AUTHORIZED TO PERFORM CERTAIN*  
15 *WORK.*—*Covered maintenance work for a part 121 air car-*  
16 *rier shall only be performed by—*

17 (1) *an individual employed by the air carrier;*

18 (2) *an individual employed by another part 121*  
19 *air carrier;*

20 (3) *an individual employed by a part 145 repair*  
21 *station; or*

22 (4) *an individual employed by a company that*  
23 *provides contract maintenance workers to a part 145*  
24 *repair station or part 121 air carrier, if the indi-*  
25 *vidual—*

1           (A) meets the requirements of the part 145  
2           repair station or the part 121 air carrier;

3           (B) works under the direct supervision and  
4           control of the part 145 repair station or part  
5           121 air carrier; and

6           (C) carries out the work in accordance with  
7           the part 121 air carrier's maintenance manual  
8           and, if applicable, the part 145 certificate hold-  
9           er's repair station and quality control manuals.

10       (c) *PLAN.*—

11           (1) *DEVELOPMENT.*—The Administrator shall  
12       develop a plan to—

13           (A) require air carriers to identify and pro-  
14           vide to the Administrator a complete listing of  
15           all noncertificated maintenance providers that  
16           perform, before the effective date of the regula-  
17           tions to be issued under subsection (a), covered  
18           maintenance work on aircraft used to provide  
19           air transportation under part 121 of title 14,  
20           Code of Federal Regulations;

21           (B) validate the lists that air carriers pro-  
22           vide under subparagraph (A) by sampling air  
23           carrier records, such as maintenance activity re-  
24           ports and general vendor listings; and

1           (C) include surveillance and oversight by  
2           *field inspectors of the Federal Aviation Adminis-*  
3           *tration for all noncertificated maintenance pro-*  
4           *viders that perform covered maintenance work*  
5           *on aircraft used to provide air transportation in*  
6           *accordance with such part 121.*

7           (2) *REPORT TO CONGRESS.*—Not later than 6  
8           *months after the date of enactment of this Act, the*  
9           *Administrator shall transmit to Congress a report*  
10          *containing the plan developed under paragraph (1).*

11          (d) *DEFINITIONS.*—*In this section, the following defi-*  
12          *initions apply:*

13           (1) *COVERED MAINTENANCE WORK.*—*The term*  
14           *“covered maintenance work” means maintenance*  
15           *work that is essential, regularly scheduled, or a re-*  
16           *quired inspection item, as determined by the Admin-*  
17           *istrator.*

18           (2) *PART 121 AIR CARRIER.*—*The term “part 121*  
19           *air carrier” means an air carrier that holds a certifi-*  
20           *cate issued under part 121 of title 14, Code of Federal*  
21           *Regulations.*

22           (3) *PART 145 REPAIR STATION.*—*The term “part*  
23           *145 repair station” means a repair station that holds*  
24           *a certificate issued under part 145 of title 14, Code*  
25           *of Federal Regulations.*

1           (4) *NONCERTIFICATED MAINTENANCE PRO-*  
2           *VIDER.—The term “noncertificated maintenance pro-*  
3           *vider” means a maintenance provider that does not*  
4           *hold a certificate issued under part 121 or part 145*  
5           *of title 14 Code of Federal Regulations.*

6           (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
7           *authorized to be appropriated such sums as may be nec-*  
8           *essary for the Administrator to hire additional field safety*  
9           *inspectors to ensure adequate and timely inspection of*  
10          *maintenance providers that perform covered maintenance*  
11          *work.*

12          **SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STAND-**  
13                  **ARDS.**

14          (a) *RULEMAKING PROCEEDING.—Not later than 180*  
15          *days after the date of enactment of this Act, the Adminis-*  
16          *trator of the Federal Aviation Administration shall initiate*  
17          *a rulemaking proceeding for the purpose of issuing a pro-*  
18          *posed and final rule that revises the aircraft rescue and fire-*  
19          *fighting standards (“ARFF”) under part 139 of title 14,*  
20          *Code of Federal Regulations, to improve the protection of*  
21          *the traveling public, other persons, aircraft, buildings, and*  
22          *the environment from fires and hazardous materials inci-*  
23          *dents.*

1       (b) *CONTENTS OF PROPOSED AND FINAL RULE.*—The  
2 *proposed and final rule to be issued under subsection (a)*  
3 *shall address the following:*

4           (1) *The mission of aircraft rescue and fire-*  
5 *fighting personnel, including responsibilities for pas-*  
6 *senger egress in the context of other Administration*  
7 *requirements.*

8           (2) *The proper level of staffing.*

9           (3) *The timeliness of a response.*

10          (4) *The handling of hazardous materials inci-*  
11 *dents at airports.*

12          (5) *Proper vehicle deployment.*

13          (6) *The need for equipment modernization.*

14       (c) *CONSISTENCY WITH VOLUNTARY CONSENSUS*  
15 *STANDARDS.*—The *proposed and final rule issued under*  
16 *subsection (a) shall be, to the extent practical, consistent*  
17 *with national voluntary consensus standards for aircraft*  
18 *rescue and firefighting services at airports.*

19       (d) *ASSESSMENTS OF POTENTIAL IMPACTS.*—In the  
20 *rulemaking proceeding initiated under subsection (a), the*  
21 *Administrator shall assess the potential impact of any revi-*  
22 *sions to the firefighting standards on airports and air*  
23 *transportation service.*

24       (e) *INCONSISTENCY WITH STANDARDS.*—If the *pro-*  
25 *posed or final rule issued under subsection (a) is not con-*

1 *sistent with national voluntary consensus standards for air-*  
2 *craft rescue and firefighting services at airports, the Admin-*  
3 *istrator shall submit to the Office of Management and*  
4 *Budget an explanation of the reasons for such inconsistency*  
5 *in accordance with section 12(d) of the National Technology*  
6 *Transfer and Advancement Act of 1995 (15 U.S.C. 272*  
7 *note; 110 Stat. 783).*

8 (f) *FINAL RULE.*—*Not later than 24 months after the*  
9 *date of enactment of this Act, the Administrator shall issue*  
10 *the final rule required by subsection (a).*

11 **SEC. 312. COCKPIT SMOKE.**

12 (a) *STUDY.*—*The Comptroller General shall conduct a*  
13 *study on the effectiveness of oversight activities of the Fed-*  
14 *eral Aviation Administration relating to preventing or*  
15 *mitigating the effects of dense continuous smoke in the cock-*  
16 *pit of a commercial aircraft.*

17 (b) *REPORT.*—*Not later than 1 after the date of enact-*  
18 *ment of this Act, the Comptroller General shall submit to*  
19 *Congress a report on the results of the study.*

20 **SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPER-**  
21 **ATIONS.**

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



1 **“§ 44732. Helicopter air ambulance operations**

2       “(a) *RULEMAKING.*—*The Administrator of the Federal*  
3 *Aviation Administration shall conduct a rulemaking pro-*  
4 *ceeding to improve the safety of flight crewmembers, medical*  
5 *personnel, and passengers onboard helicopters providing*  
6 *helicopter air ambulance services under part 135 of title*  
7 *14, Code of Federal Regulations.*

8       “(b) *MATTERS TO BE ADDRESSED.*—*In conducting the*  
9 *rulemaking proceeding under subsection (a), the Adminis-*  
10 *trator shall address the following:*

11               “(1) *Flight request and dispatch procedures, in-*  
12 *cluding performance-based flight dispatch procedures.*

13               “(2) *Pilot training standards, including—*

14                       “(A) *mandatory training requirements, in-*  
15 *cluding a minimum time for completing the*  
16 *training requirements;*

17                       “(B) *training subject areas, such as commu-*  
18 *nications procedures and appropriate technology*  
19 *use;*

20                       “(C) *establishment of training standards*  
21 *in—*

22                               “(i) *crew resource management;*

23                               “(ii) *flight risk evaluation;*

24                               “(iii) *preventing controlled flight into*  
25 *terrain;*

1                   “(iv) recovery from inadvertent flight  
2                   into instrument meteorological conditions;

3                   “(v) operational control of the pilot in  
4                   command; and

5                   “(vi) use of flight simulation training  
6                   devices and line oriented flight training.

7                   “(3) Safety-enhancing technology and equip-  
8                   ment, including—

9                   “(A) helicopter terrain awareness and  
10                  warning systems;

11                  “(B) radar altimeters;

12                  “(C) devices that perform the function of  
13                  flight data recorders and cockpit voice recorders,  
14                  to the extent feasible; and

15                  “(D) safety equipment that should be worn  
16                  or used by flight crewmembers and medical per-  
17                  sonnel on a flight, including the possible use of  
18                  shoulder harnesses, helmets, seatbelts, and fire re-  
19                  sistant clothing to enhance crash survivability.

20                  “(4) Such other matters as the Administrator  
21                  considers appropriate.

22                  “(c) *MINIMUM REQUIREMENTS.*—In issuing a final  
23                  rule under subsection (a), the Administrator, at a min-  
24                  imum, shall provide for the following:

1           “(1) *FLIGHT RISK EVALUATION PROGRAM.*—*The*  
2           *Administrator shall ensure that a part 135 certificate*  
3           *holder providing helicopter air ambulance services—*

4                   “(A) *establishes a flight risk evaluation pro-*  
5                   *gram, based on FAA Notice 8000.301 issued by*  
6                   *the Administration on August 1, 2005, including*  
7                   *any updates thereto;*

8                   “(B) *as part of the flight risk evaluation*  
9                   *program, develops a checklist for use by pilots in*  
10                  *determining whether a flight request should be*  
11                  *accepted; and*

12                  “(C) *requires the pilots of the certificate*  
13                  *holder to use the checklist.*

14           “(2) *OPERATIONAL CONTROL CENTER.*—*The Ad-*  
15           *ministrator shall ensure that a part 135 certificate*  
16           *holder providing helicopter air ambulance services*  
17           *using 10 or more helicopters has an operational con-*  
18           *trol center that meets such requirements as the Ad-*  
19           *ministrator may prescribe.*

20           “(3) *COMPLIANCE.*—*The Administrator shall en-*  
21           *sure that a part 135 certificate holder providing heli-*  
22           *copter air ambulance services complies with applica-*  
23           *ble regulations under part 135 of title 14, Code of*  
24           *Federal Regulations, including regulations on weather*

1       *minima and flight and duty time whenever medical*  
2       *personnel are onboard the aircraft.*

3       “(d) *DEADLINES.*—*The Administrator shall—*

4               “(1) *not later than 180 days after the date of en-*  
5       *actment of this section, issue a notice of proposed*  
6       *rulemaking under subsection (a); and*

7               “(2) *not later than 16 months after the close of*  
8       *the comment period on the proposed rule, issue a final*  
9       *rule.*

10       “(e) *PART 135 CERTIFICATE HOLDER DEFINED.*—*In*  
11       *this section, the term ‘part 135 certificate holder’ means a*  
12       *person holding a certificate issued under part 135 of title*  
13       *14, Code of Federal Regulations.*

14       “§44733. ***Collection of data on helicopter air ambu-***  
15                               ***lance operations***

16       “(a) *IN GENERAL.*—*The Administrator of the Federal*  
17       *Aviation Administration shall require a part 135 certificate*  
18       *holder providing helicopter air ambulance services to sub-*  
19       *mit to the Administrator, not later than one year after the*  
20       *date of enactment of this section, and annually thereafter,*  
21       *a report containing, at a minimum, the following data:*

22               “(1) *The number of helicopters that the certifi-*  
23       *cate holder uses to provide helicopter air ambulance*  
24       *services and the base locations of the helicopters.*

1           “(2) *The number of flights and hours flown, by*  
2           *registration number, during which helicopters oper-*  
3           *ated by the certificate holder were providing heli-*  
4           *copter air ambulance services.*

5           “(3) *The number of flight requests for a heli-*  
6           *copter providing helicopter air ambulance services*  
7           *that were accepted or declined by the certificate holder*  
8           *and the type of each such flight request (such as scene*  
9           *response, inter-facility transport, organ transport, or*  
10          *ferry or repositioning flight).*

11          “(4) *The number of accidents involving heli-*  
12          *copters operated by the certificate holder while pro-*  
13          *viding helicopter air ambulance services and a de-*  
14          *scription of the accidents.*

15          “(5) *The number of flights and hours flown*  
16          *under instrument flight rules by helicopters operated*  
17          *by the certificate holder while providing helicopter air*  
18          *ambulance services.*

19          “(6) *The time of day of each flight flown by heli-*  
20          *copters operated by the certificate holder while pro-*  
21          *viding helicopter air ambulance services.*

22          “(b) *REPORTING PERIOD.—Data contained in a re-*  
23          *port submitted by a part 135 certificate holder under sub-*  
24          *section (a) shall relate to such reporting period as the Ad-*  
25          *ministrator determines appropriate.*

1       “(c) *DATABASE.*—Not later than 6 months after the  
2 date of enactment of this section, the Administrator shall  
3 develop a method to collect and store the data collected  
4 under subsection (a), including a method to protect the con-  
5 fidentiality of any trade secret or proprietary information  
6 provided in response to this section.

7       “(d) *REPORT TO CONGRESS.*—Not later than 24  
8 months after the date of enactment of this section, and an-  
9 nually thereafter, the Administrator shall submit to the  
10 Committee on Transportation and Infrastructure of the  
11 House of Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate a report con-  
13 taining a summary of the data collected under subsection  
14 (a).

15       “(e) *PART 135 CERTIFICATE HOLDER DEFINED.*—In  
16 this section, the term ‘part 135 certificate holder’ means a  
17 person holding a certificate issued under part 135 of title  
18 14, Code of Federal Regulations.”.

19       “(b) *CLERICAL AMENDMENT.*—The analysis for chapter  
20 447 (as amended by this Act) is further amended by adding  
21 at the end the following:

“Sec. 44732. *Helicopter air ambulance operations.*

“Sec. 44733. *Collection of data on helicopter air ambulance operations.*”.

1 **SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**  
2 **TO USE NIGHT VISION GOGGLES.**

3 (a) *STUDY.*—*The Administrator of the Federal Avia-*  
4 *tion Administration shall carry out a study on the feasi-*  
5 *bility of requiring pilots of helicopters providing helicopter*  
6 *air ambulance services under part 135 of title 14, Code of*  
7 *Federal Regulations, to use night vision goggles during*  
8 *nighttime operations.*

9 (b) *CONSIDERATIONS.*—*In conducting the study, the*  
10 *Administrator shall consult with owners and operators of*  
11 *helicopters providing helicopter air ambulance services*  
12 *under such part 135 and aviation safety professionals to*  
13 *determine the benefits, financial considerations, and risks*  
14 *associated with requiring the use of night vision goggles.*

15 (c) *REPORT TO CONGRESS.*—*Not later than 1 after the*  
16 *date of enactment of this Act, the Administrator shall sub-*  
17 *mit to the Committee on Transportation and Infrastructure*  
18 *of the House of Representatives and the Committee on Com-*  
19 *merce, Science, and Transportation of the Senate a report*  
20 *on the results of the study.*

21 **SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AM-**  
22 **BULANCE SERVICES.**

23 (a) *IN GENERAL.*—*The Comptroller General shall con-*  
24 *duct a study of the helicopter and fixed-wing air ambulance*  
25 *industry. The study shall include information, analysis,*

1 *and recommendations pertinent to ensuring a safe air am-*  
2 *balance industry.*

3 (b) *REQUIRED INFORMATION.*—*In conducting the*  
4 *study, the Comptroller General shall obtain detailed infor-*  
5 *mation on the following aspects of the air ambulance indus-*  
6 *try:*

7 (1) *A review of the industry, for part 135 certifi-*  
8 *cate holders and indirect carriers providing helicopter*  
9 *and fixed-wing air ambulance services, including—*

10 (A) *a listing of the number, size, and loca-*  
11 *tion of helicopter and fixed-wing aircraft and*  
12 *their flight bases;*

13 (B) *affiliations of certificate holders and in-*  
14 *direct carriers with hospitals, governments, and*  
15 *other entities;*

16 (C) *coordination of air ambulance services,*  
17 *with each other, State and local emergency med-*  
18 *ical services systems, referring entities, and re-*  
19 *ceiving hospitals;*

20 (D) *nature of services contracts, sources of*  
21 *payment, financial relationships between certifi-*  
22 *cate holders and indirect carriers providing air*  
23 *ambulance services and referring entities, and*  
24 *costs of operations; and*



1           (E) a survey of business models for air am-  
2           bulance operations, including expenses, structure,  
3           and sources of income.

4           (2) Air ambulance request and dispatch prac-  
5           tices, including the various types of protocols, models,  
6           training, certifications, and air medical communica-  
7           tions centers relating to part 135 certificate holders  
8           and indirect carriers providing helicopter and fixed-  
9           wing air ambulance services, including—

10           (A) the practices that emergency and med-  
11           ical officials use to request an air ambulance;

12           (B) information on whether economic or  
13           other nonmedical factors lead to air ambulance  
14           transport when it is not medically needed, ap-  
15           propriate, or safe; and

16           (C) the cause, occurrence, and extent of  
17           delays in air ambulance transport.

18           (3) Economic and medical issues relating to the  
19           air ambulance industry, including—

20           (A) licensing;

21           (B) certificates of need;

22           (C) public convenience and necessity re-  
23           quirements;

24           (D) assignment of geographic coverage  
25           areas;

1                   (E) accreditation requirements;

2                   (F) compliance with dispatch procedures;

3                   and

4                   (G) requirements for medical equipment  
5                   and personnel onboard the aircraft.

6                   (4) Such other matters as the Comptroller Gen-  
7                   eral considers relevant to the purpose of the study.

8                   (c) ANALYSIS AND RECOMMENDATIONS.—Based on in-  
9                   formation obtained under subsection (b) and other informa-  
10                  tion the Comptroller General considers appropriate, the re-  
11                  port shall also include an analysis and specific rec-  
12                  ommendations, as appropriate, related to—

13                  (1) the relationship between State regulation and  
14                  Federal preemption of rates, routes, and services of  
15                  air ambulances;

16                  (2) the extent to which Federal law may impact  
17                  existing State regulation of air ambulances and the  
18                  potential effect of greater State regulation—

19                         (A) in the air ambulance industry, on the  
20                         economic viability of air ambulance services, the  
21                         availability and coordination of service, and  
22                         costs of operations both in rural and highly pop-  
23                         ulated areas;

24                         (B) on the quality of patient care and out-  
25                         comes; and

1                   (C) on competition and safety; and

2                   (3) whether systemic or other problems exist on  
3                   a statewide, regional, or national basis with the cur-  
4                   rent system governing air ambulances.

5                   (d) *REPORT.*—Not later than June 1, 2010, the Comp-  
6                   troller General shall submit to the Secretary of Transpor-  
7                   tation and the appropriate committees of Congress a report  
8                   containing its findings and recommendations regarding the  
9                   study under this section.

10                  (e) *ADOPTION OF RECOMMENDED POLICY CHANGES.*—  
11                  Not later than 60 days after the date of receipt of the report  
12                  under subsection (d), the Secretary shall issue a report to  
13                  the appropriate committees of Congress, that—

14                         (1) specifies which, if any, policy changes rec-  
15                         ommended by the Comptroller General and any other  
16                         policy changes with respect to air ambulances the  
17                         Secretary will adopt and implement; and

18                         (2) includes recommendations for legislative  
19                         change, if appropriate.

20                  (f) *PART 135 CERTIFICATE HOLDER DEFINED.*—In  
21                  this section, the term “part 135 certificate holder” means  
22                  a person holding a certificate issued under part 135 of title  
23                  14, Code of Federal Regulations.

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 sys-*  
11       *tems 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 or projections*  
20                   *for the rulemaking to be conducted under sub-*  
21                   *section (b) 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, pilot, and pro-  
6           grammer of a commercial unmanned air-  
7           craft system, including standards and re-  
8           quirements for 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 under  
20          paragraph (1) shall provide for the safe integration of  
21          commercial unmanned aircraft systems into the na-  
22          tional airspace system as soon as possible, but not  
23          later than September 30, 2013.

24          (4) *REPORT TO CONGRESS.*—Not later than 1  
25          after the date of enactment of this Act, the Secretary

1       *shall submit to Congress a copy of the plan developed*  
2       *under paragraph (1).*

3       **(b) RULEMAKING.**—*Not later than 18 months after the*  
4       *date on which the integration plan is submitted to Congress*  
5       *under subsection (a)(4), the Administrator of the Federal*  
6       *Aviation Administration shall publish in the Federal Reg-*  
7       *ister a notice of proposed rulemaking to implement the rec-*  
8       *ommendations of the integration plan.*

9       **(c) AUTHORIZATION.**—*There are authorized to be ap-*  
10       *propriated such sums as may be necessary to carry out this*  
11       *section.*

12       **SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**  
13       **CRAFT SYSTEMS.**

14       **(a) IN GENERAL.**—*Notwithstanding the requirements*  
15       *of sections 321 and 323, and not later than 6 months after*  
16       *the date of enactment of this Act, the Secretary shall deter-*  
17       *mine if certain unmanned aircraft systems may operate*  
18       *safely in the national airspace system before completion of*  
19       *the plan and rulemaking required by section 321 or the*  
20       *guidance required by section 323.*

21       **(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-**  
22       **TEMS.**—*In making the determination under subsection (a),*  
23       *the Secretary shall determine, at a minimum—*

24                **(1)** *which types of unmanned aircraft systems, if*  
25        *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 oper-*  
9        *ation of unmanned aircraft systems identified under*  
10       *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 national*  
14       *airspace system, the Secretary shall establish requirements*  
15       *for the safe operation of such aircraft systems in the na-*  
16       *tional 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 the*  
20       *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 term*  
12 *“certificate of authorization” means a Federal Avia-*  
13 *tion Administration grant of approval for a specific*  
14 *flight operation.*

15 *(2) DETECT, SENSE, AND AVOID CAPABILITY.—*  
16 *The term “detect, sense, and avoid capability” means*  
17 *the technical capability to perform separation assur-*  
18 *ance and collision avoidance, as defined by the Fed-*  
19 *eral Aviation Administration.*

20 *(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The*  
21 *term “public unmanned aircraft system” means an*  
22 *unmanned aircraft system that meets the qualifica-*  
23 *tions and conditions required for operation of a pub-*  
24 *lic aircraft, as defined by section 40102 of title 49,*  
25 *United States Code.*



1           (4) *SECRETARY.*—*The term “Secretary” means*  
2 *the Secretary of Transportation.*

3           (5) *TEST RANGE.*—*The term “test range” means*  
4 *a defined geographic area where research and develop-*  
5 *ment 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 communica-*  
13 *tion links and a ground control station) that are re-*  
14 *quired to operate safely and efficiently in the national*  
15 *airspace system.*

## 16 ***Subtitle C—Safety and Protections***

### 17 ***SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-*** 18 ***TION OFFICE.***

19          *Section 106 is amended by adding at the end the fol-*  
20 *lowing:*

21          “(s) *AVIATION SAFETY WHISTLEBLOWER INVESTIGA-*  
22 *TION OFFICE.*—

23                 “(1) *ESTABLISHMENT.*—*There is established in*  
24 *the Federal Aviation Administration (in this sub-*  
25 *section referred to as the ‘Agency’) an Aviation Safety*

1 *Whistleblower Investigation Office (in this subsection*  
2 *referred to as the ‘Office’).*

3 “(2) *DIRECTOR.*—

4 “(A) *APPOINTMENT.*—*The head of the Office*  
5 *shall be the Director, who shall be appointed by*  
6 *the Secretary of Transportation.*

7 “(B) *REPORTS AND RECOMMENDATIONS TO*  
8 *SECRETARY.*—*The Director shall provide regular*  
9 *reports to the Secretary of Transportation. The*  
10 *Director may recommend that the Secretary take*  
11 *any action necessary for the Office to carry out*  
12 *its functions, including protection of complain-*  
13 *ants and witnesses.*

14 “(C) *QUALIFICATIONS.*—*The Director shall*  
15 *have a demonstrated ability in investigations*  
16 *and knowledge of or experience in aviation.*

17 “(D) *TERM.*—*The Director shall be ap-*  
18 *pointed for a term of 5 years.*

19 “(E) *VACANCY.*—*Any individual appointed*  
20 *to fill a vacancy in the position of the Director*  
21 *occurring before the expiration of the term for*  
22 *which the individual’s predecessor was appointed*  
23 *shall be appointed for the remainder of that*  
24 *term.*

25 “(3) *COMPLAINTS AND INVESTIGATIONS.*—

1           “(A) *AUTHORITY OF DIRECTOR.*—*The Di-*  
2           *rector shall—*

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

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

19                   “(iii) *based on findings of the assess-*  
20                   *ment conducted under clause (ii), make rec-*  
21                   *ommendations to the Secretary and Admin-*  
22                   *istrator in writing for—*

23                           “(I) *further investigation by the*  
24                           *Office, the Inspector General of the De-*

1                    *partment of Transportation, or other*  
2                    *appropriate investigative body; or*

3                    *“(II) corrective actions.*

4                    *“(B) DISCLOSURE OF IDENTITIES.—The Di-*  
5                    *rector shall not disclose the identity or identi-*  
6                    *fying information of an individual who submits*  
7                    *a complaint or information under subparagraph*  
8                    *(A)(i) unless—*

9                    *“(i) the individual consents to the dis-*  
10                    *closure in writing; or*

11                    *“(ii) the Director determines, in the*  
12                    *course of an investigation, that the disclo-*  
13                    *sure is unavoidable, in which case the Di-*  
14                    *rector shall provide the individual with rea-*  
15                    *sonable advance notice.*

16                    *“(C) INDEPENDENCE OF DIRECTOR.—The*  
17                    *Secretary, the Administrator, or any officer or*  
18                    *employee of the Agency may not prevent or pro-*  
19                    *hibit the Director from initiating, carrying out,*  
20                    *or completing any assessment of a complaint or*  
21                    *information submitted under subparagraph*  
22                    *(A)(i) or from reporting to Congress on any such*  
23                    *assessment.*

24                    *“(D) ACCESS TO INFORMATION.—In con-*  
25                    *ducting an assessment of a complaint or infor-*

1            *mation submitted under subparagraph (A)(i),*  
2            *the Director shall have access to, and can order*  
3            *the retention of, all records, reports, audits, re-*  
4            *views, documents, papers, recommendations, and*  
5            *other material necessary to determine whether a*  
6            *substantial likelihood exists that a violation of*  
7            *an order, regulation, or standard of the Agency*  
8            *or any other provision of Federal law relating to*  
9            *aviation safety may have occurred. The Director*  
10           *may order sworn testimony from appropriate*  
11           *witnesses during the course of an investigation.*

12           *“(E) PROCEDURE.—The Office shall estab-*  
13           *lish procedures equivalent to sections 1213(d)*  
14           *and 1213(e) of title 5 for investigation, report,*  
15           *employee comment, and evaluation by the Sec-*  
16           *retary for any investigation conducted pursuant*  
17           *to paragraph (3)(A).*

18           *“(4) RESPONSES TO RECOMMENDATIONS.—The*  
19           *Administrator shall—*

20           *“(A) respond within 60 days to a rec-*  
21           *ommendation made by the Director under para-*  
22           *graph (3)(A)(iii) in writing and retain records*  
23           *related to any further investigations or corrective*  
24           *actions taken in response to the recommendation,*

1           *in accordance with established record retention*  
2           *requirements; and*

3           “(B) *ensure that the findings of all referrals*  
4           *for further investigation or corrective actions*  
5           *taken are reported to the Director.*

6           “(5) *INCIDENT REPORTS.—If the Director deter-*  
7           *mines there is a substantial likelihood that a viola-*  
8           *tion of an order, regulation, or standard of the Agen-*  
9           *cy or any other provision of Federal law relating to*  
10          *aviation safety may have occurred that requires im-*  
11          *mediate corrective action, the Director shall report the*  
12          *potential violation expeditiously to the Secretary, the*  
13          *Administrator, and the Inspector General of the De-*  
14          *partment of Transportation.*

15          “(6) *REPORTING OF CRIMINAL VIOLATIONS TO*  
16          *INSPECTOR GENERAL.—If the Director has reasonable*  
17          *grounds to believe that there has been a violation of*  
18          *Federal criminal law, the Director shall report the*  
19          *violation expeditiously to the Inspector General.*

20          “(7) *RETALIATION AGAINST AGENCY EMPLOY-*  
21          *EES.—Any retaliatory action taken or threatened*  
22          *against an employee of the Agency for good faith par-*  
23          *ticipation in activities under this subsection is pro-*  
24          *hibited. The Director shall make all policy rec-*  
25          *ommendations and specific requests to the Secretary*

1     *for relief necessary to protect employees of the Agency*  
2     *who initiate or participate in investigations under*  
3     *this subsection. The Secretary shall respond in a*  
4     *timely manner and shall share the responses with the*  
5     *appropriate committees of Congress.*

6             “(8) *DISCIPLINARY ACTIONS.*—*The Secretary*  
7     *shall exercise the Secretary’s authority under section*  
8     *2302 of title 5 for the prevention of prohibited per-*  
9     *sonnel actions in any case in which the prohibited*  
10    *personnel action is taken against an employee of the*  
11    *Agency who, in good faith, has reported the possible*  
12    *existence of an activity relating to a violation of an*  
13    *order, regulation, or standard of the Agency or any*  
14    *other provision of Federal law relating to aviation*  
15    *safety. In exercising such authority, the Secretary*  
16    *may subject an employee of the Agency who has taken*  
17    *or failed to take, or threatened to take or fail to take,*  
18    *a personnel action in violation of such section to a*  
19    *disciplinary action up to and including termination.*

20             “(9) *ANNUAL REPORTS TO CONGRESS.*—*Not later*  
21    *than October 1 of each year, the Director shall submit*  
22    *to Congress a public report containing—*

23                     “(A) *information on the number of submis-*  
24                     *sions of complaints and information received by*

1           *the Director under paragraph (3)(A)(i) in the*  
2           *preceding 12-month period;*

3           *“(B) summaries of those submissions;*

4           *“(C) summaries of further investigations,*  
5           *corrective actions recommended, and referrals in*  
6           *response to the submissions;*

7           *“(D) summaries of the responses of the Ad-*  
8           *ministrator to such recommendations; and*

9           *“(E) an evaluation of personnel and re-*  
10           *sources necessary to effectively support the man-*  
11           *date of the Office.”.*

12 **SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIA-**  
13           **TIVE.**

14           *(a) FINDINGS.—Congress finds the following:*

15           *(1) Subsections (a) and (d) of section 40101 of*  
16           *title 49, United States Code, directs the Federal Avia-*  
17           *tion Administration (in this section referred to as the*  
18           *“Agency”) to make safety its highest priority.*

19           *(2) In 1996, to ensure that there would be no ap-*  
20           *pearance of a conflict of interest for the Agency in*  
21           *carrying out its safety responsibilities, Congress*  
22           *amended section 40101(d) of such title to remove the*  
23           *responsibilities of the Agency to promote airlines.*

24           *(3) Despite these directives from Congress re-*  
25           *garding the priority of safety, the Agency issued a vi-*



1        *sion statement in which it stated that it has a “vi-*  
2        *sion” of “being responsive to our customers and ac-*  
3        *countable to the public” and, in 2003, issued a cus-*  
4        *tomers service initiative that required aviation inspec-*  
5        *tors to treat air carriers and other aviation certificate*  
6        *holders as “customers” rather than regulated entities.*

7            *(4) The initiatives described in paragraph (3)*  
8        *appear to have given regulated entities and Agency*  
9        *inspectors the impression that the management of the*  
10       *Agency gives an unduly high priority to the satisfac-*  
11       *tion of regulated entities regarding its inspection and*  
12       *certification decisions and other lawful actions of its*  
13       *safety inspectors.*

14           *(5) As a result of the emphasis on customer sat-*  
15       *isfaction, some managers of the Agency have discour-*  
16       *aged vigorous enforcement and replaced inspectors*  
17       *whose lawful actions adversely affected an air carrier.*

18        *(b) MODIFICATION OF INITIATIVE.—Not later than 90*  
19       *days after the date of enactment of this Act, the Adminis-*  
20       *trator of the Federal Aviation Administration shall modify*  
21       *the customer service initiative, mission and vision state-*  
22       *ments, and other statements of policy of the Agency—*

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

1           (2) to clarify that in regulating safety the only  
2 customers of the Agency are individuals traveling on  
3 aircraft; and

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

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

13 **SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT**  
14 **STANDARDS INSPECTORS.**

15           (a) *IN GENERAL.*—Section 44711 of title 49, United  
16 States Code, is amended by adding at the end the following:

17           “(d) *POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT*  
18 *STANDARDS INSPECTORS.*—

19           “(1) *PROHIBITION.*—A person holding an oper-  
20 ating certificate issued under title 14, Code of Federal  
21 Regulations, may not knowingly employ, or make a  
22 contractual arrangement which permits, an indi-  
23 vidual to act as an agent or representative of the cer-  
24 tificate holder in any matter before the Federal Avia-  
25 tion Administration (in this subsection referred to as

1       the ‘Agency’) if the individual, in the preceding 2-  
2       year period—

3               “(A) served as, or was responsible for over-  
4               sight of, a flight standards inspector of the Agen-  
5               cy; and

6               “(B) had responsibility to inspect, or over-  
7               see inspection of, the operations of the certificate  
8               holder.

9               “(2) WRITTEN AND ORAL COMMUNICATIONS.—  
10              For purposes of paragraph (1), an individual shall be  
11              considered to be acting as an agent or representative  
12              of a certificate holder in a matter before the Agency  
13              if the individual makes any written or oral commu-  
14              nication on behalf of the certificate holder to the  
15              Agency (or any of its officers or employees) in connec-  
16              tion with a particular matter, whether or not involv-  
17              ing a specific party and without regard to whether  
18              the individual has participated in, or had responsi-  
19              bility for, the particular matter while serving as a  
20              flight standards inspector of the Agency.”.

21              (b) APPLICABILITY.—The amendment made by sub-  
22              section (a) shall not apply to an individual employed by  
23              a certificate holder as of the date of enactment of this Act.

1 **SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY IN-**  
2 **SPECTORS.**

3 (a) *IN GENERAL.*—An individual serving as a prin-  
4 cipal supervisory inspector of the Federal Aviation Admin-  
5 istration (in this section referred to as the “Agency”) may  
6 not be responsible for overseeing the operations of a single  
7 air carrier for a continuous period of more than 5 years.

8 (b) *TRANSITIONAL PROVISION.*—An individual serving  
9 as a principal supervisory inspector of the Agency with re-  
10 spect to an air carrier as of the date of enactment of this  
11 Act may be responsible for overseeing the operations of the  
12 carrier until the last day of the 5-year period specified in  
13 subsection (a) or last day of the 2-year period beginning  
14 on such date of enactment, whichever is later.

15 (c) *ISSUANCE OF ORDER.*—Not later than 30 days  
16 after the date of enactment of this Act, the Administrator  
17 of the Federal Aviation Administration shall issue an order  
18 to carry out this section.

19 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
20 authorized to be appropriated to the Administrator such  
21 sums as may be necessary to carry out this section.

22 **SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
23 **TATION OVERSIGHT SYSTEM DATABASE.**

24 (a) *REVIEWS.*—The Administrator of the Federal  
25 Aviation Administration shall establish a process by which  
26 the air transportation oversight system database of the Fed-

1 *eral Aviation Administration (in this section referred to as*  
2 *the “Agency”) is reviewed by a team of employees of the*  
3 *Agency, including at least one employee selected by the ex-*  
4 *clusive bargaining representative for aviation safety inspec-*  
5 *tors, on a monthly basis to ensure that—*

6 *(1) any trends in regulatory compliance are*  
7 *identified; and*

8 *(2) appropriate corrective actions are taken in*  
9 *accordance with Agency regulations, advisory direc-*  
10 *tives, policies, and procedures.*

11 *(b) MONTHLY TEAM REPORTS.—*

12 *(1) IN GENERAL.—The team of employees con-*  
13 *ducting a monthly review of the air transportation*  
14 *oversight system database under subsection (a) shall*  
15 *submit to the Administrator, the Associate Adminis-*  
16 *trator for Aviation Safety, and the Director of Flight*  
17 *Standards a report on the results of the review.*

18 *(2) CONTENTS.—A report submitted under para-*  
19 *graph (1) shall identify—*

20 *(A) any trends in regulatory compliance*  
21 *discovered by the team of employees in con-*  
22 *ducting the monthly review; and*

23 *(B) any corrective actions taken or proposed*  
24 *to be taken in response to the trends.*

1       (c) *QUARTERLY REPORTS TO CONGRESS.*—The Ad-  
2       ministrators, on a quarterly basis, shall submit to the Com-  
3       mittee on Transportation and Infrastructure of the House  
4       of Representatives and the Committee on Commerce,  
5       Science, and Transportation of the Senate a report on the  
6       results of reviews of the air transportation oversight system  
7       database conducted under this section, including copies of  
8       reports received under subsection (b).

9       **SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING**  
10       **SYSTEM.**

11       (a) *VOLUNTARY DISCLOSURE REPORTING PROGRAM*  
12       *DEFINED.*—In this section, the term “Voluntary Disclosure  
13       Reporting Program” means the program established by the  
14       Federal Aviation Administration through Advisory Cir-  
15       cular 00–58A, dated September 8, 2006, including any sub-  
16       sequent revisions thereto.

17       (b) *VERIFICATION.*—The Administrator of the Federal  
18       Aviation Administration shall modify the Voluntary Dis-  
19       closure Reporting Program to require inspectors to—

20               (1) verify that air carriers implement com-  
21               prehensive solutions to correct the underlying causes  
22               of the violations voluntarily disclosed by such air car-  
23               riers; and

24               (2) confirm, before approving a final report of a  
25               violation, that the violation, or another violation oc-

1        *curing under the same circumstances, has not been*  
2        *previously discovered by an inspector or self-disclosed*  
3        *by the air carrier.*

4        *(c) SUPERVISORY REVIEW OF VOLUNTARY SELF DIS-*  
5        *CLOSURES.—The Administrator shall establish a process by*  
6        *which voluntary self-disclosures received from air carriers*  
7        *are reviewed and approved by a supervisor after the initial*  
8        *review by an inspector.*

9        *(d) INSPECTOR GENERAL STUDY.—*

10            *(1) IN GENERAL.—The Inspector General of the*  
11            *Department of Transportation shall conduct a study*  
12            *of the Voluntary Disclosure Reporting Program.*

13            *(2) REVIEW.—In conducting the study, the In-*  
14            *spector General shall examine, at a minimum, wheth-*  
15            *er—*

16                    *(A) there is evidence that voluntary disclo-*  
17                    *sure is resulting in regulated entities discovering*  
18                    *and correcting violations to a greater extent than*  
19                    *would otherwise occur if there was no program*  
20                    *for immunity from enforcement action;*

21                    *(B) the voluntary disclosure program makes*  
22                    *the Federal Aviation Administration (FAA)*  
23                    *aware of violations that the FAA would not have*  
24                    *discovered if there was not a program, and if a*  
25                    *violation is disclosed voluntarily, whether the*

1            *FAA insists on stronger corrective actions than*  
2            *would have occurred if the regulated entity knew*  
3            *of a violation, but FAA did not;*

4            *(C) the information the FAA gets under the*  
5            *program leads to fewer violations by other enti-*  
6            *ties, either because the information leads other*  
7            *entities to look for similar violations or because*  
8            *the information leads FAA investigators to look*  
9            *for similar violations at other entities; and*

10           *(D) there is any evidence that voluntary*  
11           *disclosure has improved compliance with regula-*  
12           *tions, either for the entities making disclosures or*  
13           *for the industry generally.*

14           *(3) REPORT.—Not later than 1 after the date of*  
15           *enactment of this Act, the Inspector General shall sub-*  
16           *mit to the Committee on Transportation and Infra-*  
17           *structure of the House of Representatives and Com-*  
18           *mittee on Commerce, Science, and Transportation of*  
19           *the Senate a report on the results of the study con-*  
20           *ducted under this section.*

21           ***Subtitle D—Airline Safety and Pilot***  
22           ***Training Improvement***

23           ***SEC. 341. SHORT TITLE.***

24           *This subtitle may be cited as the “Airline Safety and*  
25           *Pilot Training Improvement Act of 2010”.*



1 **SEC. 342. DEFINITIONS.**

2 (a) *DEFINITIONS.*—*In this subtitle, the following defi-*  
3 *nitions apply:*

4 (1) *ADVANCED QUALIFICATION PROGRAM.*—*The*  
5 *term “advanced qualification program” means the*  
6 *program established by the Federal Aviation Admin-*  
7 *istration in Advisory Circular 120–54A, dated June*  
8 *23, 2006, including any subsequent revisions thereto.*

9 (2) *AIR CARRIER.*—*The term “air carrier” has*  
10 *the meaning given that term in section 40102 of title*  
11 *49, United States Code.*

12 (3) *AVIATION SAFETY ACTION PROGRAM.*—*The*  
13 *term “aviation safety action program” means the*  
14 *program established by the Federal Aviation Admin-*  
15 *istration in Advisory Circular 120–66B, dated No-*  
16 *vember 15, 2002, including any subsequent revisions*  
17 *thereto.*

18 (4) *FLIGHT CREWMEMBER.*—*The term “flight*  
19 *crewmember” has the meaning given that term in*  
20 *part 1.1 of title 14, Code of Federal Regulations.*

21 (5) *FLIGHT OPERATIONAL QUALITY ASSURANCE*  
22 *PROGRAM.*—*The term “flight operational quality as-*  
23 *surance program” means the program established by*  
24 *the Federal Aviation Administration in Advisory Cir-*  
25 *cular 120–82, dated April 12, 2004, including any*  
26 *subsequent revisions thereto.*

1           (6) *LINE OPERATIONS SAFETY AUDIT.*—*The term*  
2           *“line operations safety audit” means the procedure*  
3           *referenced by the Federal Aviation Administration in*  
4           *Advisory Circular 120–90, dated April 27, 2006, in-*  
5           *cluding any subsequent revisions thereto.*

6           (7) *PART 121 AIR CARRIER.*—*The term “part 121*  
7           *air carrier” means an air carrier that holds a certifi-*  
8           *cate issued under part 121 of title 14, Code of Federal*  
9           *Regulations.*

10          (8) *PART 135 AIR CARRIER.*—*The term “part 135*  
11          *air carrier” means an air carrier that holds a certifi-*  
12          *cate issued under part 135 of title 14, Code of Federal*  
13          *Regulations.*

14   **SEC. 343. FAA TASK FORCE ON AIR CARRIER SAFETY AND**  
15                                    **PILOT TRAINING.**

16          (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*  
17          *eral Aviation Administration shall establish a special task*  
18          *force to be known as the FAA Task Force on Air Carrier*  
19          *Safety and Pilot Training (in this section referred to as*  
20          *the “Task Force”).*

21          (b) *COMPOSITION.*—*The Task Force shall consist of*  
22          *members appointed by the Administrator and shall include*  
23          *air carrier representatives, labor union representatives, and*  
24          *aviation safety experts with knowledge of foreign and do-*

1 *mestic regulatory requirements for flight crewmember edu-*  
2 *cation and training.*

3 (c) *DUTIES.*—*The duties of the Task Force shall in-*  
4 *clude, at a minimum, evaluating best practices in the air*  
5 *carrier industry and providing recommendations in the fol-*  
6 *lowing areas:*

7 (1) *Air carrier management responsibilities for*  
8 *flight crewmember education and support.*

9 (2) *Flight crewmember professional standards.*

10 (3) *Flight crewmember training standards and*  
11 *performance.*

12 (4) *Mentoring and information sharing between*  
13 *air carriers.*

14 (d) *REPORT.*—*Not later than 180 days after the date*  
15 *of enactment of this Act, and before the last day of each*  
16 *180-day period thereafter until termination of the Task*  
17 *Force, the Task Force shall submit to the Committee on*  
18 *Transportation and Infrastructure of the House of Rep-*  
19 *resentatives and the Committee on Commerce, Science, and*  
20 *Transportation of the Senate a report detailing—*

21 (1) *the progress of the Task Force in identifying*  
22 *best practices in the air carrier industry;*

23 (2) *the progress of air carriers and labor unions*  
24 *in implementing the best practices identified by the*  
25 *Task Force;*

1           (3) *recommendations of the Task Force, if any,*  
2           *for legislative or regulatory actions;*

3           (4) *the progress of air carriers and labor unions*  
4           *in implementing training-related, nonregulatory ac-*  
5           *tions recommended by the Administrator; and*

6           (5) *the progress of air carriers in developing spe-*  
7           *cific programs to share safety data and ensure imple-*  
8           *mentation of the most effective safety practices.*

9           (e) *TERMINATION.*—*The Task Force shall terminate on*  
10          *September 30, 2012.*

11          (f) *APPLICABILITY OF FEDERAL ADVISORY COM-*  
12          *MITTEE ACT.*—*The Federal Advisory Committee Act (5*  
13          *U.S.C. App.) shall not apply to the Task Force.*

14          **SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREW-**  
15    **MEMBER TRAINING RECOMMENDATIONS.**

16          (a) *RULEMAKING PROCEEDINGS.*—

17                       (1) *STALL AND UPSET RECOGNITION AND RECOV-*  
18                       *ERY TRAINING.*—*The Administrator of the Federal*  
19                       *Aviation Administration shall conduct a rulemaking*  
20                       *proceeding to require part 121 air carriers to provide*  
21                       *flight crewmembers with ground training and flight*  
22                       *training or flight simulator training—*

23                                       (A) *to recognize and avoid a stall of an air-*  
24                                       *craft or, if not avoided, to recover from the stall;*  
25                                       *and*

1           (B) to recognize and avoid an upset of an  
2           aircraft or, if not avoided, to execute such tech-  
3           niques as available data indicate are appro-  
4           priate to recover from the upset in a given make,  
5           model, and series of aircraft.

6           (2) *REMEDIAL TRAINING PROGRAMS.*—The Ad-  
7           ministrators shall conduct a rulemaking proceeding to  
8           require part 121 air carriers to establish remedial  
9           training programs for flight crewmembers who have  
10          demonstrated performance deficiencies or experienced  
11          failures in the training environment.

12          (3) *DEADLINES.*—The Administrator shall—

13               (A) not later than 180 days after the date  
14               of enactment of this Act, issue a notice of pro-  
15               posed rulemaking under each of paragraphs (1)  
16               and (2); and

17               (B) not later than 24 months after the date  
18               of enactment of this Act, issue a final rule for the  
19               rulemaking under each of paragraphs (1) and  
20               (2).

21          (b) *STICK PUSHER TRAINING AND WEATHER EVENT*  
22          *TRAINING.*—

23               (1) *MULTIDISCIPLINARY PANEL.*—Not later than  
24               120 days after the date of enactment of this Act, the  
25               Administrator shall convene a multidisciplinary

1 *panel of specialists in aircraft operations, flight crew-*  
2 *member training, human factors, and aviation safety*  
3 *to study and submit to the Administrator a report on*  
4 *methods to increase the familiarity of flight crew-*  
5 *members with, and improve the response of flight*  
6 *crewmembers to, stick pusher systems, icing condi-*  
7 *tions, and microburst and windshear weather events.*

8 (2) *REPORT TO CONGRESS AND NTSB.—Not later*  
9 *than 1 after the date on which the Administrator con-*  
10 *venes the panel, the Administrator shall—*

11 (A) *submit to the Committee on Transpor-*  
12 *tation and Infrastructure of the House of Rep-*  
13 *resentatives, the Committee on Commerce,*  
14 *Science, and Transportation of the Senate, and*  
15 *the National Transportation Safety Board a re-*  
16 *port based on the findings of the panel; and*

17 (B) *with respect to stick pusher systems,*  
18 *initiate appropriate actions to implement the*  
19 *recommendations of the panel.*

20 (c) *DEFINITIONS.—In this section, the following defi-*  
21 *initions apply:*

22 (1) *FLIGHT TRAINING AND FLIGHT SIMU-*  
23 *LATOR.—The terms “flight training” and “flight sim-*  
24 *ulator” have the meanings given those terms in part*

1       61.1 of title 14, Code of Federal Regulations (or any  
2       successor regulation).

3           (2) *STALL*.—The term “stall” means an aero-  
4       dynamic loss of lift caused by exceeding the critical  
5       angle of attack.

6           (3) *STICK PUSHER*.—The term “stick pusher”  
7       means a device that, at or near a stall, applies a nose  
8       down pitch force to an aircraft’s control columns to  
9       attempt to decrease the aircraft’s angle of attack.

10          (4) *UPSET*.—The term “upset” means an un-  
11       usual aircraft attitude.

12   **SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES TO**  
13                   **SAFETY RECOMMENDATIONS.**

14          (a) *IN GENERAL*.—The first sentence of section 1135(a)  
15       of title 49, United States Code, is amended by inserting  
16       “to the National Transportation Safety Board” after “shall  
17       give”.

18          (b) *AIR CARRIER SAFETY RECOMMENDATIONS*.—Sec-  
19       tion 1135 of such title is amended—

20               (1) by redesignating subsections (c) and (d) as  
21       subsections (d) and (e), respectively; and

22               (2) by inserting after subsection (b) the fol-  
23       lowing:

24       “(c) *ANNUAL REPORT ON AIR CARRIER SAFETY REC-*  
25       *COMMENDATIONS*.—

1           “(1) *IN GENERAL.*—*The Secretary shall submit*  
2           *to Congress and the Board, on an annual basis, a re-*  
3           *port on the recommendations made by the Board to*  
4           *the Secretary regarding air carrier operations con-*  
5           *ducted under part 121 of title 14, Code of Federal*  
6           *Regulations.*

7           “(2) *RECOMMENDATIONS TO BE COVERED.*—*The*  
8           *report shall cover—*

9                   “(A) *any recommendation for which the*  
10                  *Secretary has developed, or intends to develop,*  
11                  *procedures to adopt the recommendation or part*  
12                  *of the recommendation, but has yet to complete*  
13                  *the procedures; and*

14                  “(B) *any recommendation for which the*  
15                  *Secretary, in the preceding year, has issued a re-*  
16                  *sponse under subsection (a)(2) or (a)(3) refusing*  
17                  *to carry out all or part of the procedures to*  
18                  *adopt the recommendation.*

19           “(3) *CONTENTS.*—

20                   “(A) *PLANS TO ADOPT RECOMMENDA-*  
21                  *TIONS.*—*For each recommendation of the Board*  
22                  *described in paragraph (2)(A), the report shall*  
23                  *contain—*

24                           “(i) *a description of the recommenda-*  
25                           *tion;*



1           “(ii) a description of the procedures  
2           planned for adopting the recommendation  
3           or part of the recommendation;

4           “(iii) the proposed date for completing  
5           the procedures; and

6           “(iv) if the Secretary has not met a  
7           deadline contained in a proposed timeline  
8           developed in connection with the rec-  
9           ommendation under subsection (b), an ex-  
10          planation for not meeting the deadline.

11          “(B) *REFUSALS TO ADOPT RECOMMENDA-*  
12          *TIONS.—For each recommendation of the Board*  
13          *described in paragraph (2)(B), the report shall*  
14          *contain—*

15               “(i) a description of the recommenda-  
16               tion; and

17               “(ii) a description of the reasons for  
18               the refusal to carry out all or part of the  
19               procedures to adopt the recommendation.”.

20   **SEC. 346. FAA PILOT RECORDS DATABASE.**

21       (a) *RECORDS OF EMPLOYMENT OF PILOT APPLI-*  
22       *CANTS.—Section 44703(h) of title 49, United States Code,*  
23       *is amended by adding at the end the following:*

1           “(16) *APPLICABILITY.*—*This subsection shall*  
2           *cease to be effective on the date specified in regula-*  
3           *tions issued under subsection (i).*”.

4           **(b) *ESTABLISHMENT OF FAA PILOT RECORDS DATA-***  
5           ***BASE.***—*Section 44703 of such title is amended—*

6           (1) *by redesignating subsections (i) and (j) as*  
7           *subsections (j) and (k), respectively; and*

8           (2) *by inserting after subsection (h) the fol-*  
9           *lowing:*

10          “(i) *FAA PILOT RECORDS DATABASE.*—

11           “(1) *IN GENERAL.*—*Before allowing an indi-*  
12           *vidual to begin service as a pilot, an air carrier shall*  
13           *access and evaluate, in accordance with the require-*  
14           *ments of this subsection, information pertaining to*  
15           *the individual from the pilot records database estab-*  
16           *lished under paragraph (2).*

17           “(2) *PILOT RECORDS DATABASE.*—*The Adminis-*  
18           *trator shall establish an electronic database (in this*  
19           *subsection referred to as the ‘database’) containing the*  
20           *following records:*

21           “(A) *FAA RECORDS.*—*From the Adminis-*  
22           *trator—*

23           “(i) *records that are maintained by the*  
24           *Administrator concerning current airman*  
25           *certificates, including airman medical cer-*

1           *tificates and associated type ratings and in-*  
2           *formation on any limitations to those cer-*  
3           *tificates and ratings;*

4           “(ii) records that are maintained by  
5           *the Administrator concerning any failed at-*  
6           *tempt of an individual to pass a practical*  
7           *test required to obtain a certificate or type*  
8           *rating under part 61 of title 14, Code of*  
9           *Federal Regulations; and*

10           “(iii) summaries of legal enforcement  
11           *actions resulting in a finding by the Ad-*  
12           *ministrator of a violation of this title or a*  
13           *regulation prescribed or order issued under*  
14           *this title that was not subsequently over-*  
15           *turned.*

16           “(B) AIR CARRIER AND OTHER RECORDS.—  
17           *From any air carrier or other person (except a*  
18           *branch of the Armed Forces, the National Guard,*  
19           *or a reserve component of the Armed Forces) that*  
20           *has employed an individual as a pilot of a civil*  
21           *or public aircraft, or from the trustee in bank-*  
22           *ruptcy for such air carrier or person—*

23           “(i) records pertaining to the indi-  
24           *vidual that are maintained by the air car-*  
25           *rier (other than records relating to flight*

1 *time, duty time, or rest time), including*  
2 *records under regulations set forth in—*

3 *“(I) section 121.683 of title 14,*  
4 *Code of Federal Regulations;*

5 *“(II) paragraph (A) of section VI,*  
6 *appendix I, part 121 of such title;*

7 *“(III) paragraph (A) of section*  
8 *IV, appendix J, part 121 of such title;*

9 *“(IV) section 125.401 of such title;*

10 *and*

11 *“(V) section 135.63(a)(4) of such*  
12 *title; and*

13 *“(ii) other records pertaining to the in-*  
14 *dividual’s performance as a pilot that are*  
15 *maintained by the air carrier or person*  
16 *concerning—*

17 *“(I) the training, qualifications,*  
18 *proficiency, or professional competence*  
19 *of the individual, including comments*  
20 *and evaluations made by a check air-*  
21 *man designated in accordance with*  
22 *section 121.411, 125.295, or 135.337 of*  
23 *such title;*

24 *“(II) any disciplinary action*  
25 *taken with respect to the individual*

1                   *that was not subsequently overturned;*  
2                   *and*

3                   “(III) *any release from employ-*  
4                   *ment or resignation, termination, or*  
5                   *disqualification with respect to em-*  
6                   *ployment.*

7                   “(C)    *NATIONAL    DRIVER    REGISTER*  
8                   *RECORDS.—In accordance with section*  
9                   *30305(b)(8) of this title, from the chief driver li-*  
10                  *icensing official of a State, information con-*  
11                  *cerning the motor vehicle driving record of the*  
12                  *individual.*

13                  “(3) *WRITTEN CONSENT; RELEASE FROM LIABIL-*  
14                  *ITY.—An air carrier—*

15                  “(A) *shall obtain the written consent of an*  
16                  *individual before accessing records pertaining to*  
17                  *the individual under paragraph (1); and*

18                  “(B) *may, notwithstanding any other pro-*  
19                  *vision of law or agreement to the contrary, re-*  
20                  *quire an individual with respect to whom the*  
21                  *carrier is accessing records under paragraph (1)*  
22                  *to execute a release from liability for any claim*  
23                  *arising from accessing the records or the use of*  
24                  *such records by the air carrier in accordance*  
25                  *with this section (other than a claim arising*

1       *from furnishing information known to be false*  
2       *and maintained in violation of a criminal stat-*  
3       *ute).*

4       “(4) *REPORTING.—*

5               “(A) *REPORTING BY ADMINISTRATOR.—The*  
6       *Administrator shall enter data described in*  
7       *paragraph (2)(A) into the database promptly to*  
8       *ensure that an individual’s records are current.*

9               “(B) *REPORTING BY AIR CARRIERS AND*  
10       *OTHER PERSONS.—*

11               “(i) *IN GENERAL.—Air carriers and*  
12       *other persons shall report data described in*  
13       *paragraphs (2)(B) and (2)(C) to the Ad-*  
14       *ministrator promptly for entry into the*  
15       *database.*

16               “(ii) *DATA TO BE REPORTED.—Air*  
17       *carriers and other persons shall report, at a*  
18       *minimum, under clause (i) the following*  
19       *data described in paragraph (2)(B):*

20                       “(I) *Records that are generated by*  
21       *the air carrier or other person after the*  
22       *date of enactment of this paragraph.*

23                       “(II) *Records that the air carrier*  
24       *or other person is maintaining, on*

1                    *such date of enactment, pursuant to*  
2                    *subsection (h)(4).*

3                    “(5) *REQUIREMENT TO MAINTAIN RECORDS.—*

4                    *The Administrator—*

5                    “(A) *shall maintain all records entered into*  
6                    *the database under paragraph (2) pertaining to*  
7                    *an individual until the date of receipt of notifi-*  
8                    *cation that the individual is deceased; and*

9                    “(B) *may remove the individual’s records*  
10                    *from the database after that date.*

11                    “(6) *RECEIPT OF CONSENT.—The Administrator*  
12                    *shall not permit an air carrier to access records per-*  
13                    *taining to an individual from the database under*  
14                    *paragraph (1) without the air carrier first dem-*  
15                    *onstrating to the satisfaction of the Administrator*  
16                    *that the air carrier has obtained the written consent*  
17                    *of the individual.*

18                    “(7) *RIGHT OF PILOT TO REVIEW CERTAIN*  
19                    *RECORDS AND CORRECT INACCURACIES.—Notwith-*  
20                    *standing any other provision of law or agreement, the*  
21                    *Administrator, upon receipt of written request from*  
22                    *an individual—*

23                    “(A) *shall make available, not later than 30*  
24                    *days after the date of the request, to the indi-*

1           *vidual for review all records referred to in para-*  
2           *graph (2) pertaining to the individual; and*

3           *“(B) shall provide the individual with a*  
4           *reasonable opportunity to submit written com-*  
5           *ments to correct any inaccuracies contained in*  
6           *the records.*

7           *“(8) REASONABLE CHARGES FOR PROCESSING*  
8           *REQUESTS AND FURNISHING COPIES.—The Adminis-*  
9           *trator may establish a reasonable charge for the cost*  
10          *of processing a request under paragraph (1) or (7)*  
11          *and for the cost of furnishing copies of requested*  
12          *records under paragraph (7).*

13          *“(9) PRIVACY PROTECTIONS.—*

14          *“(A) USE OF RECORDS.—An air carrier*  
15          *that accesses records pertaining to an individual*  
16          *under paragraph (1) may use the records only to*  
17          *assess the qualifications of the individual in de-*  
18          *cidng whether or not to hire the individual as*  
19          *a pilot. The air carrier shall take such actions*  
20          *as may be necessary to protect the privacy of the*  
21          *individual and the confidentiality of the records*  
22          *accessed, including ensuring that information*  
23          *contained in the records is not divulged to any*  
24          *individual that is not directly involved in the*  
25          *hiring decision.*



1                   “(B) *DISCLOSURE OF INFORMATION.*—

2                   “(i) *IN GENERAL.*—*Except as provided*  
3 *by clause (ii), information collected by the*  
4 *Administrator under paragraph (2) shall be*  
5 *exempt from the disclosure requirements of*  
6 *section 552 of title 5.*

7                   “(ii) *EXCEPTIONS.*—*Clause (i) shall*  
8 *not apply to—*

9                   “(I) *de-identified, summarized in-*  
10 *formation to explain the need for*  
11 *changes in policies and regulations;*

12                   “(II) *information to correct a con-*  
13 *dition that compromises safety;*

14                   “(III) *information to carry out a*  
15 *criminal investigation or prosecution;*

16                   “(IV) *information to comply with*  
17 *section 44905, regarding information*  
18 *about threats to civil aviation; and*

19                   “(V) *such information as the Ad-*  
20 *ministrator determines necessary, if*  
21 *withholding the information would not*  
22 *be consistent with the safety respon-*  
23 *sibilities of the Federal Aviation Ad-*  
24 *ministration.*

1           “(10) *PERIODIC REVIEW*.—Not later than 18  
2           months after the date of enactment of this paragraph,  
3           and at least once every 3 years thereafter, the Admin-  
4           istrator shall transmit to Congress a statement that  
5           contains, taking into account recent developments in  
6           the aviation industry—

7                   “(A) recommendations by the Administrator  
8                   concerning proposed changes to Federal Aviation  
9                   Administration records, air carrier records, and  
10                  other records required to be included in the data-  
11                  base under paragraph (2); or

12                  “(B) reasons why the Administrator does  
13                  not recommend any proposed changes to the  
14                  records referred to in subparagraph (A).

15           “(11) *REGULATIONS FOR PROTECTION AND SE-*  
16           *CURITY OF RECORDS*.—The Administrator shall pre-  
17           scribe such regulations as may be necessary—

18                   “(A) to protect and secure—

19                          “(i) the personal privacy of any indi-  
20                          vidual whose records are accessed under  
21                          paragraph (1); and

22                          “(ii) the confidentiality of those  
23                          records; and

1           “(B) to preclude the further dissemination  
2 of records received under paragraph (1) by the  
3 person who accessed the records.

4           “(12) *GOOD FAITH EXCEPTION.*—Notwith-  
5 standing paragraph (1), an air carrier may allow an  
6 individual to begin service as a pilot, without first  
7 obtaining information described in paragraph (2)(B)  
8 from the database pertaining to the individual, if—

9           “(A) the air carrier has made a documented  
10 good faith attempt to access the information  
11 from the database; and

12           “(B) has received written notice from the  
13 Administrator that the information is not con-  
14 tained in the database because the individual  
15 was employed by an air carrier or other person  
16 that no longer exists or by a foreign government  
17 or other entity that has not provided the infor-  
18 mation to the database.

19           “(13) *LIMITATIONS ON ELECTRONIC ACCESS TO*  
20 *RECORDS.*—

21           “(A) *ACCESS BY INDIVIDUALS DESIGNATED*  
22 *BY AIR CARRIERS.*—For the purpose of increas-  
23 ing timely and efficient access to records de-  
24 scribed in paragraph (2), the Administrator may  
25 allow, under terms established by the Adminis-

1           *trator, an individual designated by an air car-*  
2           *rier to have electronic access to the database.*

3           “(B) *TERMS.*—*The terms established by the*  
4           *Administrator under subparagraph (A) for al-*  
5           *lowing a designated individual to have electronic*  
6           *access to the database shall limit such access to*  
7           *instances in which information in the database*  
8           *is required by the designated individual in mak-*  
9           *ing a hiring decision concerning a pilot appli-*  
10           *cant and shall require that the designated indi-*  
11           *vidual provide assurances satisfactory to the Ad-*  
12           *ministrator that—*

13                   “(i) *the designated individual has re-*  
14                   *ceived the written consent of the pilot appli-*  
15                   *cant to access the information; and*

16                   “(ii) *information obtained using such*  
17                   *access will not be used for any purpose*  
18                   *other than making the hiring decision.*

19           “(14) *AUTHORIZED EXPENDITURES.*—*Out of*  
20           *amounts appropriated under section 106(k)(1), there*  
21           *is authorized to be expended to carry out this sub-*  
22           *section such sums as may be necessary for each of fis-*  
23           *cal years 2010, 2011, and 2012.*

24           “(15) *REGULATIONS.*—

1           “(A) *IN GENERAL.*—*The Administrator*  
2           *shall issue regulations to carry out this sub-*  
3           *section.*

4           “(B) *EFFECTIVE DATE.*—*The regulations*  
5           *shall specify the date on which the requirements*  
6           *of this subsection take effect and the date on*  
7           *which the requirements of subsection (h) cease to*  
8           *be effective.*

9           “(C) *EXCEPTIONS.*—*Notwithstanding sub-*  
10          *paragraph (B)—*

11           “(i) *the Administrator shall begin to*  
12           *establish the database under paragraph (2)*  
13           *not later than 90 days after the date of en-*  
14           *actment of this paragraph;*

15           “(ii) *the Administrator shall maintain*  
16           *records in accordance with paragraph (5)*  
17           *beginning on the date of enactment of this*  
18           *paragraph; and*

19           “(iii) *air carriers and other persons*  
20           *shall maintain records to be reported to the*  
21           *database under paragraph (4)(B) in the pe-*  
22           *riod beginning on such date of enactment*  
23           *and ending on the date that is 5 years after*  
24           *the requirements of subsection (h) cease to*  
25           *be effective pursuant to subparagraph (B).*

1           “(16) *SPECIAL RULE*.—During the one-year pe-  
2           riod beginning on the date on which the requirements  
3           of this section become effective pursuant to paragraph  
4           (15)(B), paragraph (7)(A) shall be applied by sub-  
5           stituting ‘45 days’ for ‘30 days.’”.

6           (c) *CONFORMING AMENDMENTS*.—

7           (1) *LIMITATION ON LIABILITY; PREEMPTION OF*  
8           *STATE LAW*.—Section 44703(j) (as redesignated by  
9           subsection (b)(1) of this section) is amended—

10           (A) in the subsection heading by striking  
11           “*LIMITATION*” and inserting “*LIMITATIONS*”;

12           (B) in paragraph (1)—

13           (i) in the matter preceding subpara-  
14           graph (A) by striking “paragraph (2)” and  
15           inserting “subsection (h)(2) or (i)(3)”;

16           (ii) in subparagraph (A) by inserting  
17           “or accessing the records of that individual  
18           under subsection (i)(1)” before the semi-  
19           colon; and

20           (iii) in the matter following subpara-  
21           graph (D) by striking “subsection (h)” and  
22           inserting “subsection (h) or (i)”;

23           (C) in paragraph (2) by striking “sub-  
24           section (h)” and inserting “subsection (h) or  
25           (i)”;

1           (D) in paragraph (3), in the matter pre-  
2           ceding subparagraph (A), by inserting “or who  
3           furnished information to the database established  
4           under subsection (i)(2)” after “subsection  
5           (h)(1)”; and

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

7           “(4) PROHIBITION ON ACTIONS AND PRO-  
8           CEEDINGS AGAINST AIR CARRIERS.—

9           “(A) HIRING DECISIONS.—An air carrier  
10           may refuse to hire an individual as a pilot if the  
11           individual did not provide written consent for  
12           the air carrier to receive records under subsection  
13           (h)(2)(A) or (i)(3)(A) or did not execute the re-  
14           lease from liability requested under subsection  
15           (h)(2)(B) or (i)(3)(B).

16           “(B) ACTIONS AND PROCEEDINGS.—No ac-  
17           tion or proceeding may be brought against an  
18           air carrier by or on behalf of an individual who  
19           has applied for or is seeking a position as a pilot  
20           with the air carrier if the air carrier refused to  
21           hire the individual after the individual did not  
22           provide written consent for the air carrier to re-  
23           ceive records under subsection (h)(2)(A) or  
24           (i)(3)(A) or did not execute a release from liabil-

1            *ity requested under subsection (h)(2)(B) or*  
2            *(i)(3)(B).”.*

3            (2) *LIMITATION ON STATUTORY CONSTRUC-*  
4            *TION.—Section 44703(k) (as redesignated by sub-*  
5            *section (b)(1) of this section) is amended by striking*  
6            *“subsection (h)” and inserting “subsection (h) or (i)”.*

7    **SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.**

8            (a) *COMPLETION OF RULEMAKING ON TRAINING PRO-*  
9            *GRAMS.—Not later than 14 months after the date of enact-*  
10           *ment of this Act, the Administrator of the Federal Aviation*  
11           *Administration shall issue a final rule with respect to the*  
12           *notice of proposed rulemaking published in the Federal Reg-*  
13           *ister on January 12, 2009 (74 Fed. Reg. 1280; relating to*  
14           *training programs for flight crewmembers and aircraft dis-*  
15           *patchers).*

16           (b) *EXPERT PANEL TO REVIEW PART 121 AND PART*  
17           *135 TRAINING HOURS.—*

18           (1) *ESTABLISHMENT.—Not later than 60 days*  
19           *after the date of enactment of this Act, the Adminis-*  
20           *trator shall convene a multidisciplinary expert panel*  
21           *comprised of, at a minimum, air carrier representa-*  
22           *tives, training facility representatives, instructional*  
23           *design experts, aircraft manufacturers, safety organi-*  
24           *zation representatives, and labor union representa-*  
25           *tives.*



1           (2) *ASSESSMENT AND RECOMMENDATIONS.*—*The*  
2 *panel shall assess and make recommendations con-*  
3 *cerning—*

4                   (A) *the best methods and optimal time need-*  
5 *ed for flight crewmembers of part 121 air car-*  
6 *riers and flight crewmembers of part 135 air*  
7 *carriers to master aircraft systems, maneuvers,*  
8 *procedures, take offs and landings, and crew co-*  
9 *ordination;*

10                   (B) *the optimal length of time between*  
11 *training events for such crewmembers, including*  
12 *recurrent training events;*

13                   (C) *the best methods to reliably evaluate*  
14 *mastery by such crewmembers of aircraft sys-*  
15 *tems, maneuvers, procedures, take offs and land-*  
16 *ings, and crew coordination; and*

17                   (D) *the best methods to allow specific aca-*  
18 *demie training courses to be credited pursuant to*  
19 *section 11(d) toward the total flight hours re-*  
20 *quired to receive an airline transport pilot cer-*  
21 *tificate.*

22           (3) *REPORT.*—*Not later than 1 after the date of*  
23 *enactment of this Act, the Administrator shall submit*  
24 *to the Committee on Transportation and Infrastruc-*  
25 *ture of the House of Representatives, the Committee*

1        *on Commerce, Science, and Transportation of the*  
2        *Senate, and the National Transportation Safety*  
3        *Board a report based on the findings of the panel.*

4    **SEC. 348. AVIATION SAFETY INSPECTORS AND OPER-**  
5                                    **ATIONAL RESEARCH ANALYSTS.**

6        *(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later*  
7        *than 9 months after the date of enactment of this Act, the*  
8        *Inspector General of the Department of Transportation*  
9        *shall conduct a review of aviation safety inspectors and*  
10       *operational research analysts of the Federal Aviation Ad-*  
11       *ministration assigned to part 121 air carriers and submit*  
12       *to the Administrator of the Federal Aviation Administra-*  
13       *tion a report on the results of the review.*

14       *(b) PURPOSES.—The purpose of the review shall be,*  
15       *at a minimum—*

16                    *(1) to review the level of the Administration's*  
17                    *oversight of each part 121 air carrier;*

18                    *(2) to make recommendations to ensure that each*  
19                    *part 121 air carrier is receiving an equivalent level*  
20                    *of oversight;*

21                    *(3) to assess the number and level of experience*  
22                    *of aviation safety inspectors assigned to such carriers;*

23                    *(4) to evaluate how the Administration is mak-*  
24                    *ing assignments of aviation safety inspectors to such*  
25                    *carriers;*

1           (5) to review various safety inspector oversight  
2 programs, including the geographic inspector pro-  
3 gram;

4           (6) to evaluate the adequacy of the number of  
5 operational research analysts assigned to each part  
6 121 air carrier;

7           (7) to evaluate the surveillance responsibilities of  
8 aviation safety inspectors, including en route inspec-  
9 tions;

10          (8) to evaluate whether inspectors are able to ef-  
11 fectively use data sources, such as the Safety Perform-  
12 ance Analysis System and the Air Transportation  
13 Oversight System, to assist in targeting oversight of  
14 air carriers;

15          (9) to assess the feasibility of establishment by  
16 the Administration of a comprehensive repository of  
17 information that encompasses multiple Administra-  
18 tion data sources and allowing access by aviation  
19 safety inspectors and operational research analysts to  
20 assist in the oversight of part 121 air carriers; and

21          (10) to conduct such other analyses as the In-  
22 spector General considers relevant to the purpose of  
23 the review.

24          (c) *REPORT TO CONGRESS.*—Not later than 90 days  
25 after the date of receipt of the report submitted under sub-

1 *section (a), the Administrator shall submit to the Com-*  
2 *mittee on Transportation and Infrastructure of the House*  
3 *of Representatives and the Committee on Commerce,*  
4 *Science, and Transportation of the Senate a report—*

5 *(1) that specifies which, if any, policy changes*  
6 *recommended by the Inspector General under this sec-*  
7 *tion the Administrator intends to adopt and imple-*  
8 *ment;*

9 *(2) that includes an explanation of how the Ad-*  
10 *ministrator plans to adopt and implement such pol-*  
11 *icy changes; and*

12 *(3) in any case in which the Administrator does*  
13 *not intend to adopt a policy change recommended by*  
14 *the Inspector General, that includes an explanation of*  
15 *the reasons for the decision not to adopt and imple-*  
16 *ment the policy change.*

17 **SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFES-**  
18 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

19 *(a) RULEMAKING PROCEEDING.—*

20 *(1) IN GENERAL.—The Administrator of the Fed-*  
21 *eral Aviation Administration shall conduct a rule-*  
22 *making proceeding to require each part 121 air car-*  
23 *rier to take the following actions:*

24 *(A) Establish flight crewmember mentoring*  
25 *programs under which the air carrier will pair*

1 *highly experienced flight crewmembers who will*  
2 *serve as mentor pilots and be paired with newly*  
3 *employed flight crewmembers. Mentor pilots shall*  
4 *receive, at a minimum, specific instruction on*  
5 *techniques for instilling and reinforcing the*  
6 *highest standards of technical performance,*  
7 *airmanship, and professionalism in newly em-*  
8 *ployed flight crewmembers.*

9 *(B) Establish flight crewmember profes-*  
10 *sional development committees made up of air*  
11 *carrier management and labor union or profes-*  
12 *sional association representatives to develop, ad-*  
13 *minister, and oversee formal mentoring pro-*  
14 *grams of the carrier to assist flight crewmembers*  
15 *to reach their maximum potential as safe, sea-*  
16 *soned, and proficient flight crewmembers.*

17 *(C) Establish or modify training programs*  
18 *to accommodate substantially different levels and*  
19 *types of flight experience by newly employed*  
20 *flight crewmembers.*

21 *(D) Establish or modify training programs*  
22 *for second-in-command flight crewmembers at-*  
23 *tempting to qualify as pilot-in-command flight*  
24 *crewmembers for the first time in a specific air-*

1           *craft type and ensure that such programs in-*  
2           *clude leadership and command training.*

3           *(E) Ensure that recurrent training for pi-*  
4           *lots in command includes leadership and com-*  
5           *mand training.*

6           *(F) Such other actions as the Administrator*  
7           *determines appropriate to enhance flight crew-*  
8           *member professional development.*

9           (2) *COMPLIANCE WITH STERILE COCKPIT*  
10          *RULE.—Leadership and command training described*  
11          *in paragraphs (1)(D) and (1)(E) shall include in-*  
12          *struction on compliance with flight crewmember du-*  
13          *ties under part 121.542 of title 14, Code of Federal*  
14          *Regulations.*

15          (3) *STREAMLINED PROGRAM REVIEW.—*

16                 *(A) IN GENERAL.—As part of the rule-*  
17                 *making required by subsection (a), the Adminis-*  
18                 *trator shall establish a streamlined process for*  
19                 *part 121 air carriers that have in effect, as of*  
20                 *the date of enactment of this Act, the programs*  
21                 *required by paragraph (1).*

22                 *(B) EXPEDITED APPROVALS.—Under the*  
23                 *streamlined process, the Administrator shall—*

24                         *(i) review the programs of such part*  
25                         *121 air carriers to determine whether the*

1            *programs meet the requirements set forth in*  
2            *the final rule referred to in subsection*  
3            *(b)(2); and*

4            *(ii) expedite the approval of the pro-*  
5            *grams that the Administrator determines*  
6            *meet such requirements.*

7            *(b) DEADLINES.—The Administrator shall issue—*

8            *(1) not later than 180 days after the date of en-*  
9            *actment of this Act, a notice of proposed rulemaking*  
10           *under subsection (a); and*

11           *(2) not later than 24 months after such date of*  
12           *enactment, a final rule under subsection (a).*

13           **SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALI-**  
14           **FICATIONS.**

15           *(a) REQUIREMENTS.—*

16           *(1) RULEMAKING PROCEEDING.—The Adminis-*  
17           *trator of the Federal Aviation Administration shall*  
18           *conduct a rulemaking proceeding to require part 121*  
19           *air carriers to develop and implement means and*  
20           *methods for ensuring that flight crewmembers have*  
21           *proper qualifications and experience.*

22           *(2) MINIMUM REQUIREMENTS.—*

23           *(A) PROSPECTIVE FLIGHT CREW-*  
24           *MEMBERS.—Rules issued under paragraph (1)*  
25           *shall ensure that prospective flight crewmembers*

1           *undergo comprehensive pre-employment screen-*  
2           *ing, including an assessment of the skills, apti-*  
3           *tudes, airmanship, and suitability of each appli-*  
4           *cant for a position as a flight crewmember in*  
5           *terms of functioning effectively in the air car-*  
6           *rier's operational environment.*

7           *(B) ALL FLIGHT CREWMEMBERS.—Rules*  
8           *issued under paragraph (1) shall ensure that,*  
9           *after the date that is 3 years after the date of en-*  
10          *actment of this Act, all flight crewmembers—*

11                   *(i) have obtained an airline transport*  
12                   *pilot certificate under part 61 of title 14,*  
13                   *Code of Federal Regulations; and*

14                   *(ii) have appropriate multi-engine air-*  
15                   *craft flight experience, as determined by the*  
16                   *Administrator.*

17          *(b) DEADLINES.—The Administrator shall issue—*

18                   *(1) not later than 180 days after the date of en-*  
19                   *actment of this Act, a notice of proposed rulemaking*  
20                   *under subsection (a); and*

21                   *(2) not later than 24 months after such date of*  
22                   *enactment, a final rule under subsection (a).*

23   **SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.**

24          *(a) RULEMAKING PROCEEDING.—The Administrator*  
25          *of the Federal Aviation Administration shall conduct a*



1 *rulemaking proceeding to amend part 61 of title 14, Code*  
2 *of Federal Regulations, to modify requirements for the*  
3 *issuance of an airline transport pilot certificate.*

4 (b) *MINIMUM REQUIREMENTS.—To be qualified to re-*  
5 *ceive an airline transport pilot certificate pursuant to sub-*  
6 *section (a), an individual shall—*

7 (1) *have sufficient flight hours, as determined by*  
8 *the Administrator, to enable a pilot to function effec-*  
9 *tively in an air carrier operational environment; and*

10 (2) *have received flight training, academic train-*  
11 *ing, or operational experience that will prepare a*  
12 *pilot, at a minimum, to—*

13 (A) *function effectively in a multipilot envi-*  
14 *ronment;*

15 (B) *function effectively in adverse weather*  
16 *conditions, including icing conditions;*

17 (C) *function effectively during high altitude*  
18 *operations;*

19 (D) *adhere to the highest professional stand-*  
20 *ards; and*

21 (E) *function effectively in an air carrier*  
22 *operational environment.*

23 (c) *FLIGHT HOURS.—*

1           (1) *NUMBERS OF FLIGHT HOURS.*—*The total*  
2 *flight hours required by the Administrator under sub-*  
3 *section (b)(1) shall be at least 1,500 flight hours.*

4           (2) *FLIGHT HOURS IN DIFFICULT OPERATIONAL*  
5 *CONDITIONS.*—*The total flight hours required by the*  
6 *Administrator under subsection (b)(1) shall include*  
7 *sufficient flight hours, as determined by the Adminis-*  
8 *trator, in difficult operational conditions that may be*  
9 *encountered by an air carrier to enable a pilot to op-*  
10 *erate safely in such conditions.*

11          (d) *CREDIT TOWARD FLIGHT HOURS.*—*The Adminis-*  
12 *trator may allow specific academic training courses, beyond*  
13 *those required under subsection (b)(2), to be credited toward*  
14 *the total flight hours required under subsection (c). The Ad-*  
15 *ministrator may allow such credit based on a determina-*  
16 *tion by the Administrator that allowing a pilot to take spe-*  
17 *cific academic training courses will enhance safety more*  
18 *than requiring the pilot to fully comply with the flight*  
19 *hours requirement.*

20          (e) *RECOMMENDATIONS OF EXPERT PANEL.*—*In con-*  
21 *ducting the rulemaking proceeding under this section, the*  
22 *Administrator shall review and consider the assessment and*  
23 *recommendations of the expert panel to review part 121 and*  
24 *part 135 training hours established by section 7(b) of this*  
25 *Act.*

1       (f) *DEADLINE.*—Not later than 36 months after the  
2 date of enactment of this Act, the Administrator shall issue  
3 a final rule under subsection (a).

4 **SEC. 352. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND**  
5 **PILOT ACADEMIC TRAINING.**

6       (a) *GAO STUDY.*—The Comptroller General shall con-  
7 duct a comprehensive study of flight schools, flight edu-  
8 cation, and academic training requirements for certifi-  
9 cation of an individual as a pilot.

10       (b) *MINIMUM CONTENTS OF STUDY.*—The study shall  
11 include, at a minimum—

12               (1) an assessment of the Federal Aviation Ad-  
13 ministration’s oversight of flight schools;

14               (2) an assessment of the Administration’s aca-  
15 demic training requirements in effect on the date of  
16 enactment of this Act as compared to flight education  
17 provided to a pilot by accredited 2- and 4-year uni-  
18 versities;

19               (3) an assessment of the quality of pilots enter-  
20 ing the part 121 air carrier workforce from all  
21 sources after receiving training from flight training  
22 providers, including Aviation Accreditation Board  
23 International, universities, pilot training organiza-  
24 tions, and the military, utilizing the training records  
25 of part 121 air carriers, including consideration of

1       *any relationships between flight training providers*  
2       *and air carriers;*

3             (4) *a comparison of the academic training re-*  
4       *quirements for pilots in the United States to the aca-*  
5       *ademic training requirements for pilots in other coun-*  
6       *tries;*

7             (5) *a determination and description of any im-*  
8       *provements that may be needed in the Administra-*  
9       *tion's academic training requirements for pilots;*

10            (6) *an assessment of student financial aid and*  
11       *loan options available to individuals interested in en-*  
12       *rolling at a flight school for both academic and flight*  
13       *hour training;*

14            (7) *an assessment of the Federal Aviation Ad-*  
15       *ministration's oversight of general aviation flight*  
16       *schools that offer or would like to offer training pro-*  
17       *grams under part 142 of title 14, Code of Federal*  
18       *Regulations; and*

19            (8) *an assessment of whether compliance with the*  
20       *English speaking requirements applicable to pilots*  
21       *under part 61 of such title is adequately tested and*  
22       *enforced.*

23        (c) *REPORT.*—*Not later than 120 days after the date*  
24       *of enactment of this Act, the Comptroller General shall sub-*  
25       *mit to the Committee on Transportation and Infrastructure*

1 *of the House of Representatives and the Committee on Com-*  
2 *merce, Science, and Transportation of the Senate a report*  
3 *on the results of the study.*

4 **SEC. 353. VOLUNTARY SAFETY PROGRAMS.**

5       (a) *REPORT.*—*Not later than 180 days after the date*  
6 *of enactment of this Act, the Administrator of the Federal*  
7 *Aviation Administration shall submit to the Committee on*  
8 *Transportation and Infrastructure of the House of Rep-*  
9 *resentatives and the Committee on Commerce, Science, and*  
10 *Transportation of the Senate a report on the aviation safety*  
11 *action program, the flight operational quality assurance*  
12 *program, the line operations safety audit, and the advanced*  
13 *qualification program.*

14       (b) *CONTENTS.*—*The report shall include—*

15               (1) *a list of—*

16                       (A) *which air carriers are using one or*  
17 *more of the voluntary safety programs referred to*  
18 *in subsection (a); and*

19                       (B) *the voluntary safety programs each air*  
20 *carrier is using;*

21               (2) *if an air carrier is not using one or more of*  
22 *the voluntary safety programs—*

23                       (A) *a list of such programs the carrier is*  
24 *not using; and*

1                   (B) the reasons the carrier is not using each  
2                   such program;

3                   (3) if an air carrier is using one or more of the  
4                   voluntary safety programs, an explanation of the ben-  
5                   efits and challenges of using each such program;

6                   (4) a detailed analysis of how the Administra-  
7                   tion is using data derived from each of the voluntary  
8                   safety programs as safety analysis and accident or  
9                   incident prevention tools and a detailed plan on how  
10                  the Administration intends to expand data analysis  
11                  of such programs;

12                  (5) an explanation of—

13                         (A) where the data derived from such pro-  
14                         grams is stored;

15                         (B) how the data derived from such pro-  
16                         grams is protected and secured; and

17                         (C) what data analysis processes air car-  
18                         riers are implementing to ensure the effective use  
19                         of the data derived from such programs;

20                  (6) a description of the extent to which aviation  
21                  safety inspectors are able to review data derived from  
22                  such programs to enhance their oversight responsibil-  
23                  ities;

24                  (7) a description of how the Administration  
25                  plans to incorporate operational trends identified

1        *under such programs into the air transport oversight*  
2        *system and other surveillance databases so that such*  
3        *system and databases are more effectively utilized;*

4            *(8) other plans to strengthen such programs, tak-*  
5        *ing into account reviews of such programs by the In-*  
6        *pector General of the Department of Transportation;*  
7        *and*

8            *(9) such other matters as the Administrator de-*  
9        *termines are appropriate.*

10 **SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.**

11        *(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The*  
12        *Administrator of the Federal Aviation Administration shall*  
13        *develop and implement a plan to facilitate the establish-*  
14        *ment of an aviation safety action program and a flight*  
15        *operational quality assurance program by all part 121 air*  
16        *carriers.*

17        *(b) MATTERS TO BE CONSIDERED.—In developing the*  
18        *plan under subsection (a), the Administrator shall con-*  
19        *sider—*

20            *(1) how the Administration can assist part 121*  
21        *air carriers with smaller fleet sizes to derive benefit*  
22        *from establishing a flight operational quality assur-*  
23        *ance program;*

24            *(2) how part 121 air carriers with established*  
25        *aviation safety action and flight operational quality*

1       *assurance programs can quickly begin to report data*  
2       *into the aviation safety information analysis sharing*  
3       *database; and*

4               *(3) how part 121 air carriers and aviation safe-*  
5       *ty inspectors can better utilize data from such data-*  
6       *base as accident and incident prevention tools.*

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 of*  
10       *the House of Representatives and the Committee on Science,*  
11       *Commerce, and Transportation of the Senate a copy of the*  
12       *plan developed under subsection (a) and an explanation of*  
13       *how the Administration will implement the plan.*

14       *(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF*  
15       *PLAN.—Not later than 1 after the date of enactment of this*  
16       *Act, the Administrator shall begin implementation of the*  
17       *plan developed under subsection (a).*

18       **SEC. 355. SAFETY MANAGEMENT SYSTEMS.**

19       *(a) RULEMAKING.—The Administrator of the Federal*  
20       *Aviation Administration shall conduct a rulemaking pro-*  
21       *ceeding to require all part 121 air carriers to implement*  
22       *a safety management system.*

23       *(b) MATTERS TO CONSIDER.—In conducting the rule-*  
24       *making under subsection (a), the Administrator shall con-*



1 *sider, at a minimum, including each of the following as*  
 2 *a part of the safety management system:*

3 (1) *An aviation safety action program.*

4 (2) *A flight operational quality assurance pro-*  
 5 *gram.*

6 (3) *A line operations safety audit.*

7 (4) *An advanced qualification program.*

8 (c) *DEADLINES.—The Administrator shall issue—*

9 (1) *not later than 90 days after the date of en-*  
 10 *actment of this Act, a notice of proposed rulemaking*  
 11 *under subsection (a); and*

12 (2) *not later than 24 months after the date of en-*  
 13 *actment of this Act, a final rule under subsection (a).*

14 (d) *SAFETY MANAGEMENT SYSTEM DEFINED.—In this*  
 15 *section, the term “safety management system” means the*  
 16 *program established by the Federal Aviation Administra-*  
 17 *tion in Advisory Circular 120–92, dated June 22, 2006,*  
 18 *including any subsequent revisions thereto.*

19 **SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING**  
 20 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**  
 21 **PORTATION.**

22 *Section 41712 of title 49, United States Code, is*  
 23 *amended by adding at the end the following:*

24 “(c) *DISCLOSURE REQUIREMENT FOR SELLERS OF*  
 25 *TICKETS FOR FLIGHTS.—*

1           “(1) *IN GENERAL.*—*It shall be an unfair or de-*  
2           *ceptive practice under subsection (a) for any ticket*  
3           *agent, air carrier, foreign air carrier, or other person*  
4           *offering to sell tickets for air transportation on a*  
5           *flight of an air carrier to not disclose, whether ver-*  
6           *bally in oral communication or in writing in written*  
7           *or electronic communication, prior to the purchase of*  
8           *a ticket—*

9                   “(A) *the name (including any business or*  
10                  *corporate name) of the air carrier providing the*  
11                  *air transportation; and*

12                   “(B) *if the flight has more than one flight*  
13                  *segment, the name of each air carrier providing*  
14                  *the air transportation for each such flight seg-*  
15                  *ment.*

16           “(2) *INTERNET OFFERS.*—*In the case of an offer*  
17           *to sell tickets described in paragraph (1) on an Inter-*  
18           *net Web site, disclosure of the information required by*  
19           *paragraph (1) shall be provided on the first display*  
20           *of the Web site following a search of a requested*  
21           *itinerary in a format that is easily visible to a view-*  
22           *er.”.*

23 **SEC. 357. PILOT FATIGUE.**

24           (a) *FLIGHT AND DUTY TIME REGULATIONS.*—

1           (1) *IN GENERAL.*—*In accordance with para-*  
2 *graph (3), the Administrator of the Federal Aviation*  
3 *Administration shall issue regulations, based on the*  
4 *best available scientific information—*

5                   (A) *to specify limitations on the hours of*  
6 *flight and duty time allowed for pilots to address*  
7 *problems relating to pilot fatigue; and*

8                   (B) *to require part 121 air carriers to de-*  
9 *velop and implement fatigue risk management*  
10 *plans.*

11           (2) *MATTERS TO BE ADDRESSED.*—*In con-*  
12 *ducting the rulemaking proceeding under this sub-*  
13 *section, the Administrator shall consider and review*  
14 *the following:*

15                   (A) *Time of day of flights in a duty period.*

16                   (B) *Number of takeoff and landings in a*  
17 *duty period.*

18                   (C) *Number of time zones crossed in a duty*  
19 *period.*

20                   (D) *The impact of functioning in multiple*  
21 *time zones or on different daily schedules.*

22                   (E) *Research conducted on fatigue, sleep,*  
23 *and circadian rhythms.*

24                   (F) *Sleep and rest requirements rec-*  
25 *ommended by the National Transportation Safe-*

1 *ty Board and the National Aeronautics and*  
2 *Space Administration.*

3 *(G) International standards regarding*  
4 *flight schedules and duty periods.*

5 *(H) Alternative procedures to facilitate*  
6 *alertness in the cockpit.*

7 *(I) Scheduling and attendance policies and*  
8 *practices, including sick leave.*

9 *(J) The effects of commuting, the means of*  
10 *commuting, and the length of the commute.*

11 *(K) Medical screening and treatment.*

12 *(L) Rest environments.*

13 *(M) Any other matters the Administrator*  
14 *considers appropriate.*

15 *(3) DEADLINES.—The Administrator shall*  
16 *issue—*

17 *(A) not later than 180 days after the date*  
18 *of enactment of this Act, a notice of proposed*  
19 *rulemaking under subsection (a); and*

20 *(B) not later than 1 after the date of enact-*  
21 *ment of this Act, a final rule under subsection*  
22 *(a).*

23 *(b) FATIGUE RISK MANAGEMENT PLAN.—*

24 *(1) SUBMISSION OF FATIGUE RISK MANAGEMENT*  
25 *PLAN BY PART 121 AIR CARRIERS.—Not later than 90*

1 *days after the date of enactment of this section, each*  
2 *part 121 air carrier shall submit to the Adminis-*  
3 *trator for review and approval a fatigue risk manage-*  
4 *ment plan.*

5 (2) *CONTENTS OF PLAN.*—*A fatigue risk manage-*  
6 *ment plan submitted by a part 121 air carrier under*  
7 *paragraph (1) shall include the following:*

8 (A) *Current flight time and duty period*  
9 *limitations.*

10 (B) *A rest scheme that enables the manage-*  
11 *ment of fatigue, including annual training to in-*  
12 *crease awareness of—*

13 (i) *fatigue;*

14 (ii) *the effects of fatigue on pilots; and*

15 (iii) *fatigue countermeasures.*

16 (C) *Development and use of a methodology*  
17 *that continually assesses the effectiveness of the*  
18 *program, including the ability of the program—*

19 (i) *to improve alertness; and*

20 (ii) *to mitigate performance errors.*

21 (3) *PLAN UPDATES.*—*A part 121 air carrier*  
22 *shall update its fatigue risk management plan under*  
23 *paragraph (1) every 2 years and submit the update*  
24 *to the Administrator for review and approval.*

25 (4) *APPROVAL.*—

1           (A) *INITIAL APPROVAL OR MODIFICATION.*—  
2           *Not later than 9 months after the date of enact-*  
3           *ment of this section, the Administrator shall re-*  
4           *view and approve or require modification to fa-*  
5           *tigue risk management plans submitted under*  
6           *this subsection to ensure that pilots are not oper-*  
7           *ating aircraft while fatigued.*

8           (B) *UPDATE APPROVAL OR MODIFICA-*  
9           *TION.*—*Not later than 9 months after submission*  
10           *of a plan update under paragraph (3), the Ad-*  
11           *ministrator shall review and approve or require*  
12           *modification to such update.*

13           (5) *CIVIL PENALTIES.*—*A violation of this sub-*  
14           *section by a part 121 air carrier shall be treated as*  
15           *a violation of chapter 447 of title 49, United States*  
16           *Code, for purposes of the application of civil penalties*  
17           *under chapter 463 of that title.*

18           (6) *LIMITATION ON APPLICABILITY.*—*The re-*  
19           *quirements of this subsection shall cease to apply to*  
20           *a part 121 air carrier on and after the effective date*  
21           *of the regulations to be issued under subsection (a).*

22           (c) *EFFECT OF COMMUTING ON FATIGUE.*—

23           (1) *IN GENERAL.*—*Not later than 60 days after*  
24           *the date of enactment of this Act, the Administrator*  
25           *shall enter into appropriate arrangements with the*

1 *National Academy of Sciences to conduct a study of*  
2 *the effects of commuting on pilot fatigue and report*  
3 *its findings to the Administrator.*

4 (2) *STUDY.—In conducting the study, the Na-*  
5 *tional Academy of Sciences shall consider—*

6 (A) *the prevalence of pilot commuting in*  
7 *the commercial air carrier industry, including*  
8 *the number and percentage of pilots who com-*  
9 *mute;*

10 (B) *information relating to commuting by*  
11 *pilots, including distances traveled, time zones*  
12 *crossed, time spent, and methods used;*

13 (C) *research on the impact of commuting on*  
14 *pilot fatigue, sleep, and circadian rhythms;*

15 (D) *commuting policies of commercial air*  
16 *carriers (including passenger and all-cargo air*  
17 *carriers), including pilot check-in requirements*  
18 *and sick leave and fatigue policies;*

19 (E) *post-conference materials from the Fed-*  
20 *eral Aviation Administration’s June 2008 sym-*  
21 *posium entitled “Aviation Fatigue Management*  
22 *Symposium: Partnerships for Solutions”;*

23 (F) *Federal Aviation Administration and*  
24 *international policies and guidance regarding*  
25 *commuting; and*

1                   (G) any other matters as the Administrator  
2                   considers appropriate.

3                   (3) *PRELIMINARY FINDINGS.*—Not later than 90  
4                   days after the date of entering into arrangements  
5                   under paragraph (1), the National Academy of  
6                   Sciences shall submit to the Administrator its pre-  
7                   liminary findings under the study.

8                   (4) *REPORT.*—Not later than 6 months after the  
9                   date of entering into arrangements under paragraph  
10                  (1), the National Academy of Sciences shall submit to  
11                  the Administrator a report containing its findings  
12                  under the study and any recommendations for regu-  
13                  latory or administrative actions by the Federal Avia-  
14                  tion Administration concerning commuting by pilots.

15                  (5) *RULEMAKING.*—Following receipt of the re-  
16                  port of the National Academy of Sciences under para-  
17                  graph (4), the Administrator shall—

18                         (A) consider the findings and recommenda-  
19                         tions in the report; and

20                         (B) update, as appropriate based on sci-  
21                         entific data, regulations required by subsection  
22                         (a) on flight and duty time.

23                   (6) *AUTHORIZATION OF APPROPRIATIONS.*—  
24                   There are authorized to be appropriated such sums as  
25                   may be necessary to carry out this subsection.



1 **SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RE-**  
 2 **SOURCE MANAGEMENT TECHNIQUES.**

3 (a) *STUDY.*—*The Administrator of the Federal Avia-*  
 4 *tion Administration shall conduct a study on aviation in-*  
 5 *dustry best practices with regard to flight crewmember*  
 6 *pairing and crew resource management techniques.*

7 (b) *REPORT.*—*Not later than 1 after the date of enact-*  
 8 *ment of this Act, the Administrator shall submit to the*  
 9 *Committee on Transportation and Infrastructure of the*  
 10 *House of Representatives and the Committee on Commerce,*  
 11 *Science, and Transportation of the Senate a report on the*  
 12 *results of the study.*

13 **TITLE IV—AIR SERVICE**  
 14 **IMPROVEMENTS**

15 **SEC. 401. SMOKING PROHIBITION.**

16 (a) *IN GENERAL.*—*Section 41706 is amended—*

17 (1) *in the section heading by striking “**sched-***  
 18 ***uled**” and inserting “**passenger**”; and*

19 (2) *by striking subsections (a) and (b) and in-*  
 20 *serting the following:*

21 “(a) *SMOKING PROHIBITION IN INTRASTATE AND*  
 22 *INTERSTATE TRANSPORTATION BY AIRCRAFT.*—*An indi-*  
 23 *vidual may not smoke in an aircraft—*

24 “(1) *in scheduled passenger interstate air trans-*  
 25 *portation or scheduled passenger intrastate air trans-*  
 26 *portation; and*

1           “(2) *in nonscheduled intrastate or interstate*  
2           *transportation of passengers by aircraft for compensa-*  
3           *tion, if a flight attendant is a required crewmember*  
4           *on the aircraft (as determined by the Administrator*  
5           *of the Federal Aviation Administration).*”

6           “(b) *SMOKING PROHIBITION IN FOREIGN AIR TRANS-*  
7           *PORTATION.—The Secretary of Transportation shall require*  
8           *all air carriers and foreign air carriers to prohibit smoking*  
9           *in an aircraft—*

10           “(1) *in scheduled passenger foreign air transpor-*  
11           *tation; and*

12           “(2) *in nonscheduled passenger foreign air trans-*  
13           *portation, if a flight attendant is a required crew-*  
14           *member on the aircraft (as determined by the Admin-*  
15           *istrator or a foreign government).”.*

16           “(b) *CLERICAL AMENDMENT.—The analysis for chapter*  
17           *417 is amended by striking the item relating to section*  
18           *41706 and inserting the following:*

          “41706. *Prohibitions against smoking on flights.*”.

19           **SEC. 402. MONTHLY AIR CARRIER REPORTS.**

20           “(a) *IN GENERAL.—Section 41708 is amended by add-*  
21           *ing at the end the following:*

22           “(c) *DIVERTED AND CANCELLED FLIGHTS.—*

23           “(1) *MONTHLY REPORTS.—The Secretary shall*  
24           *require an air carrier referred to in paragraph (2) to*  
25           *file with the Secretary a monthly report on each flight*

1       *of the air carrier that is diverted from its scheduled*  
2       *destination to another airport and each flight of the*  
3       *air carrier that departs the gate at the airport at*  
4       *which the flight originates but is cancelled before*  
5       *wheels-off time.*

6               “(2) *APPLICABILITY.*—*An air carrier that is re-*  
7       *quired to file a monthly airline service quality per-*  
8       *formance report under subsection (b) shall be subject*  
9       *to the requirement of paragraph (1).*

10              “(3) *CONTENTS.*—*A monthly report filed by an*  
11       *air carrier under paragraph (1) shall include, at a*  
12       *minimum, the following information:*

13                      “(A) *For a diverted flight—*

14                              “(i) *the flight number of the diverted*  
15                              *flight;*

16                              “(ii) *the scheduled destination of the*  
17                              *flight;*

18                              “(iii) *the date and time of the flight;*

19                              “(iv) *the airport to which the flight*  
20                              *was diverted;*

21                              “(v) *wheels-on time at the diverted air-*  
22                              *port;*

23                              “(vi) *the time, if any, passengers*  
24                              *deplaned the aircraft at the diverted air-*  
25                              *port; and*

1                   “(vii) if the flight arrives at the sched-  
2                   uled destination airport—

3                   “(I) the gate-departure time at the  
4                   diverted airport;

5                   “(II) the wheels-off time at the di-  
6                   verted 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 depar-  
12                 ture—

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 compile  
24                 the information provided in the monthly reports filed  
25                 pursuant to paragraph (1) in a single monthly report



1       *hours, as determined by the Administrator, in order*  
2       *to grant exemptions under subsection (a).”.*

3       *(d) SCHEDULING PRIORITY.—Section 41718 is amend-*  
4       *ed—*

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 operations*  
12       *conducted by other air carriers granted exemptions pursu-*  
13       *ant to this section, with the highest scheduling priority to*  
14       *be afforded to beyond-perimeter operations conducted by*  
15       *new entrant air carriers and limited incumbent air car-*  
16       *riers.”.*

17       **SEC. 404. EAS CONTRACT GUIDELINES.**

18       *(a)           COMPENSATION           GUIDELINES.—Section*  
19       *41737(a)(1) is amended—*

20               *(1) by striking “and” at the end of subpara-*  
21       *graph (B);*

22               *(2) in subparagraph (C) by striking the period*  
23       *at the end and inserting a semicolon; and*

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

1           “(D) include provisions under which the Sec-  
2           retary may encourage an air carrier to improve air  
3           service for which compensation is being paid under  
4           this subchapter by incorporating financial incentives  
5           in an essential air service contract based on specified  
6           performance goals, including goals related to improv-  
7           ing on-time performance, reducing the number of  
8           flight cancellations, establishing reasonable fares (in-  
9           cluding joint fares beyond the hub airport), estab-  
10          lishing convenient connections to flights providing  
11          service beyond hub airports, and increasing mar-  
12          keting efforts; and

13           “(E) include provisions under which the Sec-  
14          retary may execute a long-term essential air service  
15          contract to encourage an air carrier to provide air  
16          service to an eligible place if it would be in the public  
17          interest to do so.”.

18          (b) *DEADLINE FOR ISSUANCE OF REVISED GUID-*  
19 *ANCE.—Not later than 90 days after the date of enactment*  
20 *of this Act, the Secretary of Transportation shall issue re-*  
21 *vised guidelines governing the rate of compensation payable*  
22 *under subchapter II of chapter 417 of title 49, United States*  
23 *Code, that incorporate the amendments made by subsection*  
24 *(a).*

1           (c) *REPORT.*—Not later than 2 years after the date of  
2 issuance of revised guidelines pursuant to subsection (b),  
3 the Secretary shall submit to the Committee on Transpor-  
4 tation and Infrastructure of the House of Representatives  
5 and the Committee on Commerce, Science, and Transpor-  
6 tation of the Senate a report on the extent to which the  
7 revised guidelines have been implemented and the impact,  
8 if any, such implementation has had on air carrier per-  
9 formance and community satisfaction with air service for  
10 which compensation is being paid under subchapter II of  
11 chapter 417 of title 49, United States Code.

12 **SEC. 405. ESSENTIAL AIR SERVICE REFORM.**

13           (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
14 41742(a)(2) of title 49, United States Code, is amended by  
15 striking “there is authorized to be appropriated  
16 \$77,000,000” and inserting “there is authorized to be ap-  
17 propriated out of the Airport and Airway Trust Fund  
18 \$150,000,000”.

19           (b) *DISTRIBUTION OF EXCESS FUNDS.*—

20                 (1) *IN GENERAL.*—Section 41742(a) is amended  
21 by adding at the end the following:

22                 “(4) *DISTRIBUTION OF EXCESS FUNDS.*—Of the  
23 funds, if any, credited to the account established  
24 under section 45303 in a fiscal year that exceed the



1       \$50,000,000 made available for such fiscal year under  
2       paragraph (1)—

3               “(A) one-half shall be made available imme-  
4               diately for obligation and expenditure to carry  
5               out section 41743; and

6               “(B) one-half shall be made available imme-  
7               diately for obligation and expenditure to carry  
8               out subsection (b).”.

9               (2)       **CONFORMING        AMENDMENT.**—Section  
10       41742(b) is amended—

11               (A) in the first sentence by striking “mon-  
12               eys credited” and all that follows before “shall be  
13               used” and inserting “amounts made available  
14               under subsection (a)(4)(B)”; and

15               (B) in the second sentence by striking “any  
16               amounts from those fees” and inserting “any of  
17               such amounts”.

18       **SEC. 406. SMALL COMMUNITY AIR SERVICE.**

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

20               (1) by striking “and” at the end of subpara-  
21       graph (D);

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

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

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

4           (b) *EXTENSION OF AUTHORIZATION.*—Section  
5 41743(e)(2) is amended by striking “2009” and inserting  
6 “2012”.

7 **SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.**

8           (a) *IN GENERAL.*—Subtitle VII is amended by insert-  
9 ing after chapter 421 the following:

10       **“CHAPTER 423—AIR PASSENGER SERVICE**  
11   **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

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

12       **“§ 42301. Emergency contingency plans**

13           “(a) *SUBMISSION OF AIR CARRIER AND AIRPORT*  
14 *PLANS.*—Not later than 90 days after the date of enactment  
15 of this section, each air carrier providing covered air trans-  
16 portation at a large hub airport or medium hub airport  
17 and each operator of a large hub airport or medium hub  
18 airport shall submit to the Secretary of Transportation for  
19 review and approval an emergency contingency plan in ac-  
20 cordance with the requirements of this section.

21           “(b) *COVERED AIR TRANSPORTATION DEFINED.*—In  
22 this section, the term ‘covered air transportation’ means

1 *scheduled passenger air transportation provided by an air*  
2 *carrier using aircraft with more than 30 seats.*

3 “(c) *AIR CARRIER PLANS.*—

4 “(1) *PLANS FOR INDIVIDUAL AIRPORTS.*—*An air*  
5 *carrier shall submit an emergency contingency plan*  
6 *under subsection (a) for—*

7 “(A) *each large hub airport and medium*  
8 *hub airport at which the carrier provides covered*  
9 *air transportation; and*

10 “(B) *each large hub airport and medium*  
11 *hub airport at which the carrier has flights for*  
12 *which it has primary responsibility for inven-*  
13 *tory control.*

14 “(2) *CONTENTS.*—*An emergency contingency*  
15 *plan submitted by an air carrier for an airport under*  
16 *subsection (a) shall contain a description of how the*  
17 *air carrier will—*

18 “(A) *provide food, water that meets the*  
19 *standards of the Safe Drinking Water Act (42*  
20 *U.S.C. 300f et seq.), restroom facilities, cabin*  
21 *ventilation, and access to medical treatment for*  
22 *passengers onboard an aircraft at the airport*  
23 *that is on the ground for an extended period of*  
24 *time without access to the terminal;*

1           “(B) allow passengers to deplane following  
2           excessive delays; and

3           “(C) share facilities and make gates avail-  
4           able at the airport in an emergency.

5           “(d) AIRPORT PLANS.—An emergency contingency  
6 plan submitted by an airport operator under subsection (a)  
7 shall contain—

8           “(1) a description of how the airport operator, to  
9           the maximum extent practicable, will provide for the  
10          deplanement of passengers following excessive delays  
11          and will provide for the sharing of facilities and  
12          make gates available at the airport in an emergency;  
13          and

14          “(2) in the case of an airport that is used by an  
15          air carrier or foreign air carrier for flights in foreign  
16          air transportation, a description of how the airport  
17          operator will provide for use of the airport’s terminal,  
18          to the maximum extent practicable, for the processing  
19          of passengers arriving at the airport on such a flight  
20          in the case of an excessive tarmac delay.

21          “(e) UPDATES.—

22          “(1) AIR CARRIERS.—An air carrier shall up-  
23          date the emergency contingency plan submitted by the  
24          air carrier under subsection (a) every 3 years and

1       *submit the update to the Secretary for review and ap-*  
2       *proval.*

3               “(2) *AIRPORTS.*—*An airport operator shall up-*  
4       *date the emergency contingency plan submitted by the*  
5       *airport operator under subsection (a) every 5 years*  
6       *and submit the update to the Secretary for review*  
7       *and approval.*

8               “(f) *APPROVAL.*—

9               “(1) *IN GENERAL.*—*Not later than 9 months*  
10       *after the date of enactment of this section, the Sec-*  
11       *retary shall review and approve or require modifica-*  
12       *tions to emergency contingency plans submitted under*  
13       *subsection (a) and updates submitted under sub-*  
14       *section (e) to ensure that the plans and updates will*  
15       *effectively address emergencies and provide for the*  
16       *health and safety of passengers.*

17               “(2) *CIVIL PENALTIES.*—*The Secretary may as-*  
18       *sess a civil penalty under section 46301 against an*  
19       *air carrier or airport that does not adhere to an*  
20       *emergency contingency plan approved under this sub-*  
21       *section.*

22               “(g) *MINIMUM STANDARDS.*—*The Secretary may es-*  
23       *tablish, as necessary or desirable, minimum standards for*  
24       *elements in an emergency contingency plan required to be*  
25       *submitted under this section.*

1       “(h) *PUBLIC ACCESS.*—An air carrier or airport re-  
2       quired to submit emergency contingency plans under this  
3       section shall ensure public access to such plan after its ap-  
4       proval under this section on the Internet website of the car-  
5       rier or airport or by such other means as determined by  
6       the Secretary.

7       “§42302. **Consumer complaints**

8       “(a) *CONSUMER COMPLAINTS HOTLINE TELEPHONE*  
9       *NUMBER.*—The Secretary of Transportation shall establish  
10      a consumer complaints hotline telephone number for the use  
11      of passengers in air transportation.

12      “(b) *PUBLIC NOTICE.*—The Secretary shall notify the  
13      public of the telephone number established under subsection  
14      (a).

15      “(c) *NOTICE TO PASSENGERS OF AIR CARRIERS.*—An  
16      air carrier providing scheduled air transportation using  
17      aircraft with 30 or more seats shall include on the Internet  
18      Web site of the carrier and on any ticket confirmation and  
19      boarding pass issued by the air carrier—

20              “(1) the hotline telephone number established  
21              under subsection (a);

22              “(2) the email address, telephone number, and  
23              mailing address of the air carrier; and

24              “(3) the email address, telephone number, and  
25              mailing address of the Aviation Consumer Protection

1        *Division of the Department of Transportation for the*  
2        *submission of reports by passengers about air travel*  
3        *service problems.*

4        “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
5        *are authorized to be appropriated such sums as may be nec-*  
6        *essary to carry out this section. Such sums shall remain*  
7        *available until expended.*

8        **“§ 42303. Use of insecticides in passenger aircraft**

9        “(a) *INFORMATION TO BE PROVIDED ON THE INTER-*  
10       *NET.*—*The Secretary of Transportation shall establish, and*  
11       *make available to the general public, an Internet Web site*  
12       *that contains a listing of countries that may require an*  
13       *air carrier or foreign air carrier to treat an aircraft pas-*  
14       *senger cabin with insecticides prior to a flight in foreign*  
15       *air transportation to that country or to apply an aerosol*  
16       *insecticide in an aircraft cabin used for such a flight when*  
17       *the cabin is occupied with passengers.*

18       “(b) *REQUIRED DISCLOSURES.*—*An air carrier, for-*  
19       *ign air carrier, or ticket agent selling, in the United*  
20       *States, a ticket for a flight in foreign air transportation*  
21       *to a country listed on the Internet Web site established*  
22       *under subsection (a) shall—*

23                “(1) *disclose, on its own Internet Web site or*  
24        *through other means, that the destination country*  
25        *may require the air carrier or foreign air carrier to*

1       *treat an aircraft passenger cabin with insecticides*  
2       *prior to the flight or to apply an aerosol insecticide*  
3       *in an aircraft cabin used for such a flight when the*  
4       *cabin is occupied with passengers; and*

5               “(2) refer the purchaser of the ticket to the Inter-  
6       *net Web site established under subsection (a) for addi-*  
7       *tional information.*

8       **“§ 42304. Notification of flight status by text message**  
9               **or email**

10       *“Not later than 180 days after the date of enactment*  
11       *of this section, the Secretary of Transportation shall issue*  
12       *regulations to require that each air carrier that has at least*  
13       *1 percent of total domestic scheduled-service passenger rev-*  
14       *enue provide each passenger of the carrier—*

15               “(1) an option to receive a text message or email  
16       *or any other comparable electronic service, subject to*  
17       *any fees applicable under the contract of the pas-*  
18       *senger for the electronic service, from the air carrier*  
19       *a notification of any change in the status of the flight*  
20       *of the passenger whenever the flight status is changed*  
21       *before the boarding process for the flight commences;*  
22       *and*

23               “(2) the notification if the passenger requests the  
24       *notification.”.*



1           (b) *CLERICAL AMENDMENT.*—*The analysis for subtitle*  
 2 *VII is amended by inserting after the item relating to chap-*  
 3 *ter 421 the following:*

          “423. *Air Passenger Service Improvements* ..... 42301”.

4           (c) *PENALTIES.*—*Section 46301 is amended in sub-*  
 5 *sections (a)(1)(A) and (c)(1)(A) by inserting “chapter 423,”*  
 6 *after “chapter 421,”.*

7           (d) *APPLICABILITY OF REQUIREMENTS.*—*Except as*  
 8 *otherwise specifically provided, the requirements of chapter*  
 9 *423 of title 49, United States Code, as added by this section,*  
 10 *shall begin to apply 60 days after the date of enactment*  
 11 *of this Act.*

12 **SEC. 408. CONTENTS OF COMPETITION PLANS.**

13           Section 47106(f)(2) is amended—

14                   (1) by striking “patterns of air service,”;

15                   (2) by inserting “and” before “whether”; and

16                   (3) by striking “, and airfare levels” and all that  
 17 follows before the period.

18 **SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

19           Section 47107(s)(3) is amended by striking “October  
 20 1, 2009” and inserting “September 30, 2012”.

21 **SEC. 410. CONTRACT TOWER PROGRAM.**

22           (a) *COST-BENEFIT REQUIREMENT.*—*Section 47124(b)*  
 23 *is amended—*

24                   (1) by striking “(1) The Secretary” and insert-  
 25                   ing the following:

1           “(1) *CONTRACT TOWER PROGRAM.*—

2                   “(A) *CONTINUATION AND EXTENSION.*—*The*  
3           *Secretary*”;

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

6                   “(B) *SPECIAL RULE.*—*If the Secretary de-*  
7           *termines that a tower already operating under*  
8           *the program continued under this paragraph has*  
9           *a benefit to cost ratio of less than 1.0, the airport*  
10          *sponsor or State or local government having ju-*  
11          *risdiction over the airport shall not be required*  
12          *to pay the portion of the costs that exceeds the*  
13          *benefit for a period of 18 months after such de-*  
14          *termination is made.*

15                  “(C) *USE OF EXCESS FUNDS.*—*If the Sec-*  
16          *retary finds that all or part of an amount made*  
17          *available to carry out the program continued*  
18          *under this paragraph is not required during a*  
19          *fiscal year, the Secretary may use, during such*  
20          *fiscal year, the amount not so required to carry*  
21          *out the program established under paragraph*  
22          *(3).”;* and

23                  (3) *by striking “(2) The Secretary” and insert-*  
24          *ing the following:*

25                  “(2) *GENERAL AUTHORITY.*—*The Secretary*”.

1       (b) Section 47124(b)(3)(E) is amended to read as fol-  
2 lows:

3               “(E) FUNDING.—Of the amounts appro-  
4 priated pursuant to section 106(k), not more  
5 than \$9,500,000 for fiscal year 2010,  
6 \$10,000,000 for fiscal year 2011, and  
7 \$10,000,000 for fiscal year 2012 may be used to  
8 carry out this paragraph.”.

9       (c) USE OF EXCESS FUNDS.—Section 47124(b)(3) is  
10 amended—

11           (1) by redesignating subparagraph (E) (as  
12 amended by subsection (b) of this section) as subpara-  
13 graph (F); and

14           (2) by inserting after subparagraph (D) the fol-  
15 lowing:

16               “(E) USE OF EXCESS FUNDS.—If the Sec-  
17 retary finds that all or part of an amount made  
18 available under this subparagraph is not re-  
19 quired during a fiscal year to carry out this  
20 paragraph, the Secretary may use, during such  
21 fiscal year, the amount not so required to carry  
22 out the program continued under paragraph  
23 (1).”.

1       (d) *FEDERAL SHARE*.—Section 47124(b)(4)(C) is  
2 amended by striking “\$1,500,000” and inserting  
3 “\$2,000,000”.

4       (e) *SAFETY AUDITS*.—Section 47124 is amended by  
5 adding at the end the following:

6       “(c) *SAFETY AUDITS*.—The Secretary shall establish  
7 uniform standards and requirements for safety assessments  
8 of air traffic control towers that receive funding under this  
9 section.”.

10 **SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

11       (a) *FINDINGS*.—Congress finds that—

12               (1) the Armed Forces is comprised of approxi-  
13 mately 1,400,000 members who are stationed on ac-  
14 tive duty at more than 6,000 military bases in 146  
15 different countries;

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

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

1           (4) *the unique demands of military service often*  
2           *preclude members of the Armed Forces from pur-*  
3           *chasing discounted advance airline tickets in order to*  
4           *visit their loved ones at home and require members of*  
5           *the Armed Forces to travel with heavy bags; and*

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

10          (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
11         *that each United States air carrier should—*

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

15           (2) *offer flexible terms that allow members of the*  
16           *Armed Forces on active duty to purchase, modify, or*  
17           *cancel tickets without time restrictions, fees, and pen-*  
18           *alties and waive baggage fees for a minimum of 3*  
19           *bags.*

20         **SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**  
21                 **TICIPATION PROGRAM.**

22           (a) *REPEAL.—Section 41747 of title 49, United States*  
23           *Code, and the item relating to such section in the analysis*  
24           *for chapter 417 of such title, are repealed.*

1       (b) *APPLICABILITY.*—Title 49, United States Code,  
2 shall be applied as if section 41747 of such title had not  
3 been enacted.

4 **SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT IN-**  
5 **CREASED FUEL COSTS.**

6       (a) *IN GENERAL.*—The \$200 per passenger subsidy  
7 cap initially established by Public Law 103–122 (107 Stat.  
8 1198; 1201) and made permanent by section 332 of Public  
9 Law 106–69 (113 Stat. 1022) shall be increased by an  
10 amount necessary to account for the increase, if any, in  
11 the cost of aviation fuel in the 24 months preceding the date  
12 of enactment of this Act, as determined by the Secretary.

13       (b) *ADJUSTMENT OF CAP.*—Not later than 60 days  
14 after the date of enactment of this Act, the Secretary shall  
15 publish in the Federal Register the increased subsidy cap  
16 as an interim final rule, pursuant to which public comment  
17 will be sought and a final rule issued.

18       (c) *LIMITATION ON ELIGIBILITY.*—A community that  
19 has been determined, pursuant to a final order issued by  
20 the Department of Transportation before the date of enact-  
21 ment of this Act, to be ineligible for subsidized air service  
22 under subchapter II of chapter 417 of title 49, United States  
23 Code, shall not be eligible for the increased subsidy cap es-  
24 tablished pursuant to this section.

1 **SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMI-**  
2 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**  
3 **SENTIAL AIR SERVICE.**

4 *Section 41733 of title 49, United States Code, is*  
5 *amended by adding at the end the following:*

6 “(f) *NOTICE TO COMMUNITIES PRIOR TO TERMI-*  
7 *NATION OF ELIGIBILITY.—*

8 “(1) *IN GENERAL.—The Secretary shall notify*  
9 *each community receiving basic essential air service*  
10 *for which compensation is being paid under this sub-*  
11 *chapter on or before the 45th day before issuing any*  
12 *final decision to end the payment of such compensa-*  
13 *tion due to a determination by the Secretary that*  
14 *providing such service requires a rate of subsidy per*  
15 *passenger in excess of the subsidy cap.*

16 “(2) *PROCEDURES TO AVOID TERMINATION.—*  
17 *The Secretary shall establish, by order, procedures by*  
18 *which each community notified of an impending loss*  
19 *of subsidy under paragraph (1) may work directly*  
20 *with an air carrier to ensure that the air carrier is*  
21 *able to submit a proposal to the Secretary to provide*  
22 *essential air service to such community for an*  
23 *amount of compensation that would not exceed the*  
24 *subsidy cap.*

1           “(3) *ASSISTANCE PROVIDED.*—*The Secretary*  
 2           *shall provide, by order, to each community notified*  
 3           *under paragraph (1) information regarding—*

4                     “(A) *the procedures established pursuant to*  
 5                     *paragraph (2); and*

6                     “(B) *the maximum amount of compensation*  
 7                     *that could be provided under this subchapter to*  
 8                     *an air carrier serving such community that*  
 9                     *would comply with the subsidy cap.*

10           “(4) *SUBSIDY CAP DEFINED.*—*In this subsection,*  
 11           *the term ‘subsidy cap’ means the subsidy cap estab-*  
 12           *lished by section 332 of Public Law 106–69, includ-*  
 13           *ing any increase to that subsidy cap established by*  
 14           *the Secretary pursuant to the Aviation Safety and*  
 15           *Investment Act of 2010.”.*

16 **SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DE-**  
 17                     **TERMINED BY THE SECRETARY TO BE INELI-**  
 18                     **GIBLE FOR SUBSIDIZED ESSENTIAL AIR SERV-**  
 19                     **ICE.**

20           *Section 41733 (as amended by section 413 of this Act)*  
 21           *is further amended by adding at the end the following:*

22                     “(g) *PROPOSALS OF STATE AND LOCAL GOVERNMENTS*  
 23           *TO RESTORE ELIGIBILITY.*—

24                     “(1) *IN GENERAL.*—*If the Secretary, after the*  
 25                     *date of enactment of this subsection, ends payment of*



1       *compensation to an air carrier for providing basic es-*  
2       *sential air service to an eligible place because the Sec-*  
3       *retary has determined that providing such service re-*  
4       *quires a rate of subsidy per passenger in excess of the*  
5       *subsidy cap (as defined in subsection (f)), a State or*  
6       *local government may submit to the Secretary a pro-*  
7       *posal for restoring compensation for such service.*  
8       *Such proposal shall be a joint proposal of the State*  
9       *or local government and an air carrier.*

10           “(2) *DETERMINATION BY SECRETARY.—If a*  
11       *State or local government submits to the Secretary a*  
12       *proposal under paragraph (1) with respect to an eli-*  
13       *gible place, and the Secretary determines that—*

14                   “(A) *the rate of subsidy per passenger under*  
15                   *the proposal does not exceed the subsidy cap (as*  
16                   *defined in subsection (f)); and*

17                   “(B) *the proposal is consistent with the*  
18                   *legal and regulatory requirements of the essential*  
19                   *air service program,*

20       *the Secretary shall issue an order restoring the eligi-*  
21       *bility of the otherwise eligible place to receive basic es-*  
22       *sential air service by an air carrier for compensation*  
23       *under subsection (c).”.*

1 **SEC. 416. OFFICE OF RURAL AVIATION.**

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

4 **“§ 41749. Office of Rural Aviation**

5 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-  
6 tation shall establish within the Department of Transpor-  
7 tation an office to be known as the ‘Office of Rural Avia-  
8 tion’ (in this section referred to as the ‘Office’).

9 “(b) *FUNCTIONS.*—The Office shall—

10 “(1) monitor the status of air service to small  
11 communities;

12 “(2) develop proposals to improve air service to  
13 small communities; and

14 “(3) carry out such other functions as the Sec-  
15 retary considers appropriate.”.

16 (b) *CLERICAL AMENDMENT.*—The analysis for sub-  
17 chapter II of chapter 417 is amended by adding at the end  
18 the following:

“41749. Office of Rural Aviation.”.

19 **SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**  
20 **CANTLY INCREASED COSTS.**

21 (a) *EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.*—  
22 Subject to the availability of funds, the Secretary may in-  
23 crease the rates of compensation payable to air carriers  
24 under subchapter II of chapter 417 of title 49, United States  
25 Code, to compensate such carriers for increased aviation

1 *fuel costs, without regard to any agreement or requirement*  
2 *relating to the renegotiation of contracts or any notice re-*  
3 *quirement under section 41734 of such title.*

4       **(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDI-**  
5 **VIDUAL CONTRACTS.—**

6           **(1) IN GENERAL.—***Section 41734(d) of title 49,*  
7 *United States Code, is amended by striking “continue*  
8 *to pay” and all that follows through “compensation*  
9 *sufficient—” and inserting “provide the carrier with*  
10 *compensation sufficient—”.*

11           **(2) EFFECTIVE DATE.—***The amendment made by*  
12 *paragraph (1) shall apply to compensation to air car-*  
13 *riers for air service provided after the 30th day fol-*  
14 *lowing the date of enactment of this Act.*

15 **SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**  
16 **CELLATIONS, AND ASSOCIATED CAUSES.**

17       **(a) REVIEW.—***The Inspector General of the Depart-*  
18 *ment of Transportation shall conduct a review regarding*  
19 *air carrier flight delays, cancellations, and associated*  
20 *causes to update its 2000 report numbered CR–2000–112*  
21 *and entitled “Audit of Air Carrier Flight Delays and Can-*  
22 *cellations”.*

23       **(b) ASSESSMENTS.—***In conducting the review under*  
24 *subsection (a), the Inspector General shall assess—*



1 *tion and other consideration offered to passengers who are*  
2 *denied boarding or whose flights are cancelled or delayed.*

3       **(b) SPECIFIC STUDY REQUIREMENTS.**—*The study*  
4 *shall include an evaluation and comparison of the regula-*  
5 *tions based on costs to the air carriers, preferences of pas-*  
6 *sengers for compensation or other consideration, and forms*  
7 *of compensation. In conducting the study, the Comptroller*  
8 *General shall also take into account the differences in struc-*  
9 *ture and size of the aviation systems of the European Union*  
10 *and the United States.*

11       **(c) REPORT.**—*Not later than 1 after the date of enact-*  
12 *ment of this Act, the Comptroller General shall submit a*  
13 *report to Congress on the results of the study.*

14 **SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**  
15 **AVIATION CONSUMER PROTECTION.**

16       **(a) IN GENERAL.**—*The Secretary of Transportation*  
17 *shall establish an advisory committee for aviation consumer*  
18 *protection (in this section referred to as the “advisory com-*  
19 *mittee”) to advise the Secretary in carrying out air pas-*  
20 *senger service improvements, including those required by*  
21 *chapter 423 of title 49, United States Code.*

22       **(b) MEMBERSHIP.**—*The Secretary shall appoint 8*  
23 *members to the advisory committee as follows:*

1           (1) *Two representatives of air carriers required*  
2 *to submit emergency contingency plans pursuant to*  
3 *section 42301 of title 49, United States Code.*

4           (2) *Two representatives of the airport operators*  
5 *required to submit emergency contingency plans pur-*  
6 *suant to section 42301 of such title.*

7           (3) *Two representatives of State and local gov-*  
8 *ernments who have expertise in aviation consumer*  
9 *protection matters.*

10          (4) *Two representatives of nonprofit public inter-*  
11 *est groups who have expertise in aviation consumer*  
12 *protection matters.*

13          (c) *VACANCIES.*—*A vacancy in the advisory committee*  
14 *shall be filled in the manner in which the original appoint-*  
15 *ment was made.*

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

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

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

3           (1) *Evaluating existing aviation consumer pro-*  
4 *tection programs and providing recommendations for*  
5 *the improvement of such programs, if needed.*

6           (2) *Providing recommendations to establish ad-*  
7 *ditional aviation consumer protection programs, if*  
8 *needed.*

9       (g) *REPORT.*—*Not later than February 1 of each year*  
10 *beginning after the date of enactment of this Act, the Sec-*  
11 *retary shall transmit to Congress a report containing—*

12           (1) *each recommendation made by the advisory*  
13 *committee during the preceding calendar year; and*

14           (2) *an explanation of how the Secretary has im-*  
15 *plemented each recommendation and, for each rec-*  
16 *ommendation not implemented, the Secretary’s reason*  
17 *for not implementing the recommendation.*

18 **SEC. 421. DENIED BOARDING COMPENSATION.**

19       *Not later than May 19, 2010, and every 2 years there-*  
20 *after, the Secretary shall evaluate the amount provided for*  
21 *denied boarding compensation and issue a regulation to ad-*  
22 *just such compensation as necessary.*

23 **SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.**

24       (a) *STUDY.*—*The Comptroller General shall conduct a*  
25 *study to—*

1           (1) *examine delays in the delivery of checked*  
2           *baggage to passengers of air carriers; and*

3           (2) *make recommendations for establishing min-*  
4           *imum standards to compensate a passenger in the*  
5           *case of an unreasonable delay in the delivery of*  
6           *checked baggage.*

7           (b) *CONSIDERATION.*—*In conducting the study, the*  
8           *Comptroller General shall take into account the additional*  
9           *fees for checked baggage that are imposed by many air car-*  
10           *riers and how the additional fees should improve an air*  
11           *carrier's baggage performance.*

12           (c) *REPORT.*—*Not later than 180 days after the date*  
13           *of enactment of this Act, the Comptroller General shall*  
14           *transmit to Congress a report on the results of the study.*

15           **SEC. 423. SCHEDULE REDUCTION.**

16           (a) *IN GENERAL.*—*If the Administrator of the Federal*  
17           *Aviation Administration determines that: (1) the aircraft*  
18           *operations of air carriers during any hour at an airport*  
19           *exceeds the hourly maximum departure and arrival rate es-*  
20           *tablished by the Administrator for such operations; and (2)*  
21           *the operations in excess of the maximum departure and ar-*  
22           *rival rate for such hour at such airport are likely to have*  
23           *a significant adverse effect on the national or regional air-*  
24           *space system, the Administrator shall convene a conference*  
25           *of such carriers to reduce pursuant to section 41722, on a*



1 *voluntary basis, the number of such operations to less than*  
2 *such maximum departure and arrival rate.*

3 (b) *NO AGREEMENT.*—*If the air carriers participating*  
4 *in a conference with respect to an airport under subsection*  
5 *(a) are not able to agree to a reduction in the number of*  
6 *flights to and from the airport to less than the maximum*  
7 *departure and arrival rate, the Administrator shall take*  
8 *such action as is necessary to ensure such reduction is im-*  
9 *plemented.*

10 (c) *QUARTERLY REPORTS.*—*Beginning 3 months after*  
11 *the date of enactment of this Act and every 3 months there-*  
12 *after, the Administrator shall submit to Congress a report*  
13 *regarding scheduling at the 35 airports that have the great-*  
14 *est number of passenger enplanements, including each oc-*  
15 *currence in which hourly scheduled aircraft operations of*  
16 *air carriers at such an airport exceed the hourly maximum*  
17 *departure and arrival rate at any such airport.*

18 **SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
19 **PLAINT INVESTIGATIONS.**

20 (a) *IN GENERAL.*—*Subject to the availability of appro-*  
21 *priations, the Secretary of Transportation shall investigate*  
22 *consumer complaints regarding—*

23 (1) *flight cancellations;*

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



1 **“§41724. Prohibitions against voice communications**  
2 **using mobile communications devices on**  
3 **scheduled flights**

4 “(a) *INTERSTATE AND INTRASTATE AIR TRANSPORTATION.*—  
5

6 “(1) *IN GENERAL.*—*An individual may not en-*  
7 *gage in voice communications using a mobile commu-*  
8 *nications device in an aircraft during a flight in*  
9 *scheduled passenger interstate air transportation or*  
10 *scheduled passenger intrastate air transportation.*

11 “(2) *EXCEPTIONS.*—*The prohibition described in*  
12 *paragraph (1) shall not apply to—*

13 “(A) *a member of the flight crew or flight*  
14 *attendants on an aircraft; or*

15 “(B) *a Federal law enforcement officer act-*  
16 *ing in an official capacity.*

17 “(b) *FOREIGN AIR TRANSPORTATION.*—

18 “(1) *IN GENERAL.*—*The Secretary of Transpor-*  
19 *tation shall require all air carriers and foreign air*  
20 *carriers to adopt the prohibition described in sub-*  
21 *section (a) with respect to the operation of an aircraft*  
22 *in scheduled passenger foreign air transportation.*

23 “(2) *ALTERNATE PROHIBITION.*—*If a foreign*  
24 *government objects to the application of paragraph*  
25 *(1) on the basis that paragraph (1) provides for an*  
26 *extraterritorial application of the laws of the United*

1       *States, the Secretary may waive the application of*  
2       *paragraph (1) to a foreign air carrier licensed by*  
3       *that foreign government until such time as an alter-*  
4       *native prohibition on voice communications using a*  
5       *mobile communications device during flight is nego-*  
6       *tiated by the Secretary with such foreign government*  
7       *through bilateral negotiations.*

8       “(c) *DEFINITIONS.—In this section, the following defi-*  
9       *nitions apply:*

10               “(1) *FLIGHT.—The term ‘flight’ means the pe-*  
11               *riod beginning when an aircraft takes off and ending*  
12               *when an aircraft lands.*

13               “(2) *VOICE COMMUNICATIONS USING A MOBILE*  
14               *COMMUNICATIONS DEVICE.—*

15                       “(A) *INCLUSIONS.—The term ‘voice commu-*  
16                       *nications using a mobile communications device’*  
17                       *includes voice communications using—*

18                               “(i) *a commercial mobile radio service*  
19                               *or other wireless communications device;*

20                               “(ii) *a broadband wireless device or*  
21                               *other wireless device that transmits data*  
22                               *packets using the Internet Protocol or com-*  
23                               *parable technical standard; or*

24                               “(iii) *a device having voice override*  
25                               *capability.*

1                   “(B) *EXCLUSION.*—*Such term does not in-*  
2                   *clude voice communications using a phone in-*  
3                   *stalled on an aircraft.*”

4                   “(d) *SAFETY REGULATIONS.*—*This section shall not be*  
5                   *construed to affect the authority of the Secretary to impose*  
6                   *limitations on voice communications using a mobile com-*  
7                   *munications device for safety reasons.*”

8                   “(e) *REGULATIONS.*—*The Secretary shall prescribe*  
9                   *such regulations as are necessary to carry out this section.*”.

10                  “(b) *CLERICAL AMENDMENT.*—*The analysis for such*  
11                  *subchapter is amended by adding at the end the following:*

*“41724. Prohibitions against voice communications using mobile communications  
devices on scheduled flights.”.*

12       **SEC. 426. ANTITRUST EXEMPTIONS.**

13                  “(a) *STUDY.*—*The Comptroller General shall conduct a*  
14                  *study of the legal requirements and policies followed by the*  
15                  *Department in deciding whether to approve international*  
16                  *alliances under section 41309 of title 49, United States*  
17                  *Code, and grant exemptions from the antitrust laws under*  
18                  *section 41308 of such title in connection with such inter-*  
19                  *national alliances.*”

20                  “(b) *ISSUES TO BE CONSIDERED.*—*In conducting the*  
21                  *study under subsection (a), the Comptroller General, at a*  
22                  *minimum, shall examine the following:*

23                               (1) *Whether granting exemptions from the anti-*  
24                               *trust laws in connection with international alliances*

1       *has resulted in public benefits, including an analysis*  
2       *of whether such benefits could have been achieved by*  
3       *international alliances not receiving exemptions from*  
4       *the antitrust laws.*

5               *(2) Whether granting exemptions from the anti-*  
6       *trust laws in connection with international alliances*  
7       *has resulted in reduced competition, increased prices*  
8       *in markets, or other adverse effects.*

9               *(3) Whether international alliances that have*  
10       *been granted exemptions from the antitrust laws have*  
11       *implemented pricing or other practices with respect to*  
12       *the hub airports at which the alliances operate that*  
13       *have resulted in increased costs for consumers or fore-*  
14       *closed competition by rival (nonalliance) air carriers*  
15       *at such airports.*

16               *(4) Whether increased network size resulting*  
17       *from additional international alliance members will*  
18       *adversely affect competition between international al-*  
19       *liances.*

20               *(5) The areas in which immunized international*  
21       *alliances compete and whether there is sufficient com-*  
22       *petition among immunized international alliances to*  
23       *ensure that consumers will receive benefits of at least*  
24       *the same magnitude as those that consumers would*

1       *receive if there were no immunized international alli-*  
2       *ances.*

3               *(6) The minimum number of international alli-*  
4       *ances that is necessary to ensure robust competition*  
5       *and benefits to consumers on major international*  
6       *routes.*

7               *(7) Whether the different regulatory and anti-*  
8       *trust responsibilities of the Secretary and the Attor-*  
9       *ney General with respect to international alliances*  
10       *have created any significant conflicting agency rec-*  
11       *ommendations, such as the conditions imposed in*  
12       *granting exemptions from the antitrust laws.*

13               *(8) Whether, from an antitrust standpoint, re-*  
14       *quests for exemptions from the antitrust laws in con-*  
15       *nection with international alliances should be treated*  
16       *as mergers, and therefore be exclusively subject to a*  
17       *traditional merger analysis by the Attorney General*  
18       *and be subject to advance notification requirements*  
19       *and a confidential review process similar to those re-*  
20       *quired under section 7A of the Clayton Act (15 U.S.C.*  
21       *18a).*

22               *(9) Whether the Secretary should amend, modify,*  
23       *or revoke any exemption from the antitrust laws*  
24       *granted by the Secretary in connection with an inter-*  
25       *national alliance.*

1           (10) *The effect of international alliances on the*  
2           *number and quality of jobs for United States air car-*  
3           *rier flight crew employees, including the share of alli-*  
4           *ance flying done by those employees.*

5           (c) *REPORT.—Not later than 1 after the date of enact-*  
6           *ment of this Act, the Comptroller General shall submit to*  
7           *the Secretary of Transportation, the Committee on Trans-*  
8           *portation and Infrastructure of the House of Representa-*  
9           *tives, and the Committee on Commerce, Science, and Trans-*  
10          *portation of the Senate a report on the results of the study*  
11          *under subsection (a), including any recommendations of the*  
12          *Comptroller General as to whether there should be changes*  
13          *in the authority of the Secretary under title 49, United*  
14          *States Code, or policy changes that the Secretary can imple-*  
15          *ment administratively, with respect to approving inter-*  
16          *national alliances and granting exemptions from the anti-*  
17          *trust laws in connection with such international alliances.*

18          (d) *ADOPTION OF RECOMMENDED POLICY CHANGES.—*  
19          *Not later than 1 after the date of receipt of the report under*  
20          *subsection (c), and after providing notice and an oppor-*  
21          *tunity for public comment, the Secretary shall issue a writ-*  
22          *ten determination as to whether the Secretary will adopt*  
23          *the policy changes, if any, recommended by the Comptroller*  
24          *General in the report or make any other policy changes with*  
25          *respect to approving international alliances and granting*



1 *exemptions from the antitrust laws in connection with such*  
2 *international alliances.*

3 *(e) SUNSET PROVISION.—*

4 *(1) IN GENERAL.—An exemption from the anti-*  
5 *trust laws granted by the Secretary on or before the*  
6 *last day of the 3-year period beginning on the date*  
7 *of enactment of this Act in connection with an inter-*  
8 *national alliance, including an exemption granted be-*  
9 *fore the date of enactment of this Act, shall cease to*  
10 *be effective after such last day unless the exemption*  
11 *is renewed by the Secretary.*

12 *(2) TIMING FOR RENEWALS.—The Secretary may*  
13 *not renew an exemption under paragraph (1) before*  
14 *the date on which the Secretary issues a written de-*  
15 *termination under subsection (d).*

16 *(3) STANDARDS FOR RENEWALS.—The Secretary*  
17 *shall make a decision on whether to renew an exemp-*  
18 *tion under paragraph (1) based on the policies of the*  
19 *Department in effect after the Secretary issues a writ-*  
20 *ten determination under subsection (d).*

21 *(f) DEFINITIONS.—In this section, the following defini-*  
22 *tions apply:*

23 *(1) EXEMPTION FROM THE ANTITRUST LAWS.—*  
24 *The term “exemption from the antitrust laws” means*  
25 *an exemption from the antitrust laws granted by the*

1        *Secretary under section 41308 of title 49, United*  
2        *States Code.*

3            (2) *IMMUNIZED INTERNATIONAL ALLIANCE.*—*The*  
4        *term “immunized international alliance” means an*  
5        *international alliance for which the Secretary has*  
6        *granted an exemption from the antitrust laws.*

7            (3) *INTERNATIONAL ALLIANCE.*—*The term*  
8        *“international alliance” means a cooperative agree-*  
9        *ment between an air carrier and a foreign air carrier*  
10       *to provide foreign air transportation subject to ap-*  
11       *proval or disapproval by the Secretary under section*  
12       *41309 of title 49, United States Code.*

13           (4) *DEPARTMENT.*—*The term “Department”*  
14       *means the Department of Transportation.*

15           (5) *SECRETARY.*—*The term “Secretary” means*  
16       *the Secretary of Transportation.*

17        **SEC. 427. MUSICAL INSTRUMENTS.**

18           (a) *IN GENERAL.*—*Subchapter I of chapter 417 (as*  
19       *amended by this Act) is further amended by adding at the*  
20       *end the following:*

21        **“§ 41725. Musical instruments**

22           “(a) *IN GENERAL.*—

23                “(1) *INSTRUMENTS IN THE PASSENGER COM-*  
24        *PARTMENT.*—*An air carrier providing air transpor-*  
25        *tation shall permit a passenger to carry a musical in-*

1 *strument in the aircraft passenger compartment in a*  
2 *closet, baggage, or cargo stowage compartment ap-*  
3 *proved by the Administrator without charge if—*

4 *“(A) the instrument can be stowed in ac-*  
5 *cordance with the requirements for carriage of*  
6 *carry-on baggage or cargo set forth by the Ad-*  
7 *ministrator of the Federal Aviation Administra-*  
8 *tion; and*

9 *“(B) there is space for such stowage on the*  
10 *aircraft.*

11 *“(2) LARGE INSTRUMENTS IN THE PASSENGER*  
12 *COMPARTMENT.—An air carrier providing air trans-*  
13 *portation shall permit a passenger to carry a musical*  
14 *instrument in the aircraft passenger compartment*  
15 *that is too large to be secured in a closet, baggage, or*  
16 *cargo stowage compartment approved by the Admin-*  
17 *istrator, if—*

18 *“(A) the instrument can be stowed in a*  
19 *seat, in accordance with the requirements for*  
20 *carriage of carry-on baggage or cargo set forth*  
21 *by the Administrator for such stowage; and*

22 *“(B) the passenger wishing to carry the in-*  
23 *strument in the aircraft cabin has purchased a*  
24 *seat to accommodate the instrument.*

1           “(3) *INSTRUMENTS AS CHECKED BAGGAGE.*—An  
2           *air carrier shall transport as baggage a musical in-*  
3           *strument that is the property of a passenger on a*  
4           *flight and that may not be carried in the aircraft*  
5           *passenger compartment if—*

6                     “(A) *the sum of the length, width, and*  
7                     *height measured in inches of the outside linear*  
8                     *dimensions of the instrument (including the*  
9                     *case) does not exceed 150 inches and the size re-*  
10                    *strictions for that aircraft;*

11                   “(B) *the weight of the instrument does not*  
12                    *exceed 165 pounds and the weight restrictions for*  
13                    *that aircraft; and*

14                   “(C) *the instrument can be stowed in ac-*  
15                    *cordance with the requirements for carriage of*  
16                    *baggage or cargo set forth by the Administrator*  
17                    *for such stowage.*

18           “(4) *AIR CARRIER TERMS.*—*Nothing in this sec-*  
19           *tion shall be construed as prohibiting an air carrier*  
20           *from limiting its liability for carrying a musical in-*  
21           *strument or requiring a passenger to purchase insur-*  
22           *ance to cover the value of a musical instrument trans-*  
23           *ported by the air carrier.*

1       “(b) *REGULATIONS.*—*The Secretary may prescribe*  
 2 *such regulations as may be necessary or appropriate to im-*  
 3 *plement subsection (a).”.*

4       (b) *CLERICAL AMENDMENT.*—*The analysis for such*  
 5 *subchapter is amended by adding at the end the following:*  
 “41725. *Musical instruments.*”.

6       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 7 *section shall take effect 30 days after the date of enactment*  
 8 *of this Act.*

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 “for*  
 17 *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 the  
2           *Director determines that an air tour manage-*  
3           *ment plan or voluntary agreement is necessary*  
4           *to protect park resources and values or park vis-*  
5           *itor use and enjoyment, the Director shall with-*  
6           *draw the exemption of a park under subpara-*  
7           *graph (A).*

8           “(C) *LIST OF PARKS.*—The Director shall  
9           *inform the Administrator, in writing, of each de-*  
10          *termination under subparagraph (B). The Direc-*  
11          *tor and Administrator shall publish an annual*  
12          *list of national parks that are covered by the ex-*  
13          *emption 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 Ad-*  
18          *ministrator and the Director an annual report*  
19          *regarding the number of commercial air tour*  
20          *flights it conducts each year in such park.”;*

21          (3) *in subsection (b) by adding at the end the*  
22          *following:*

23          “(7) *VOLUNTARY AGREEMENTS.*—

24                  “(A) *IN GENERAL.*—As an alternative to an  
25                  *air tour management plan, the Director and the*

1            *Administrator may enter into a voluntary agree-*  
2            *ment with a commercial air tour operator (in-*  
3            *cluding a new entrant applicant and an oper-*  
4            *ator that has interim operating authority) that*  
5            *has applied to conduct air tour operations over*  
6            *a national park to manage commercial air tour*  
7            *operations over such national park.*

8            *“(B) PARK PROTECTION.—A voluntary*  
9            *agreement under this paragraph with respect to*  
10           *commercial air tour operations over a national*  
11           *park shall address the management issues nec-*  
12           *essary to protect the resources of such park and*  
13           *visitor use of such park without compromising*  
14           *aviation safety or the air traffic control system*  
15           *and may—*

16           *“(i) include provisions such as those*  
17           *described in subparagraphs (B) through (E)*  
18           *of paragraph (3);*

19           *“(ii) include provisions to ensure the*  
20           *stability of, and compliance with, the vol-*  
21           *untary agreement; and*

22           *“(iii) provide for fees for such oper-*  
23           *ations.*

24           *“(C) PUBLIC.—The Director and the Ad-*  
25           *ministrator shall provide an opportunity for*

1           *public review of a proposed voluntary agreement*  
2           *under this paragraph and shall consult with any*  
3           *Indian tribe whose tribal lands are, or may be,*  
4           *flown over by a commercial air tour operator*  
5           *under a voluntary agreement under this para-*  
6           *graph. After such opportunity for public review*  
7           *and consultation, the voluntary agreement may*  
8           *be implemented without further administrative*  
9           *or environmental process beyond that described*  
10          *in this subsection.*

11           “(D) *TERMINATION.*—*A voluntary agree-*  
12          *ment under this paragraph may be terminated*  
13          *at any time at the discretion of the Director or*  
14          *the Administrator if the Director determines that*  
15          *the agreement is not adequately protecting park*  
16          *resources or visitor experiences or the Adminis-*  
17          *trator determines that the agreement is adversely*  
18          *affecting aviation safety or the national aviation*  
19          *system. If a voluntary agreement for a national*  
20          *park is terminated, the operators shall conform*  
21          *to the requirements for interim operating author-*  
22          *ity under subsection (c) until an air tour man-*  
23          *agement plan for the park is in effect.”;*

24           (4) *in subsection (c) by striking paragraph*  
25          (2)(I) *and inserting the following:*



1           “(I) may allow for modifications of the in-  
2           terim operating authority without further envi-  
3           ronmental review beyond that described in this  
4           section if—

5                   “(i) adequate information regarding  
6                   the operator’s existing and proposed oper-  
7                   ations under the interim operating author-  
8                   ity is provided to the Administrator and the  
9                   Director;

10                   “(ii) the Administrator determines that  
11                   there would be no adverse impact on avia-  
12                   tion safety or the air traffic control system;  
13                   and

14                   “(iii) the Director agrees with the  
15                   modification, based on the Director’s profes-  
16                   sional expertise regarding the protection of  
17                   the park resources and values and visitor  
18                   use and enjoyment.”;

19           (5) in subsection (c)(3)(A) by striking “if the  
20           Administrator determines” and all that follows  
21           through the period at the end and inserting “without  
22           further environmental process beyond that described  
23           in this paragraph if—

24                   “(i) adequate information on the oper-  
25                   ator’s proposed operations is provided to the

1            *Administrator and the Director by the oper-*  
2            *ator making the request;*

3            *“(ii) the Administrator agrees that*  
4            *there would be no adverse impact on avia-*  
5            *tion safety or the air traffic control system;*  
6            *and*

7            *“(iii) the Director agrees, based on the*  
8            *Director’s professional expertise regarding*  
9            *the protection of park resources and values*  
10           *and visitor use and enjoyment.”;*

11           *(6) by redesignating subsections (d), (e), and (f)*  
12           *as subsections (e), (f), and (g), respectively; and*

13           *(7) by inserting after subsection (c) the fol-*  
14           *lowing:*

15           *“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—*

16           *“(1) REPORT.—Each commercial air tour oper-*  
17           *ator providing a commercial air tour over a national*  
18           *park under interim operating authority granted*  
19           *under subsection (c) or in accordance with an air*  
20           *tour management plan under subsection (b) shall sub-*  
21           *mit a report to the Administrator and Director re-*  
22           *garding the number of its commercial air tour oper-*  
23           *ations over each national park and such other infor-*  
24           *mation as the Administrator and Director may re-*

1        *quest in order to facilitate administering the provi-*  
2        *sions of this section.*

3            *“(2) REPORT SUBMISSION.—Not later than 3*  
4        *months after the date of enactment of the Aviation*  
5        *Safety and Investment Act of 2010, the Administrator*  
6        *and Director shall jointly issue an initial request for*  
7        *reports under this subsection. The reports shall be*  
8        *submitted to the Administrator and Director on a fre-*  
9        *quency and in a format prescribed by the Adminis-*  
10       *trator and Director.”.*

11 **SEC. 502. STATE BLOCK GRANT PROGRAM.**

12        *(a) GENERAL REQUIREMENTS.—Section 47128(a) is*  
13        *amended—*

14            *(1) in the first sentence by striking “prescribe*  
15        *regulations” and inserting “issue guidance”; and*

16            *(2) in the second sentence by striking “regula-*  
17        *tions” and inserting “guidance”.*

18        *(b) APPLICATIONS AND SELECTION.—Section*  
19        *47128(b)(4) is amended by inserting before the semicolon*  
20        *the following: “, including the National Environmental Pol-*  
21        *icy Act of 1969 (42 U.S.C. 4321 et seq.), State and local*  
22        *environmental policy acts, Executive orders, agency regula-*  
23        *tions and guidance, and other Federal environmental re-*  
24        *quirements”.*



1           “(2) to conduct special environmental studies re-  
2           lated to an airport project funded with Federal funds;

3           “(3) to conduct special studies or reviews to sup-  
4           port approved noise compatibility measures described  
5           in part 150 of title 14, Code of Federal Regulations;  
6           or

7           “(4) to conduct special studies or reviews to sup-  
8           port environmental mitigation in a record of decision  
9           or finding of no significant impact by the Federal  
10          Aviation Administration.”.

11 **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**

12                                   **PROCEDURES.**

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

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

17                 “(1) **IN GENERAL.**—In accordance with sub-  
18                 section (c)(1), the Secretary may make a grant to an  
19                 airport operator to assist in completing environ-  
20                 mental review and assessment activities for proposals  
21                 to implement flight procedures at such airport that  
22                 have been approved as part of an airport noise com-  
23                 patibility program under subsection (b).

24                 “(2) **ADDITIONAL STAFF.**—The Administrator  
25                 may accept funds from an airport operator, including

1 *funds provided to the operator under paragraph (1),*  
 2 *to hire additional staff or obtain the services of con-*  
 3 *sultants in order to facilitate the timely processing,*  
 4 *review, and completion of environmental activities as-*  
 5 *sociated with proposals to implement flight proce-*  
 6 *dures at such airport that have been approved as part*  
 7 *of an airport noise compatibility program under sub-*  
 8 *section (b).*

9 “(3) *RECEIPTS CREDITED AS OFFSETTING COL-*  
 10 *LECTIONS.*—*Notwithstanding section 3302 of title 31,*  
 11 *any funds accepted under this section—*

12 “(A) *shall be credited as offsetting collec-*  
 13 *tions to the account that finances the activities*  
 14 *and services for which the funds are accepted;*

15 “(B) *shall be available for expenditure only*  
 16 *to pay the costs of activities and services for*  
 17 *which the funds are accepted; and*

18 “(C) *shall remain available until ex-*  
 19 *pended.*”.

20 **SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RES-**  
 21 **IDENTIAL PROPERTIES.**

22 *Section 47504 (as amended by this Act) is further*  
 23 *amended by adding at the end the following:*

24 “(g) *DETERMINATION OF FAIR MARKET VALUE OF*  
 25 *RESIDENTIAL PROPERTIES.*—*In approving a project to ac-*

1 *quire residential real property using financial assistance*  
2 *made available under this section or chapter 471, the Sec-*  
3 *retary shall ensure that the appraisal of the property to*  
4 *be acquired disregards any decrease or increase in the fair*  
5 *market value of the real property caused by the project for*  
6 *which the property is to be acquired, or by the likelihood*  
7 *that the property would be acquired for the project, other*  
8 *than that due to physical deterioration within the reason-*  
9 *able control of the owner.”.*

10 **SEC. 506. SOUNDPROOFING OF RESIDENCES.**

11 *(a) SOUNDPROOFING AND ACQUISITION OF CERTAIN*  
12 *RESIDENTIAL BUILDINGS AND PROPERTIES.—Section*  
13 *47504(c)(2)(D) is amended to read as follows:*

14 *“(D) to an airport operator and unit of local*  
15 *government referred to in paragraph (1)(A) or (1)(B)*  
16 *to soundproof—*

17 *“(i) a building in the noise impact area*  
18 *surrounding the airport that is used primarily*  
19 *for educational or medical purposes and that the*  
20 *Secretary decides is adversely affected by airport*  
21 *noise; and*

22 *“(ii) residential buildings located on resi-*  
23 *dential properties in the noise impact area sur-*  
24 *rounding the airport that the Secretary decides*  
25 *is adversely affected by airport noise, if—*

1           “(I) the residential properties are with-  
2           in airport noise contours prepared by the  
3           airport owner or operator using the Sec-  
4           retary’s methodology and guidance, and the  
5           noise contours have been found acceptable  
6           by the Secretary;

7           “(II) the residential properties cannot  
8           be removed from airport noise contours for  
9           at least a 5-year period by changes in air-  
10          port configuration or flight procedures;

11          “(III) the land use jurisdiction has  
12          taken, or will take, appropriate action, in-  
13          cluding the adoption of zoning laws, to the  
14          extent reasonable to restrict the use of land  
15          to uses that are compatible with normal  
16          airport operations; and

17          “(IV) the Secretary determines that the  
18          project is compatible with the purposes of  
19          this chapter; and”

20          (b) *REQUIREMENTS APPLICABLE TO CERTAIN*  
21 *GRANTS.*—Section 44705 (as amended by this Act) is fur-  
22 *ther amended by adding at the end the following:*

23          “(f) *REQUIREMENTS APPLICABLE TO CERTAIN*  
24 *GRANTS.*—



1           “(1) *ESTABLISHMENT OF CRITERIA.*—Before  
2           *awarding a grant under subsection (c)(2)(D), the Sec-*  
3           *retary shall establish criteria to determine which resi-*  
4           *dences in the 65 DNL area suffer the greatest noise*  
5           *impact.*

6           “(2) *ANALYSIS FROM COMPTROLLER GENERAL.*—  
7           *Prior to making a final decision on the criteria re-*  
8           *quired by paragraph (1), the Secretary shall develop*  
9           *proposed criteria and obtain an analysis from the*  
10          *Comptroller General as to the reasonableness and va-*  
11          *lidity of the criteria.*

12          “(3) *PRIORITY.*—*If the Secretary determines that*  
13          *the grants likely to be awarded under subsection*  
14          *(c)(2)(D) in fiscal years 2010 through 2012 will not*  
15          *be sufficient to soundproof all residences in the 65*  
16          *DNL area, the Secretary shall first award grants to*  
17          *soundproof those residences suffering the greatest noise*  
18          *impact under the criteria established under para-*  
19          *graph (1).”.*

20 **SEC. 507. CLEAN RESEARCH, DEVELOPMENT, AND IMPLE-**  
21 **MENTATION PARTNERSHIP.**

22          (a) *COOPERATIVE AGREEMENT.*—*Subchapter I of*  
23 *chapter 475 is amended by adding at the end the following:*

1 **“§47511. CLEEN research, development, and imple-**  
2 **mentation partnership**

3 “(a) *IN GENERAL.*—*The Administrator of the Federal*  
4 *Aviation Administration, in coordination with the Admin-*  
5 *istrator of the National Aeronautics and Space Administra-*  
6 *tion, shall enter into a cooperative agreement, using a com-*  
7 *petitive process, with an institution, entity, or consortium*  
8 *to carry out a program for the development, maturing, and*  
9 *certification of CLEEN engine and airframe technology for*  
10 *aircraft over the next 10 years.*

11 “(b) *CLEEN ENGINE AND AIRFRAME TECHNOLOGY*  
12 *DEFINED.*—*In this section, the term ‘CLEEN engine and*  
13 *airframe technology’ means continuous lower energy, emis-*  
14 *sions, and noise engine and airframe technology.*

15 “(c) *PERFORMANCE OBJECTIVE.*—*The Administrator*  
16 *of the Federal Aviation Administration, in coordination*  
17 *with the Administrator of the National Aeronautics and*  
18 *Space Administration, shall establish the following per-*  
19 *formance objectives for the program, to be achieved by Sep-*  
20 *tember 30, 2016:*

21 “(1) *Development of certifiable aircraft tech-*  
22 *nology that reduces fuel burn by 33 percent compared*  
23 *to current technology, reducing energy consumption*  
24 *and greenhouse gas emissions.*

25 “(2) *Development of certifiable engine technology*  
26 *that reduces landing and takeoff cycle nitrogen oxide*

1       *emissions by 60 percent, at a pressure ratio of 30,*  
2       *over the International Civil Aviation Organization*  
3       *standard adopted at the 6th Meeting of the Committee*  
4       *on Aviation Environmental Protection, with commen-*  
5       *surate reductions over the full pressure ratio range,*  
6       *while limiting or reducing other gaseous or particle*  
7       *emissions.*

8               “(3) *Development of certifiable aircraft tech-*  
9       *nology that reduces noise levels by 32 Effective Per-*  
10       *ceived Noise Level in Decibels cumulative, relative to*  
11       *Stage 4 standards.*

12               “(4) *Determination of the feasibility of the use of*  
13       *alternative fuels in aircraft systems, including suc-*  
14       *cessful demonstration and quantification of the bene-*  
15       *fits of such fuels.*

16               “(5) *Determination of the extent to which new*  
17       *engine and aircraft technologies may be used to ret-*  
18       *rofit or re-engine aircraft to increase the integration*  
19       *of retrofitted and re-engined aircraft into the commer-*  
20       *cial fleet.*

21               “(d) *FUNDING.—Of amounts appropriated under sec-*  
22       *tion 48102(a), not more than the following amounts may*  
23       *be used to carry out this section:*

24                       “(1) *\$25,000,000 for fiscal year 2010.*

25                       “(2) *\$33,000,000 for fiscal year 2011.*

1           “(3) \$50,000,000 for fiscal year 2012.

2           “(e) *REPORT*.—Beginning in fiscal year 2010, the Ad-  
3 ministrator of the Federal Aviation Administration shall  
4 publish an annual report on the program established under  
5 this section until completion of the program.”.

6           (b) *CLERICAL AMENDMENT*.—The analysis for such  
7 subchapter is amended by adding at the end the following:  
“47511. *CLEEN* research, development, and implementation partnership.”.

8   **SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**  
9                           **WEIGHING 75,000 POUNDS OR LESS NOT COM-**  
10                           **PLYING WITH STAGE 3 NOISE LEVELS.**

11           (a) *IN GENERAL*.—Subchapter II of chapter 475 is  
12 amended by adding at the end the following:

13   **“§47534. Prohibition on operating certain aircraft**  
14                           **weighing 75,000 pounds or less not com-**  
15                           **plying with stage 3 noise levels**

16           “(a) *PROHIBITION*.—Except as provided in subsection  
17 (b), (c), or (d), after December 31, 2013, a person may not  
18 operate a civil subsonic jet airplane with a maximum  
19 weight of 75,000 pounds or less, and for which an air-  
20 worthiness certificate (other than an experimental certifi-  
21 cate) has been issued, to or from an airport in the United  
22 States unless the Secretary of Transportation finds that the  
23 aircraft complies with stage 3 noise levels.

24           “(b) *EXCEPTION*.—Subsection (a) shall not apply to  
25 aircraft operated only outside the 48 contiguous States.

1       “(c) *EXCEPTIONS.*—*The Secretary may allow tem-*  
2 *porary operation of an airplane otherwise prohibited from*  
3 *operation under subsection (a) to or from an airport in the*  
4 *contiguous United States by granting a special flight au-*  
5 *thorization for one or more of the following circumstances:*

6               “(1) *To sell, lease, or use the aircraft outside the*  
7 *48 contiguous States.*

8               “(2) *To scrap the aircraft.*

9               “(3) *To obtain modifications to the aircraft to*  
10 *meet stage 3 noise levels.*

11               “(4) *To perform scheduled heavy maintenance or*  
12 *significant modifications on the aircraft at a mainte-*  
13 *nance facility located in the contiguous 48 States.*

14               “(5) *To deliver the aircraft to an operator leas-*  
15 *ing the aircraft from the owner or return the aircraft*  
16 *to the lessor.*

17               “(6) *To prepare, park, or store the aircraft in*  
18 *anticipation of any of the activities described in*  
19 *paragraphs (1) through (5).*

20               “(7) *To provide transport of persons and goods*  
21 *in the relief of emergency situations.*

22               “(8) *To divert the aircraft to an alternative air*  
23 *port in the 48 contiguous States on account of weath-*  
24 *er, mechanical, fuel, air traffic control, or other safety*  
25 *reasons while conducting a flight in order to perform*

1        *any of the activities described in paragraphs (1)*  
 2        *through (7).*

3        “(d) *STATUTORY CONSTRUCTION.—Nothing in the sec-*  
 4        *tion may be construed as interfering with, nullifying, or*  
 5        *otherwise affecting determinations made by the Federal*  
 6        *Aviation Administration, or to be made by the Administra-*  
 7        *tion, with respect to applications under part 161 of title*  
 8        *14, Code of Federal Regulations, that were pending on the*  
 9        *date of enactment of this section.”.*

10        (b) *CONFORMING AMENDMENTS.—*

11                (1) *Section 47531 is amended—*

12                        (A) *in the section heading by striking “for*  
 13                        ***violating sections 47528–47530***”; and

14                        (B) *by striking “47529, or 47530” and in-*  
 15                        *serting “47529, 47530, or 47534”.*

16                (2) *Section 47532 is amended by inserting “or*  
 17                *47534” after “47528–47531”.*

18                (3) *The analysis for chapter 475 is amended—*

19                        (A) *by striking the item relating to section*  
 20                        *47531 and inserting the following:*

*“47531. Penalties.”;*

21                        *and*

22                        (B) *by inserting after the item relating to*  
 23                        *section 47533 the following:*

*“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less*  
*not complying with stage 3 noise levels.”.*

1 **SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

2 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*  
3 *tation shall establish a pilot program to carry out not more*  
4 *than 6 environmental mitigation demonstration projects at*  
5 *public-use airports.*

6 (b) *GRANTS.*—*In implementing the program, the Sec-*  
7 *retary may make a grant to the sponsor of a public-use*  
8 *airport from funds apportioned under section*  
9 *47117(e)(1)(A) of title 49, United States Code, to carry out*  
10 *an environmental mitigation demonstration project to*  
11 *measurably reduce or mitigate aviation impacts on noise,*  
12 *air quality, or water quality in the vicinity of the airport.*

13 (c) *ELIGIBILITY FOR PASSENGER FACILITY FEES.*—  
14 *An environmental mitigation demonstration project that*  
15 *receives funds made available under this section may be*  
16 *considered an eligible airport-related project for purposes*  
17 *of section 40117 of such title.*

18 (d) *SELECTION CRITERIA.*—*In selecting among appli-*  
19 *cants for participation in the program, the Secretary shall*  
20 *give priority consideration to applicants proposing to carry*  
21 *out environmental mitigation demonstration projects that*  
22 *will—*

23 (1) *achieve the greatest reductions in aircraft*  
24 *noise, airport emissions, or airport water quality im-*  
25 *pacts either on an absolute basis or on a per dollar*  
26 *of funds expended basis; and*

1           (2) *be implemented by an eligible consortium.*

2           (e) *FEDERAL SHARE.—Notwithstanding any provi-*  
3 *sion of subchapter I of chapter 471 of such title, the United*  
4 *States Government share of allowable project costs of an en-*  
5 *vironmental mitigation demonstration project carried out*  
6 *under this section shall be 50 percent.*

7           (f) *MAXIMUM AMOUNT.—The Secretary may not make*  
8 *grants for a single environmental mitigation demonstration*  
9 *project under this section in a total amount that exceeds*  
10 *\$2,500,000.*

11          (g) *PUBLICATION OF INFORMATION.—The Secretary*  
12 *may develop and publish information on the results of envi-*  
13 *ronmental mitigation demonstration projects carried out*  
14 *under this section, including information identifying best*  
15 *practices for reducing or mitigating aviation impacts on*  
16 *noise, air quality, or water quality in the vicinity of air-*  
17 *ports.*

18          (h) *DEFINITIONS.—In this section, the following defi-*  
19 *nitions apply:*

20           (1) *ELIGIBLE CONSORTIUM.—The term “eligible*  
21 *consortium” means a consortium of 2 or more of the*  
22 *following entities:*

23           (A) *A business incorporated in the United*  
24 *States.*



1           (B) A public or private educational or re-  
2 search organization located in the United States.

3           (C) An entity of a State or local govern-  
4 ment.

5           (D) A Federal laboratory.

6           (2) ENVIRONMENTAL MITIGATION DEMONSTRA-  
7 TION PROJECT.—The term “environmental mitigation  
8 demonstration project” means a project that—

9           (A) demonstrates at a public-use airport en-  
10 vironmental mitigation techniques or tech-  
11 nologies with associated benefits, which have al-  
12 ready been proven in laboratory demonstrations;

13           (B) utilizes methods for efficient adaptation  
14 or integration of innovative concepts to airport  
15 operations; and

16           (C) demonstrates whether a technique or  
17 technology for environmental mitigation identi-  
18 fied in research is—

19           (i) practical to implement at or near  
20 multiple public-use airports; and

21           (ii) capable of reducing noise, airport  
22 emissions, greenhouse gas emissions, or  
23 water quality impacts in measurably sig-  
24 nificant amounts.

1 **SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**  
2 **PILOT PROGRAM.**

3 (a) *IN GENERAL.*—The Secretary of Transportation  
4 shall carry out a pilot program at not more than 5 public-  
5 use airports under which the Federal Aviation Administra-  
6 tion shall use funds made available under section 48101(a)  
7 to test air traffic flow management tools, methodologies, and  
8 procedures that will allow air traffic controllers of the Ad-  
9 ministration to better manage the flow of aircraft on the  
10 ground and reduce the length of ground holds and idling  
11 time for aircraft.

12 (b) *SELECTION CRITERIA.*—In selecting from among  
13 airports at which to conduct the pilot program, the Sec-  
14 retary shall give priority consideration to airports at which  
15 improvements in ground control efficiencies are likely to  
16 achieve the greatest fuel savings or air quality or other envi-  
17 ronmental benefits, as measured by the amount of reduced  
18 fuel, reduced emissions, or other environmental benefits per  
19 dollar of funds expended under the pilot program.

20 (c) *MAXIMUM AMOUNT.*—Not more than a total of  
21 \$5,000,000 may be expended under the pilot program at  
22 any single public-use airport.

23 (d) *REPORT TO CONGRESS.*—Not later than 3 years  
24 after the date of the enactment of this section, the Secretary  
25 shall submit to the Committee on Transportation and In-  
26 frastructure of the House of Representatives and the Com-

1 *mittee on Commerce, Science, and Transportation of the*  
2 *Senate a report containing—*

3           (1) *an evaluation of the effectiveness of the pilot*  
4 *program, including an assessment of the tools, meth-*  
5 *odologies, and procedures that provided the greatest*  
6 *fuel savings and air quality and other environmental*  
7 *benefits, and any impacts on safety, capacity, or effi-*  
8 *ciency of the air traffic control system or the airports*  
9 *at which affected aircraft were operating;*

10           (2) *an identification of anticipated benefits from*  
11 *implementation of the tools, methodologies, and proce-*  
12 *dures developed under the pilot program at other air-*  
13 *ports;*

14           (3) *a plan for implementing the tools, methodolo-*  
15 *gies, and procedures developed under the pilot pro-*  
16 *gram at other airports or the Secretary's reasons for*  
17 *not implementing such measures at other airports;*  
18 *and*

19           (4) *such other information as the Secretary con-*  
20 *siders appropriate.*

21 **SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR**  
22 **TRAFFIC CONTROL FACILITIES.**

23           (a) *IN GENERAL.—The Administrator of the Federal*  
24 *Aviation Administration shall implement, to the maximum*  
25 *extent practicable, sustainable practices for the incorpora-*

1 *tion of energy-efficient design, equipment, systems, and*  
2 *other measures in the construction and major renovation*  
3 *of air traffic control facilities of the Administration in*  
4 *order to reduce energy consumption and improve the envi-*  
5 *ronmental performance of such facilities.*

6 (b) *AUTHORIZATION.—Of amounts appropriated*  
7 *under section 48101(a) of title 49, United States Code, such*  
8 *sums as may be necessary may be used to carry out this*  
9 *section.*

10 **SEC. 512. REGULATORY RESPONSIBILITY FOR AIRCRAFT**  
11 **ENGINE NOISE AND EMISSIONS STANDARDS.**

12 (a) *INDEPENDENT REVIEW.—The Administrator of the*  
13 *FAA shall make appropriate arrangements for the National*  
14 *Academy of Public Administration or another qualified*  
15 *independent entity to review, in consultation with the FAA*  
16 *and the EPA, whether it is desirable to locate the regulatory*  
17 *responsibility for the establishment of engine noise and*  
18 *emissions standards for civil aircraft within one of the*  
19 *agencies.*

20 (b) *CONSIDERATIONS.—The review shall be conducted*  
21 *so as to take into account—*

22 (1) *the interrelationships between aircraft engine*  
23 *noise and emissions;*

1           (2) *the need for aircraft engine noise and emis-*  
2           *sions to be evaluated and addressed in an integrated*  
3           *and comprehensive manner;*

4           (3) *the scientific expertise of the FAA and the*  
5           *EPA to evaluate aircraft engine emissions and noise*  
6           *impacts on the environment;*

7           (4) *expertise to interface environmental perform-*  
8           *ance with ensuring the highest safe and reliable en-*  
9           *gine performance of aircraft in flight;*

10          (5) *consistency of the regulatory responsibility*  
11          *with other missions of the FAA and the EPA;*

12          (6) *past effectiveness of the FAA and the EPA in*  
13          *carrying out the aviation environmental responsibil-*  
14          *ities assigned to the agency; and*

15          (7) *the international responsibility to represent*  
16          *the United States with respect to both engine noise*  
17          *and emissions standards for civil aircraft.*

18          (c) *REPORT TO CONGRESS.—Not later than 6 months*  
19          *after the date of enactment of this Act, the Administrator*  
20          *of the FAA shall submit to Congress a report on the results*  
21          *of the review. The report shall include any recommenda-*  
22          *tions developed as a result of the review and, if a transfer*  
23          *of responsibilities is recommended, a description of the steps*  
24          *and timeline for implementation of the transfer.*

1       (d) *DEFINITIONS.*—*In this section, the following defi-*  
2 *initions apply:*

3           (1) *EPA.*—*The term “EPA” means the Environ-*  
4 *mental Protection Agency.*

5           (2) *FAA.*—*The term “FAA” means the Federal*  
6 *Aviation Administration.*

7 **SEC. 513. CABIN AIR QUALITY TECHNOLOGY.**

8       (a) *IN GENERAL.*—*Not later than 180 days after the*  
9 *date of enactment of this Act, the Administrator of the Fed-*  
10 *eral Aviation Administration shall initiate research and*  
11 *development work on effective air cleaning and sensor tech-*  
12 *nology for the engine and auxiliary power unit for bleed*  
13 *air supplied to the passenger cabin and flight deck of a pres-*  
14 *surized aircraft.*

15       (b) *TECHNOLOGY REQUIREMENTS.*—*The technology*  
16 *should, at a minimum, be capable of—*

17           (1) *removing oil-based contaminants from the*  
18 *bleed air supplied to the passenger cabin and flight*  
19 *deck; and*

20           (2) *detecting and recording oil-based contami-*  
21 *nants in the bleed air fraction of the total air sup-*  
22 *plied to the passenger cabin and flight deck.*

23       (c) *REPORT.*—*Not later than 3 years after the date of*  
24 *enactment of this Act, the Administrator shall transmit to*

1 *Congress a report on the results of the research and develop-*  
2 *ment work carried out under this section.*

3 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
4 *authorized to be appropriated such sums as may be nec-*  
5 *essary to carry out this section.*

6 **SEC. 514. SENSE OF CONGRESS.**

7 *It is the sense of Congress that—*

8 (1) *the European Union directive extending the*  
9 *European Union’s emissions trading proposal to*  
10 *international civil aviation without working through*  
11 *the International Civil Aviation Organization (in*  
12 *this section referred to as the “ICAO”) in a con-*  
13 *sensus-based fashion is inconsistent with the Conven-*  
14 *tion on International Civil Aviation, done at Chicago*  
15 *on December 7, 1944 (TIAS 1591; commonly known*  
16 *as “Chicago Convention”), and other relevant air*  
17 *services agreements and antithetical to building inter-*  
18 *national cooperation to address effectively the problem*  
19 *of greenhouse gas emissions by aircraft engaged in*  
20 *international civil aviation; and*

21 (2) *the European Union and its member states*  
22 *should instead work with other contracting states of*  
23 *the ICAO to develop a consensual approach to ad-*  
24 *dressing aircraft greenhouse gas emissions through the*  
25 *ICAO.*

1 **SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING**  
2 **STUDY, PORT AUTHORITY OF NEW YORK AND**  
3 **NEW JERSEY.**

4 *It is the sense of the House of Representatives that the*  
5 *Port Authority of New York and New Jersey should under-*  
6 *take an airport noise compatibility planning study under*  
7 *part 150 of title 14, Code of Federal Regulations, for the*  
8 *airports that the Port Authority operates as of November*  
9 *2, 2009. In undertaking the study, the Port Authority*  
10 *should pay particular attention to the impact of noise on*  
11 *affected neighborhoods, including homes, businesses, and*  
12 *places of worship surrounding LaGuardia Airport, Newark*  
13 *Liberty Airport, and JFK Airport.*

14 **SEC. 516. GAO STUDY ON COMPLIANCE WITH FAA RECORD**  
15 **OF DECISION.**

16 *(a) STUDY.—The Comptroller General shall conduct a*  
17 *study to determine whether the Federal Aviation Adminis-*  
18 *tration and the Massachusetts Port Authority are com-*  
19 *plying with the requirements of the Federal Aviation Ad-*  
20 *ministration's record of decision dated August 2, 2002.*

21 *(b) REPORT.—Not later than 1 after the date of the*  
22 *enactment of this Act, the Comptroller General shall submit*  
23 *to Congress a report on the results of the study.*

24 **SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.**

25 *(a) RULEMAKING.—The Administrator of the Federal*  
26 *Aviation Administration shall conduct a rulemaking pro-*



1 *ceeding to determine whether Westchester County Airport*  
2 *should be authorized to limit aircraft operations between*  
3 *the hours of 12 a.m. and 6:30 a.m.*

4 *(b) DEADLINES.—The Administrator shall—*

5 *(1) not later than 180 days after the date of en-*  
6 *actment of this Act, issue a notice of proposed rule-*  
7 *making under subsection (a); and*

8 *(2) not later than 16 months after the close of the*  
9 *comment period on the proposed rule, issue a final*  
10 *rule.*

11 **SEC. 518. AVIATION NOISE COMPLAINTS.**

12 *(a) TELEPHONE NUMBER POSTING.—Not later than 3*  
13 *months after the date of enactment of this Act, each owner*  
14 *or operator of a large hub airport (as defined in section*  
15 *40102(a) of title 49, United States Code) shall publish on*  
16 *an Internet Web site of the airport a telephone number to*  
17 *receive aviation noise complaints related to the airport.*

18 *(b) SUMMARIES AND REPORTS.—Not later than 1 after*  
19 *the last day of the 3-month period referred to in subsection*  
20 *(a), and annually thereafter, an owner or operator that re-*  
21 *ceives one or more noise complaints under subsection (a)*  
22 *shall submit to the Administrator of the Federal Aviation*  
23 *Administration a report regarding the number of com-*  
24 *plaints received and a summary regarding the nature of*  
25 *such complaints. The Administrator shall make such infor-*

1 *mation available to the public by print and electronic*  
 2 *means.*

3 **TITLE VI—FAA EMPLOYEES AND**  
 4 **ORGANIZATION**

5 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-**  
 6 **SONNEL MANAGEMENT SYSTEM.**

7 *(a) DISPUTE RESOLUTION.—Section 40122(a) is*  
 8 *amended—*

9 *(1) by redesignating paragraphs (3) and (4) as*  
 10 *paragraphs (5) and (6), respectively; and*

11 *(2) by striking paragraph (2) and inserting the*  
 12 *following:*

13 *“(2) DISPUTE RESOLUTION.—*

14 *“(A) MEDIATION.—If the Administrator*  
 15 *does not reach an agreement under paragraph*  
 16 *(1) or the provisions referred to in subsection*  
 17 *(g)(2)(C) with the exclusive bargaining rep-*  
 18 *resentative of the employees, the Administrator*  
 19 *and the bargaining representative—*

20 *“(i) shall use the services of the Federal*  
 21 *Mediation and Conciliation Service to at-*  
 22 *tempt to reach such agreement in accord-*  
 23 *ance with part 1425 of title 29, Code of*  
 24 *Federal Regulations (as in effect on the date*

1           *of enactment of the Aviation Safety and In-*  
2           *vestment Act of 2010); or*

3           “(ii) *may by mutual agreement adopt*  
4           *alternative procedures for the resolution of*  
5           *disputes or impasses arising in the negotia-*  
6           *tion of the collective-bargaining agreement.*

7           “(B) *BINDING ARBITRATION.—*

8           “(i) *ASSISTANCE FROM FEDERAL SERV-*  
9           *ICE IMPASSES PANEL.—If the services of the*  
10           *Federal Mediation and Conciliation Service*  
11           *under subparagraph (A)(i) do not lead to*  
12           *an agreement, the Administrator and the*  
13           *exclusive bargaining representative of the*  
14           *employees (in this subparagraph referred to*  
15           *as the ‘parties’) shall submit their issues in*  
16           *controversy to the Federal Service Impasses*  
17           *Panel. The Panel shall assist the parties in*  
18           *resolving the impasse by asserting jurisdic-*  
19           *tion and ordering binding arbitration by a*  
20           *private arbitration board consisting of 3*  
21           *members.*

22           “(ii) *APPOINTMENT OF ARBITRATION*  
23           *BOARD.—The Executive Director of the*  
24           *Panel shall provide for the appointment of*  
25           *the 3 members of a private arbitration*

1 board under clause (i) by requesting the Di-  
2 rector of the Federal Mediation and Concil-  
3 iation Service to prepare a list of not less  
4 than 15 names of arbitrators with Federal  
5 sector experience and by providing the list  
6 to the parties. Within 10 days of receiving  
7 the list, the parties shall each select one per-  
8 son from the list. The 2 arbitrators selected  
9 by the parties shall then select a third per-  
10 son from the list within 7 days. If either of  
11 the parties fails to select a person or if the  
12 2 arbitrators are unable to agree on the  
13 third person within 7 days, the parties shall  
14 make the selection by alternately striking  
15 names on the list until one arbitrator re-  
16 mains.

17 “(iii) *FRAMING ISSUES IN CON-*  
18 *TROVERSY.*—If the parties do not agree on  
19 the framing of the issues to be submitted for  
20 arbitration, the arbitration board shall  
21 frame the issues.

22 “(iv) *HEARINGS.*—The arbitration  
23 board shall give the parties a full and fair  
24 hearing, including an opportunity to  
25 present evidence in support of their claims

1                   and an opportunity to present their case in  
2                   person, by counsel, or by other representa-  
3                   tive as they may elect.

4                   “(v) *DECISIONS.*—The arbitration  
5                   board shall render its decision within 90  
6                   days after the date of its appointment. De-  
7                   cisions of the arbitration board shall be con-  
8                   clusive and binding upon the parties.

9                   “(vi) *COSTS.*—The parties shall share  
10                  costs of the arbitration equally.

11                  “(3) *RATIFICATION OF AGREEMENTS.*—Upon  
12                  reaching a voluntary agreement or at the conclusion  
13                  of the binding arbitration under paragraph (2)(B),  
14                  the final agreement, except for those matters decided  
15                  by an arbitration board, shall be subject to ratifica-  
16                  tion by the exclusive bargaining representative of the  
17                  employees, if so requested by the bargaining represent-  
18                  ative, and approval by the head of the agency in ac-  
19                  cordance with the provisions referred to in subsection  
20                  (g)(2)(C).

21                  “(4) *ENFORCEMENT.*—

22                  “(A) *ENFORCEMENT ACTIONS IN UNITED*  
23                  *STATES COURTS.*—Each United States district  
24                  court and each United States court of a place  
25                  subject to the jurisdiction of the United States

1           *shall have jurisdiction of enforcement actions*  
2           *brought under this section. Such an action may*  
3           *be brought in any judicial district in the State*  
4           *in which the violation of this section is alleged*  
5           *to have been committed, the judicial district in*  
6           *which the Federal Aviation Administration has*  
7           *its principal office, or the District of Columbia.*

8           “(B) *ATTORNEY FEES.—The court may as-*  
9           *sess against the Federal Aviation Administration*  
10           *reasonable attorney fees and other litigation costs*  
11           *reasonably incurred in any case under this sec-*  
12           *tion in which the complainant has substantially*  
13           *prevailed.”.*

14           **(b) APPLICATION.—***On and after the date of enactment*  
15           *of this Act, any changes implemented by the Administrator*  
16           *of the Federal Aviation Administration on and after July*  
17           *10, 2005, under section 40122(a) of title 49, United States*  
18           *Code (as in effect on the day before such date of enactment),*  
19           *without the agreement of the exclusive bargaining represent-*  
20           *ative of the employees of the Administration certified under*  
21           *section 7111 of title 5, United States Code, shall be null*  
22           *and void and the parties shall be governed by their last*  
23           *mutual agreement before the implementation of such*  
24           *changes. The Administrator and the bargaining representa-*  
25           *tive shall resume negotiations promptly, and, subject to sub-*

1 *section (c), their last mutual agreement shall be in effect*  
2 *until a new contract is adopted by the Administrator and*  
3 *the bargaining representative. If an agreement is not*  
4 *reached within 45 days after the date on which negotiations*  
5 *resume, the Administrator and the bargaining representa-*  
6 *tive shall submit their issues in controversy to the Federal*  
7 *Service Impasses Panel in accordance with section 7119 of*  
8 *title 5, United States Code, for binding arbitration in ac-*  
9 *cordance with paragraphs (2)(B), (3), and (4) of section*  
10 *40122(a) of title 49, United States Code (as amended by*  
11 *subsection (a) of this section).*

12 *(c) SAVINGS CLAUSE.—All cost of living adjustments*  
13 *and other pay increases, lump sum payments to employees,*  
14 *and leave and other benefit accruals implemented as part*  
15 *of the changes referred to in subsection (b) may not be re-*  
16 *versed unless such reversal is part of the calculation of back*  
17 *pay under subsection (d). The Administrator shall waive*  
18 *any overpayment paid to, and not collect any funds for*  
19 *such overpayment, from former employees of the Adminis-*  
20 *tration who received lump sum payments prior to their sep-*  
21 *aration from the Administration.*

22 *(d) BACK PAY.—*

23 *(1) IN GENERAL.—Employees subject to changes*  
24 *referred to in subsection (b) that are determined to be*  
25 *null and void under subsection (b) shall be eligible for*

1        *pay that the employees would have received under the*  
2        *last mutual agreement between the Administrator and*  
3        *the exclusive bargaining representative of such em-*  
4        *ployees before the date of enactment of this Act and*  
5        *any changes were implemented without agreement of*  
6        *the bargaining representative. The Administrator*  
7        *shall pay the employees such pay subject to the avail-*  
8        *ability of amounts appropriated to carry out this sub-*  
9        *section. If the appropriated funds do not cover all*  
10       *claims of the employees for such pay, the Adminis-*  
11       *trator and the bargaining representative, pursuant to*  
12       *negotiations conducted in accordance with section*  
13       *40122(a) of title 49, United States Code (as amended*  
14       *by subsection (a) of this section), shall determine the*  
15       *allocation of the appropriated funds among the em-*  
16       *ployees on a pro rata basis.*

17            (2) *AUTHORIZATION OF APPROPRIATIONS.—*  
18        *There is authorized to be appropriated \$20,000,000 to*  
19        *carry out this subsection.*

20            (e) *INTERIM AGREEMENT.—If the Administrator and*  
21        *the exclusive bargaining representative of the employees*  
22        *subject to the changes referred to in subsection (b) reach a*  
23        *final and binding agreement with respect to such changes*  
24        *before the date of enactment of this Act, such agreement*  
25        *shall supersede any changes implemented by the Adminis-*



1 *trator under section 40122(a) of title 49, United States*  
2 *Code (as in effect on the day before such date of enactment),*  
3 *without the agreement of the bargaining representative, and*  
4 *subsections (b) and (c) shall not take effect.*

5 **SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED**  
6 **PERSONNEL PRACTICES.**

7 *Section 40122(g)(2)(A) is amended to read as follows:*

8 *“(A) sections 2301 and 2302, relating to*  
9 *merit system principles and prohibited personnel*  
10 *practices, including the provisions for investiga-*  
11 *tion and enforcement as provided in chapter 12*  
12 *of title 5;”.*

13 **SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.**

14 *(a) APPLICABILITY OF BACK PAY REQUIREMENTS.—*

15 *Section 40122(g)(2) is amended—*

16 *(1) by striking “and” at the end of subpara-*  
17 *graph (G);*

18 *(2) by striking the period at the end of subpara-*  
19 *graph (H) and inserting “; and”; and*

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

21 *“(I) section 5596, relating to back pay.”.*

22 *(b) APPLICABILITY.—*

23 *(1) IN GENERAL.—The amendment made by sub-*  
24 *section (a) shall apply to—*

1           (A) *all proceedings pending on, or com-*  
2           *menced after, the date of enactment of this Act*  
3           *in which an employee of the Federal Aviation*  
4           *Administration is seeking relief under section*  
5           *5596 of title 5, United States Code, that was*  
6           *available as of March 31, 1996; and*

7           (B) *subject to paragraph (2), personnel ac-*  
8           *tions of the Federal Aviation Administration*  
9           *under section 5596 of such title occurring before*  
10          *the date of enactment of this Act.*

11          (2) *SPECIAL RULE.—The authority of the Merit*  
12          *Systems Protection Board to provide a remedy under*  
13          *section 5596 of such title, with respect to a personnel*  
14          *action of the Federal Aviation Administration occur-*  
15          *ring before the date of enactment of this Act, shall be*  
16          *limited to cases in which—*

17               (A) *the Board, before such date of enact-*  
18               *ment, found that the Federal Aviation Adminis-*  
19               *tration committed an unjustified or unwar-*  
20               *ranted personnel action but ruled that the Board*  
21               *did not have the authority to provide a remedy*  
22               *for the personnel action under section 5596 of*  
23               *such title; and*

1                   (B) a petition for review is filed with the  
2                   clerk of the Board not later than 6 months after  
3                   such date of enactment.

4 **SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.**

5           (a) *STUDY.*—

6                   (1) *IN GENERAL.*—The Comptroller General shall  
7                   conduct a study on the training of the airway trans-  
8                   portation systems specialists of the Federal Aviation  
9                   Administration (in this section referred to as “FAA  
10                   systems specialists”).

11                   (2) *CONTENTS.*—The study shall—

12                           (A) include an analysis of the type of train-  
13                           ing provided to FAA systems specialists;

14                           (B) include an analysis of the type of train-  
15                           ing that FAA systems specialists need to be pro-  
16                           ficient on the maintenance of latest technologies;

17                           (C) include a description of actions that the  
18                           Administration has undertaken to ensure that  
19                           FAA systems specialists receive up-to-date train-  
20                           ing on the latest technologies;

21                           (D) identify the amount and cost of FAA  
22                           systems specialists training provided by vendors;

23                           (E) identify the amount and cost of FAA  
24                           systems specialists training provided by the Ad-

1            *ministration after developing courses for the*  
2            *training of such specialists;*

3            *(F) identify the amount and cost of travel*  
4            *that is required of FAA systems specialists in re-*  
5            *ceiving training; and*

6            *(G) include a recommendation regarding*  
7            *the most cost-effective approach to providing*  
8            *FAA systems specialists training.*

9            *(3) REPORT.—Not later than 1 year after the*  
10          *date of enactment of this Act, the Comptroller General*  
11          *shall submit to the Committee on Transportation and*  
12          *Infrastructure of the House of Representatives and the*  
13          *Committee on Commerce, Science, and Transporta-*  
14          *tion of the Senate a report on the results of the*  
15          *study.*

16          *(b) WORKLOAD OF SYSTEMS SPECIALISTS.—*

17            *(1) STUDY BY NATIONAL ACADEMY OF*  
18            *SCIENCES.—Not later than 90 days after the date of*  
19            *enactment of this Act, the Administrator of the Fed-*  
20            *eral Aviation Administration shall make appropriate*  
21            *arrangements for the National Academy of Sciences to*  
22            *conduct a study of the assumptions and methods used*  
23            *by the Federal Aviation Administration to estimate*  
24            *staffing needs for FAA systems specialists to ensure*

1       *proper maintenance and certification of the national*  
2       *airspace system.*

3           (2) *CONTENTS.*—*The study shall be conducted so*  
4       *as to provide the following:*

5           (A) *A suggested method of modifying FAA*  
6       *systems specialists staffing models for applica-*  
7       *tion to current local conditions or applying some*  
8       *other approach to developing an objective staff-*  
9       *ing standard.*

10          (B) *The approximate cost and length of*  
11       *time for developing such models.*

12          (3) *CONSULTATION.*—*In conducting the study,*  
13       *the National Academy of Sciences shall consult with*  
14       *the exclusive bargaining representative of employees of*  
15       *the Federal Aviation Administration certified under*  
16       *section 7111 of title 5, United States Code, and the*  
17       *Administrator of the Federal Aviation Administra-*  
18       *tion.*

19          (4) *REPORT.*—*Not later than 1 after the initi-*  
20       *ation of the arrangements under subsection (a), the*  
21       *National Academy of Sciences shall submit to Con-*  
22       *gress a report on the results of the study.*

23       **SEC. 605. DESIGNEE PROGRAM.**

24          (a) *REPORT.*—*Not later than 18 months after the date*  
25       *of enactment of this Act, the Comptroller General shall sub-*

1 *mit to the Committee on Transportation and Infrastructure*  
2 *of the House of Representatives and the Committee on Com-*  
3 *merce, Science, and Transportation of the Senate a report*  
4 *on the status of recommendations made by the Government*  
5 *Accountability Office in its October 2004 report, “Aviation*  
6 *Safety: FAA Needs to Strengthen Management of Its Des-*  
7 *ignee Programs” (GAO–05–40).*

8 (b) *CONTENTS.—The report shall include—*

9 (1) *an assessment of the extent to which the Fed-*  
10 *eral Aviation Administration has responded to rec-*  
11 *ommendations of the Government Accountability Of-*  
12 *fice referred to in subsection (a);*

13 (2) *an identification of improvements, if any,*  
14 *that have been made to the designee programs referred*  
15 *to in the report of the Office as a result of such rec-*  
16 *ommendations;*

17 (3) *an identification of further action that is*  
18 *needed to implement such recommendations, improve*  
19 *the Administration’s management control of the des-*  
20 *ignee programs, and increase assurance that designees*  
21 *meet the Administration’s performance standards;*  
22 *and*

23 (4) *an assessment of the Administration’s orga-*  
24 *nizational delegation and designee programs and a*  
25 *determination as to whether the Administration has*



1       (b) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*  
2 *tion to amounts authorized by section 106(k) of title 49,*  
3 *United States Code, there is authorized to be appropriated*  
4 *to carry out subsection (a)—*

5           (1) *\$45,000,000 for fiscal year 2010;*

6           (2) *\$138,000,000 for fiscal year 2011; and*

7           (3) *\$235,000,000 for fiscal year 2012.*

8 *Such sums shall remain available until expended.*

9       (c) *IMPLEMENTATION OF STAFFING STANDARDS.*—  
10 *Notwithstanding any other provision of this section, upon*  
11 *completion of the flight standards service staffing model*  
12 *under section 605 of this Act, and validation of the model*  
13 *by the Administrator, there are authorized to be appro-*  
14 *priated such sums as may be necessary to support the num-*  
15 *ber of aviation safety inspectors, safety technical specialists,*  
16 *and operation support positions that such model determines*  
17 *are required to meet the responsibilities of the Flight Stand-*  
18 *ards Service.*

19       (d) *SAFETY CRITICAL POSITIONS DEFINED.*—*In this*  
20 *section, the term “safety critical positions” means—*

21           (1) *aviation safety inspectors, safety technical*  
22 *specialists, and operations support positions in the*  
23 *Flight Standards Service (as such terms are used in*  
24 *the Administration’s fiscal year 2009 congressional*  
25 *budget justification); and*



1           (2) *manufacturing safety inspectors, pilots, engi-*  
2           *neers, Chief Scientist Technical Advisors, safety tech-*  
3           *nical specialists, and operational support positions in*  
4           *the Aircraft Certification Service (as such terms are*  
5           *used in the Administration’s fiscal year 2009 congres-*  
6           *sional budget justification).*

7   **SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.**

8           (a) *STUDY BY NATIONAL ACADEMY OF SCIENCES.—*  
9           *Not later than 90 days after the date of enactment of this*  
10          *Act, the Administrator of the Federal Aviation Administra-*  
11          *tion shall enter into appropriate arrangements with the Na-*  
12          *tional Academy of Sciences to conduct a study of the as-*  
13          *sumptions and methods used by the Federal Aviation Ad-*  
14          *ministration (in this section referred to as the “FAA”) to*  
15          *estimate staffing needs for FAA air traffic controllers to en-*  
16          *sure the safe operation of the national airspace system.*

17          (b) *CONSULTATION.—In conducting the study, the Na-*  
18          *tional Academy of Sciences shall consult with the exclusive*  
19          *bargaining representative of employees of the FAA certified*  
20          *under section 7111 of title 5, United States Code, the Ad-*  
21          *ministrator of the Federal Aviation Administration, and*  
22          *representatives of the Civil Aeronautical Medical Institute.*

23          (c) *CONTENTS.—The study shall include an examina-*  
24          *tion of representative information on human factors, traffic*

1 activity, and the technology and equipment used in air traf-  
2 fic control.

3 (d) *RECOMMENDATIONS AND ESTIMATES.*—In con-  
4 ducting the study, the National Academy of Sciences shall  
5 develop—

6 (1) recommendations for the development by the  
7 FAA of objective staffing standards to maintain the  
8 safety and efficiency of the national airspace system  
9 with current and future projected air traffic levels;  
10 and

11 (2) estimates of cost and schedule for the develop-  
12 ment of such standards by the FAA or its contractors.

13 (e) *REPORT.*—Not later than 18 months after the date  
14 of enactment of this Act, the National Academy of Sciences  
15 shall submit to the Committee on Transportation and In-  
16 frastructure of the House of Representatives and the Com-  
17 mittee on Commerce, Science, and Transportation of the  
18 Senate a report on the results of the study.

19 **SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**  
20 **TRAFFIC CONTROLLERS.**

21 (a) *STUDY.*—The Administrator of the Federal Avia-  
22 tion Administration shall conduct a study to assess the ade-  
23 quacy of training programs for air traffic controllers.

24 (b) *CONTENTS.*—The study shall include—

1           (1) *a review of the current training system for*  
2 *air traffic controllers;*

3           (2) *an analysis of the competencies required of*  
4 *air traffic controllers for successful performance in the*  
5 *current air traffic control environment;*

6           (3) *an analysis of competencies required of air*  
7 *traffic controllers as the Federal Aviation Adminis-*  
8 *tration transitions to the Next Generation Air Trans-*  
9 *portation System; and*

10          (4) *an analysis of various training approaches*  
11 *available to satisfy the controller competencies identi-*  
12 *fied under paragraphs (2) and (3).*

13          (c) *REPORT.*—*Not later than 180 days after the date*  
14 *of enactment of this Act, the Administrator shall submit*  
15 *to the Committee on Transportation and Infrastructure of*  
16 *the House of Representatives and the Committee on Com-*  
17 *merce, Science, and Transportation of the Senate a report*  
18 *on the results of the study.*

19 **SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.**

20          (a) *STUDY.*—*The Administrator of the Federal Avia-*  
21 *tion Administration shall conduct a study on training op-*  
22 *tions for graduates of the Collegiate Training Initiative*  
23 *program conducted under section 44506(c) of title 49*  
24 *United States Code. The study shall analyze the impact of*  
25 *providing as an alternative to the current training provided*

1 *at the Mike Monroney Aeronautical Center of the Adminis-*  
2 *tration a new controller orientation session for graduates*  
3 *of such programs at the Mike Monroney Aeronautical Cen-*  
4 *ter followed by on-the-job training for newly hired air traf-*  
5 *fic controllers who are graduates of such program and shall*  
6 *include—*

7           (1) *the cost effectiveness of such an alternative*  
8 *training approach; and*

9           (2) *the effect that such an alternative training*  
10 *approach would have on the overall quality of train-*  
11 *ing received by graduates of such programs.*

12       (b) *REPORT.—Not later than 180 days after the date*  
13 *of enactment of this Act, the Administrator shall submit*  
14 *to the Committee on Transportation and Infrastructure of*  
15 *the House of Representatives and to the Committee on Com-*  
16 *merce, Science, and Transportation of the Senate a report*  
17 *on the results of the study.*

18 **SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
19 **CILITY CONDITIONS.**

20       (a) *ESTABLISHMENT.—The Administrator of the Fed-*  
21 *eral Aviation Administration shall establish a special task*  
22 *force to be known as the “FAA Task Force on Air Traffic*  
23 *Control Facility Conditions” (in this section referred to as*  
24 *the “Task Force”).*

25       (b) *MEMBERSHIP.—*

1           (1) *COMPOSITION.*—*The Task Force shall be com-*  
2           *posed of 12 members of whom—*

3                     (A) *8 members shall be appointed by the*  
4                     *Administrator; and*

5                     (B) *4 members shall be appointed by labor*  
6                     *unions representing employees who work at field*  
7                     *facilities of the Administration.*

8           (2) *QUALIFICATIONS.*—*Of the members ap-*  
9           *pointed by the Administrator under paragraph*  
10           *(1)(A)—*

11                    (A) *4 members shall be specialists on toxic*  
12                    *mold abatement, “sick building syndrome,” and*  
13                    *other hazardous building conditions that can*  
14                    *lead to employee health concerns and shall be ap-*  
15                    *pointed by the Administrator in consultation*  
16                    *with the Director of the National Institute for*  
17                    *Occupational Safety and Health; and*

18                    (B) *2 members shall be specialists on the re-*  
19                    *habilitation of aging buildings.*

20           (3) *TERMS.*—*Members shall be appointed for the*  
21           *life of the Task Force.*

22           (4) *VACANCIES.*—*A vacancy in the Task Force*  
23           *shall be filled in the manner in which the original*  
24           *appointment was made.*

1           (5) *TRAVEL EXPENSES.*—*Members shall serve*  
2           *without pay but shall receive travel expenses, includ-*  
3           *ing per diem in lieu of subsistence, in accordance*  
4           *with subchapter I of chapter 57 of title 5, United*  
5           *States Code.*

6           (c) *CHAIRPERSON.*—*The Administrator shall des-*  
7           *ignate, from among the individuals appointed under sub-*  
8           *section (b)(1), an individual to serve as chairperson of the*  
9           *Task Force.*

10          (d) *TASK FORCE PERSONNEL MATTERS.*—

11                 (1) *STAFF.*—*The Task Force may appoint and*  
12                 *fix the pay of such personnel as it considers appro-*  
13                 *priate.*

14                 (2) *STAFF OF FEDERAL AGENCIES.*—*Upon re-*  
15                 *quest of the Chairperson of the Task Force, the head*  
16                 *of any department or agency of the United States*  
17                 *may detail, on a reimbursable basis, any of the per-*  
18                 *sonnel of that department or agency to the Task Force*  
19                 *to assist it in carrying out its duties under this sec-*  
20                 *tion.*

21                 (3) *OTHER STAFF AND SUPPORT.*—*Upon request*  
22                 *of the Task Force or a panel of the Task Force, the*  
23                 *Administrator shall provide the Task Force or panel*  
24                 *with professional and administrative staff and other*  
25                 *support, on a reimbursable basis, to the Task Force*

1        *to assist it in carrying out its duties under this sec-*  
2        *tion.*

3        *(e) OBTAINING OFFICIAL DATA.—The Task Force may*  
4        *secure directly from any department or agency of the*  
5        *United States information (other than information required*  
6        *by any statute of the United States to be kept confidential*  
7        *by such department or agency) necessary for the Task Force*  
8        *to carry out its duties under this section. Upon request of*  
9        *the chairperson of the Task Force, the head of that depart-*  
10       *ment or agency shall furnish such information to the Task*  
11       *Force.*

12       *(f) DUTIES.—*

13            *(1) STUDY.—The Task Force shall undertake a*  
14        *study of—*

15                    *(A) the conditions of all air traffic control*  
16                    *facilities across the Nation, including towers,*  
17                    *centers, and terminal radar air control;*

18                    *(B) reports from employees of the Adminis-*  
19                    *tration relating to respiratory ailments and*  
20                    *other health conditions resulting from exposure*  
21                    *to mold, asbestos, poor air quality, radiation*  
22                    *and facility-related hazards in facilities of the*  
23                    *Administration;*

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

4           (D) the ability of managers and supervisors  
5           of such employees to promptly document and  
6           seek remediation for unsafe facility conditions;

7           (E) whether employees of the Administra-  
8           tion who report facility-related illnesses are  
9           treated fairly;

10          (F) utilization of scientifically approved re-  
11          mediation techniques in a timely fashion once  
12          hazardous conditions are identified in a facility  
13          of the Administration; and

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

16          (2) *FACILITY CONDITION INDICIES (FCI).*—The  
17          Task Force shall review the facility condition indicies  
18          of the Administration (in this section referred to as  
19          the “FCI”) for inclusion in the recommendations  
20          under subsection (g).

21          (g) *RECOMMENDATIONS.*—Based on the results of the  
22          study and review of the FCI under subsection (f), the Task  
23          Force shall make recommendations as it considers necessary  
24          to—



1           (1) *prioritize those facilities needing the most*  
2           *immediate attention in order of the greatest risk to*  
3           *employee health and safety;*

4           (2) *ensure that the Administration is using sci-*  
5           *entifically approved remediation techniques in all fa-*  
6           *cilities; and*

7           (3) *assist the Administration in making pro-*  
8           *grammatic changes so that aging air traffic control*  
9           *facilities do not deteriorate to unsafe levels.*

10          (h) *REPORT.*—*Not later than 6 months after the date*  
11          *on which initial appointments of members to the Task*  
12          *Force are completed, the Task Force shall submit to the Ad-*  
13          *ministrator, the Committee on Transportation and Infra-*  
14          *structure of the House of Representatives, and the Com-*  
15          *mittee on Commerce, Science, and Transportation of the*  
16          *Senate a report on the activities of the Task Force, includ-*  
17          *ing the recommendations of the Task Force under subsection*  
18          *(g).*

19          (i) *IMPLEMENTATION.*—*Within 30 days of the receipt*  
20          *of the Task Force report under subsection (h), the Adminis-*  
21          *trator shall submit to the Committee on Transportation and*  
22          *Infrastructure of the House of Representatives and the Com-*  
23          *mittee on Commerce, Science, and Transportation of the*  
24          *Senate a report that includes a plan and timeline to imple-*  
25          *ment the recommendations of the Task Force and to align*

1 *future budgets and priorities of the Administration accord-*  
 2 *ingly.*

3 (j) *TERMINATION.*—*The Task Force shall terminate on*  
 4 *the last day of the 30-day period beginning on the date on*  
 5 *which the report under subsection (h) was submitted.*

6 (k) *APPLICABILITY OF THE FEDERAL ADVISORY COM-*  
 7 *MITTEE ACT.*—*The Federal Advisory Committee Act (5*  
 8 *U.S.C. App.) shall not apply to the Task Force.*

9 (l) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 10 *authorized to be appropriated to the Secretary of Transpor-*  
 11 *tation \$250,000 to carry out this section.*

## 12 **TITLE VII—AVIATION**

## 13 **INSURANCE**

### 14 **SEC. 701. GENERAL AUTHORITY.**

15 (a) *EXTENSION OF POLICIES.*—*Section 44302(f)(1) is*  
 16 *amended—*

17 (1) *by striking “September 30, 2009” and insert-*  
 18 *ing “September 30, 2012”; and*

19 (2) *by striking “December 31, 2009” and insert-*  
 20 *ing “December 31, 2019”.*

21 (b) *SUCCESSOR PROGRAM.*—*Section 44302(f) is*  
 22 *amended by adding at the end the following:*

23 “(3) *SUCCESSOR PROGRAM.*—

24 “(A) *IN GENERAL.*—*After December 31,*  
 25 *2019, coverage for the risks specified in a policy*

1           *that has been extended under paragraph (1) shall*  
2           *be provided in an airline industry sponsored*  
3           *risk retention or other risk-sharing arrangement*  
4           *approved by the Secretary.*

5           “(B) *TRANSFER OF PREMIUMS.—*

6           “(i) *IN GENERAL.—On December 31,*  
7           *2019, and except as provided in clause (ii),*  
8           *premiums that are collected by the Sec-*  
9           *retary from the airline industry after Sep-*  
10          *tember 22, 2001, for any policy under this*  
11          *subsection, and interest earned thereon, as*  
12          *determined by the Secretary, shall be trans-*  
13          *ferred to an airline industry sponsored risk*  
14          *retention or other risk-sharing arrangement*  
15          *approved by the Secretary.*

16          “(ii) *DETERMINATION OF AMOUNT*  
17          *TRANSFERRED.—The amount transferred*  
18          *pursuant to clause (i) shall be less—*

19                 “(I) *the amount of any claims*  
20                 *paid out on such policies from Sep-*  
21                 *tember 22, 2001, through December 31,*  
22                 *2019;*

23                 “(II) *the amount of any claims*  
24                 *pending under such policies as of De-*  
25                 *cember 31, 2019; and*

1                   “(III) the cost, as determined by  
2                   the Secretary, of administering the  
3                   provision of insurance policies under  
4                   this chapter from September 22, 2001,  
5                   through December 31, 2019.”.

6 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD**  
7                   **PARTY LIABILITY OF AIR CARRIERS ARISING**  
8                   **OUT OF ACTS OF TERRORISM.**

9                   Section 44303(b) is amended by striking “December  
10 31, 2009” and inserting “December 31, 2012”.

11 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

12                   Section 44304 is amended in the second sentence by  
13 striking “the carrier” and inserting “any insurance car-  
14 rier”.

15 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

16                   Section 44308(c)(1) is amended in the second sentence  
17 by striking “agent” and inserting “agent, or a claims ad-  
18 juster who is independent of the underwriting agent,”.

19 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

20                   Section 44310 is amended by striking “December 31,  
21 2013” and inserting “December 31, 2019”.

22                   **TITLE VIII—MISCELLANEOUS**

23 **SEC. 801. AIR CARRIER CITIZENSHIP.**

24                   Section 40102(a)(15) is amended by adding at the end  
25 the following:

1       *“For purposes of subparagraph (C), an air carrier*  
2       *shall not be deemed to be under the actual control of*  
3       *citizens of the United States unless citizens of the*  
4       *United States control all matters pertaining to the*  
5       *business and structure of the air carrier, including*  
6       *operational matters such as marketing, branding, fleet*  
7       *composition, route selection, pricing, and labor rela-*  
8       *tions.”.*

9       **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**  
10       **INTEREST OF NATIONAL SECURITY.**

11       *Section 40119(b) is amended by adding at the end the*  
12       *following:*

13               *“(3) LIMITATION ON APPLICABILITY OF FREEDOM*  
14       *OF INFORMATION ACT.—Section 552a of title 5,*  
15       *United States Code, shall not apply to disclosures*  
16       *that the Administrator of the Federal Aviation Ad-*  
17       *ministration may make from the systems of records of*  
18       *the Administration to any Federal law enforcement,*  
19       *intelligence, protective service, immigration, or na-*  
20       *tional security official in order to assist the official*  
21       *receiving the information in the performance of offi-*  
22       *cial duties.”.*

1 **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**  
2 **AND DATABASE SYSTEMS.**

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

5 **“§40130. FAA access to criminal history records or**  
6 ***databases systems***

7 **“(a) ACCESS TO RECORDS OR DATABASES SYS-**  
8 **TEMS.—**

9 **“(1) ACCESS TO INFORMATION.**—*Notwith-*  
10 *standing section 534 of title 28, and regulations*  
11 *issued to implement such section, the Administrator*  
12 *of the Federal Aviation Administration may access a*  
13 *system of documented criminal justice information*  
14 *maintained by the Department of Justice or by a*  
15 *State but may do so only for the purpose of carrying*  
16 *out civil and administrative responsibilities of the*  
17 *Administration to protect the safety and security of*  
18 *the national airspace system or to support the mis-*  
19 *sions of the Department of Justice, the Department of*  
20 *Homeland Security, and other law enforcement agen-*  
21 *cies.*

22 **“(2) RELEASE OF INFORMATION.**—*In accessing a*  
23 *system referred to in paragraph (1), the Adminis-*  
24 *trator shall be subject to the same conditions and pro-*  
25 *cedures established by the Department of Justice or*

1       *the State for other governmental agencies with access*  
2       *to the system.*

3               “(3) *LIMITATION.*—*The Administrator may not*  
4       *use the access authorized under paragraph (1) to con-*  
5       *duct criminal investigations.*

6               “(b) *DESIGNATED EMPLOYEES.*—*The Administrator*  
7       *shall designate, by order, employees of the Administration*  
8       *who shall carry out the authority described in subsection*  
9       *(a). The designated employees may—*

10              “(1) *have access to and receive criminal history,*  
11       *driver, vehicle, and other law enforcement informa-*  
12       *tion contained in the law enforcement databases of the*  
13       *Department of Justice, or any jurisdiction of a State,*  
14       *in the same manner as a police officer employed by*  
15       *a State or local authority of that State who is cer-*  
16       *tified or commissioned under the laws of that State;*

17              “(2) *use any radio, data link, or warning system*  
18       *of the Federal Government, and of any jurisdiction in*  
19       *a State, that provides information about wanted per-*  
20       *sons, be-on-the-lookout notices, warrant status, or*  
21       *other officer safety information to which a police offi-*  
22       *cer employed by a State or local authority in that*  
23       *State who is certified or commission under the laws*  
24       *of that State has access and in the same manner as*  
25       *such police officer; or*

1           “(3) receive Federal, State, or local government  
2           communications with a police officer employed by a  
3           State or local authority in that State in the same  
4           manner as a police officer employed by a State or  
5           local authority in that State who is commissioned  
6           under the laws of that State.

7           “(c) *SYSTEM OF DOCUMENTED CRIMINAL JUSTICE IN-*  
8           *FORMATION DEFINED.*—*In this section, the term ‘system of*  
9           *documented criminal justice information’ means any law*  
10          *enforcement database, system, or communication con-*  
11          *taining information concerning identification, criminal*  
12          *history, arrests, convictions, arrest warrants, wanted or*  
13          *missing persons, including the National Crime Information*  
14          *Center and its incorporated criminal history databases and*  
15          *the National Law Enforcement Telecommunications Sys-*  
16          *tem.’”.*

17          (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
18          *401 is amended by adding at the end the following:*

          “40130. FAA access to criminal history records or databases systems.”.

19          **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

20          (a) *IN GENERAL.*—*Section 47129 is amended—*

21                 (1) *in the section heading by striking “air car-*  
22                 *rier” and inserting “carrier”;*

23                 (2) *in subsection (a) by striking “(as defined in*  
24                 *section 40102 of this title)” and inserting “(as such*  
25                 *terms are defined in section 40102)”;*





1 *section referred to as the “plan”*) under section 47103 of  
2 *title 49, United States Code.*

3 (b) *CONTENTS OF STUDY.—The study shall include a*  
4 *review of the following:*

5 (1) *The criteria used for including airports in*  
6 *the plan and the application of such criteria in the*  
7 *most recently published version of the plan.*

8 (2) *The changes in airport capital needs between*  
9 *fiscal years 2003 and 2008, as reported in the plan,*  
10 *as compared with the amounts apportioned or other-*  
11 *wise made available to individual airports over the*  
12 *same period of time.*

13 (3) *A comparison of the amounts received by air-*  
14 *ports under the airport improvement program in air-*  
15 *port apportionments, State apportionments, and dis-*  
16 *cretionary grants during such fiscal years with cap-*  
17 *ital needs as reported in the plan.*

18 (4) *The effect of transfers of airport apporportion-*  
19 *ments under title 49, United States Code.*

20 (5) *Any other matters pertaining to the plan*  
21 *that the Secretary determines appropriate.*

22 (c) *REPORT TO CONGRESS.—*

23 (1) *SUBMISSION.—Not later than 36 months*  
24 *after the date of initiation of the study, the Secretary*  
25 *shall submit to the Committee on Transportation and*

1        *Infrastructure of the House of Representatives and the*  
2        *Committee on Commerce, Science, and Transpor-*  
3        *tation of the Senate a report on the results of the*  
4        *study.*

5            (2) *CONTENTS.—The report shall include—*

6                    (A) *the findings of the Secretary on each of*  
7                    *the subjects listed in subsection (b);*

8                    (B) *recommendations for any changes to*  
9                    *policies and procedures for formulating the plan;*  
10                   *and*

11                   (C) *recommendations for any changes to the*  
12                   *methods of determining the amounts to be appor-*  
13                   *tioned or otherwise made available to individual*  
14                   *airports.*

15        **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

16            (a) *IN GENERAL.—Section 201 of the Railway Labor*  
17        *Act (45 U.S.C. 181) is amended—*

18                    (1) *by striking “All” and inserting “(a) IN GEN-*  
19                    *ERAL.—All”;*

20                    (2) *by inserting “and every express carrier”*  
21                    *after “common carrier by air”; and*

22                    (3) *by adding at the end the following:*

23                    *“(b) SPECIAL RULES FOR EXPRESS CARRIERS.—*

24                    *“(1) IN GENERAL.—An employee of an express*  
25                    *carrier shall be covered by this Act only if that em-*

1     *ployee is in a position that is eligible for certification*  
2     *under part 61, 63, or 65 of title 14, Code of Federal*  
3     *Regulations, and only if that employee performs du-*  
4     *ties for the express carrier that are eligible for such*  
5     *certification. All other employees of an express carrier*  
6     *shall be covered by the provisions of the National*  
7     *Labor Relations Act (29 U.S.C. 151 et seq.).*

8             “(2) *AIR CARRIER STATUS.*—*Any person that is*  
9     *an express carrier shall be governed by paragraph (1)*  
10    *notwithstanding any finding that the person is also*  
11    *a common carrier by air.*

12            “(3) *EXPRESS CARRIER DEFINED.*—*In this sec-*  
13    *tion, the term ‘express carrier’ means any person (or*  
14    *persons affiliated through common control or owner-*  
15    *ship) whose primary business is the express shipment*  
16    *of freight or packages through an integrated network*  
17    *of air and surface transportation.”.*

18            “(b) *CONFORMING AMENDMENT.*—*Section 1 of such Act*  
19    *(45 U.S.C. 151) is amended in the first paragraph by strik-*  
20    *ing “, any express company that would have been subject*  
21    *to subtitle IV of title 49, United States Code, as of December*  
22    *31, 1995,”.*

1 **SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FA-**  
2 **CILITIES.**

3 (a) *ESTABLISHMENT OF WORKING GROUP.*—Not later  
4 than 9 months after the date of enactment of this Act, the  
5 Secretary of Transportation shall establish within the Fed-  
6 eral Aviation Administration (in this section referred to as  
7 the “FAA”) a working group to develop criteria and make  
8 recommendations for the realignment of services and facili-  
9 ties (including regional offices) of the FAA to assist in the  
10 transition to next generation facilities and to help reduce  
11 capital, operating, maintenance, and administrative costs  
12 in instances in which cost reductions can be implemented  
13 without adversely affecting safety.

14 (b) *MEMBERSHIP.*—The working group shall be com-  
15 posed of—

16 (1) the Administrator of the FAA;

17 (2) 2 representatives of air carriers;

18 (3) 2 representatives of the general aviation com-  
19 munity;

20 (4) 2 representatives of labor unions representing  
21 employees who work at regional or field facilities of  
22 the FAA; and

23 (5) 2 representatives of the airport community.

24 (c) *REPORT TO CONGRESS CONTAINING RECOMMENDA-*  
25 *TIONS OF THE WORKING GROUP.*—

1           (1) *SUBMISSION.*—Not later than 6 months after  
2           convening the working group, the Administrator shall  
3           submit to the Committee on Transportation and In-  
4           frastructure of the House of Representatives and the  
5           Committee on Commerce, Science, and Transpor-  
6           tation of the Senate a report containing the criteria  
7           and recommendations developed by the working group  
8           under this section.

9           (2) *CONTENTS.*—The report shall include a jus-  
10          tification for each recommendation to consolidate or  
11          realign a service or facility (including a regional of-  
12          fice) and a description of the costs and savings associ-  
13          ated with the consolidation or realignment.

14          (d) *PUBLIC NOTICE AND COMMENT.*—The Adminis-  
15          trator shall publish the report submitted under subsection  
16          (c) in the Federal Register and allow 45 days for the sub-  
17          mission of public comments. In addition, the Administrator  
18          upon request shall hold a public hearing in a community  
19          that would be affected by a recommendation in the report.

20          (e) *OBJECTIONS.*—Any interested person may file with  
21          the Administrator a written objection to a recommendation  
22          of the working group.

23          (f) *REPORT TO CONGRESS CONTAINING RECOMMENDA-*  
24          *TIONS OF THE ADMINISTRATOR.*—Not later than 60 days  
25          after the last day of the period for public comment under

1 subsection (d), the Administrator shall submit to the com-  
2 mittees referred to in subsection (c)(1) a report containing  
3 the recommendations of the Administrator on realignment  
4 of services and facilities (including regional offices) of the  
5 FAA and copies of any public comments and objections re-  
6 ceived by the Administrator under this section.

7 (g) *LIMITATION ON IMPLEMENTATION OF REALIGN-*  
8 *MENTS AND CONSOLIDATIONS.*—The Administrator may  
9 not realign or consolidate any services or facilities (includ-  
10 ing regional offices) of the FAA before the Administrator  
11 has submitted the report under subsection (f).

12 (h) *DEFINITIONS.*—In this section, the following defi-  
13 nitions apply:

14 (1) *FAA.*—The term “FAA” means the Federal  
15 Aviation Administration.

16 (2) *REALIGNMENT; CONSOLIDATION.*—

17 (A) *IN GENERAL.*—The terms “realignment”  
18 and “consolidation” include any action that—

19 (i) relocates functions, services, or per-  
20 sonnel positions;

21 (ii) severs existing facility functions or  
22 services; or

23 (iii) any combination thereof.

1                   (B) *EXCLUSION.*—*The term does not in-*  
2                   *clude a reduction in personnel resulting from*  
3                   *workload adjustments.*

4 **SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT IN-**  
5                   **SURANCE FOR NATIONAL TRANSPORTATION**  
6                   **SAFETY BOARD EMPLOYEES.**

7                   *Section 1113 is amended by adding at the end the fol-*  
8                   *lowing:*

9                   “(i) *ACCIDENTAL DEATH AND DISMEMBERMENT IN-*  
10                   *SURANCE.*—

11                   “(1) *AUTHORITY TO PROVIDE INSURANCE.*—*The*  
12                   *Board may procure accidental death and dismember-*  
13                   *ment insurance for an employee of the Board who*  
14                   *travels for an accident investigation or other activity*  
15                   *of the Board outside the United States or inside the*  
16                   *United States under hazardous circumstances, as de-*  
17                   *finied by the Board.*

18                   “(2) *CREDITING OF INSURANCE BENEFITS TO*  
19                   *OFFSET UNITED STATES TORT LIABILITY.*—*Any*  
20                   *amounts paid to a person under insurance coverage*  
21                   *procured under this subsection shall be credited as off-*  
22                   *setting any liability of the United States to pay dam-*  
23                   *ages to that person under section 1346(b) of title 28,*  
24                   *chapter 171 of title 28, chapter 163 of title 10, or any*  
25                   *other provision of law authorizing recovery based*



1       upon tort liability of the United States in connection  
2       with the injury or death resulting in the insurance  
3       payment.

4               “(3) *TREATMENT OF INSURANCE BENEFITS.*—  
5       Any amounts paid under insurance coverage procured  
6       under this subsection shall not—

7                       “(A) be considered additional pay or allow-  
8                       ances for purposes of section 5536 of title 5; or

9                       “(B) offset any benefits an employee may  
10                      have as a result of government service, including  
11                      compensation under chapter 81 of title 5.

12               “(4) *ENTITLEMENT TO OTHER INSURANCE.*—  
13       Nothing in this subsection shall be construed as affect-  
14       ing the entitlement of an employee to insurance under  
15       section 8704(b) of title 5.”.

16 **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUS-**  
17 **TRY IN INTERNATIONAL CHILD ABDUCTION**  
18 **CASES.**

19       (a) *STUDY.*—The Comptroller General shall conduct a  
20       study to help determine how the Federal Aviation Adminis-  
21       tration (in this section referred to as the “FAA”) could bet-  
22       ter ensure the collaboration and cooperation of air carriers  
23       and foreign air carriers providing air transportation and  
24       relevant Federal agencies to develop and enforce child safety  
25       control for adults traveling internationally with children.

1       (b) *CONTENTS.*—*In conducting the study, the Com-*  
2 *troller General shall examine—*

3           (1) *the nature and scope of exit policies and pro-*  
4 *cedures of the FAA, air carriers, and foreign air car-*  
5 *riers and how the enforcement of such policies and*  
6 *procedures is monitored, including ticketing and*  
7 *boarding procedures;*

8           (2) *the extent to which air carriers and foreign*  
9 *air carriers cooperate in the investigations of inter-*  
10 *national child abduction cases, including cooperation*  
11 *with the National Center for Missing and Exploited*  
12 *Children and relevant Federal, State, and local agen-*  
13 *cies;*

14           (3) *any effective practices, procedures, or lessons*  
15 *learned from the assessment of current practices and*  
16 *procedures of air carriers, foreign air carriers, and*  
17 *operators of other transportation modes that could*  
18 *improve the ability of the aviation community to en-*  
19 *sure the safety of children traveling internationally*  
20 *with adults and, as appropriate, enhance the capa-*  
21 *bility of air carriers and foreign air carriers to co-*  
22 *operate in the investigations of international child*  
23 *abduction cases; and*

24           (4) *any liability issues associated with providing*  
25 *assistance in such investigations.*

1       (c) *REPORT.*—Not later than 1 after the date of the  
2 enactment of this Act, the Comptroller General shall submit  
3 to Congress a report on the results of the study.

4 **SEC. 810. LOST NATION AIRPORT, OHIO.**

5       (a) *APPROVAL OF SALE.*—The Secretary of Transpor-  
6 tation may approve the sale of Lost Nation Airport from  
7 the city of Willoughby, Ohio, to Lake County, Ohio, if—

8           (1) *Lake County meets all applicable require-*  
9 *ments for sponsorship of the airport; and*

10           (2) *Lake County agrees to assume the obligations*  
11 *and assurances of the grant agreements relating to the*  
12 *airport executed by the city of Willoughby under*  
13 *chapter 471 of title 49, United States Code, and to*  
14 *operate and maintain the airport in accordance with*  
15 *such obligations and assurances.*

16       (b) *GRANTS.*—

17           (1) *IN GENERAL.*—The Secretary may make a  
18 grant, from funds made available under section 48103  
19 of title 49, United States Code, to Lake County to as-  
20 sist in Lake County's purchase of the Lost Nation  
21 Airport under subsection (a).

22           (2) *FEDERAL SHARE.*—The Federal share of the  
23 grant under this subsection shall be for 90 percent of  
24 the cost of Lake County's purchase of the Lost Nation

1     *Airport, but in no event may the Federal share of the*  
2     *grant exceed \$1,220,000.*

3             (3) *APPROVAL.—The Secretary may make a*  
4     *grant under this subsection only if the Secretary re-*  
5     *ceives such written assurances as the Secretary may*  
6     *require under section 47107 of title 49, United States*  
7     *Code, with respect to the grant and Lost Nation Air-*  
8     *port.*

9             (c) *TREATMENT OF PROCEEDS FROM SALE.—The Sec-*  
10    *retary may grant to the city of Willoughby an exemption*  
11    *from the provisions of sections 47107 and 47133 of such*  
12    *title, any grant obligations of the city of Willoughby, and*  
13    *regulations and policies of the Federal Aviation Adminis-*  
14    *tration to the extent necessary to allow the city of*  
15    *Willoughby to use the proceeds from the sale approved under*  
16    *subsection (a) for any purpose authorized by the city of*  
17    *Willoughby.*

18    **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

19             (a) *FINDINGS.—Congress finds that—*

20                 (1) *Pollock Municipal Airport located in Pollock,*  
21     *Louisiana (in this section referred to as the “air-*  
22     *port”), has never been included in the National Plan*  
23     *of Integrated Airport Systems pursuant to section*  
24     *47103 of title 49, United States Code, and is therefore*

1       *not considered necessary to meet the current or future*  
2       *needs of the national aviation system; and*

3               *(2) closing the airport will not adversely affect*  
4       *aviation safety, aviation capacity, or air commerce.*

5       ***(b) REQUEST FOR CLOSURE.—***

6               ***(1) APPROVAL.—****Notwithstanding any other pro-*  
7       *vision of law, requirement, or agreement and subject*  
8       *to the requirements of this section, the Administrator*  
9       *of the Federal Aviation Administration shall—*

10               ***(A) approve a request from the town of Pol-***  
11       ***lock, Louisiana, to close the airport as a public***  
12       ***airport; and***

13               ***(B) release the town from any term, condi-***  
14       ***tion, reservation, or restriction contained in a***  
15       ***surplus property conveyance or transfer docu-***  
16       ***ment, and from any order or finding by the De-***  
17       ***partment of Transportation on the use and re-***  
18       ***payment of airport revenue applicable to the air-***  
19       ***port, that would otherwise prevent the closure of***  
20       ***the airport and redevelopment of the facilities to***  
21       ***nonaeronautical uses.***

22               ***(2) CONTINUED AIRPORT OPERATION PRIOR TO***  
23       ***APPROVAL.—****The town of Pollock shall continue to op-*  
24       *erate and maintain the airport until the Adminis-*



1 *sums as may be necessary for each of fiscal years 2010*  
2 *through 2012. Such sums shall remain available until ex-*  
3 *pendent.*

4 **SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION**  
5 **ZONE.**

6 (a) *SUBMISSION OF PLAN TO CONGRESS.—Not later*  
7 *than 90 days after the date of enactment of this Act, the*  
8 *Administrator of the Federal Aviation Administration, in*  
9 *consultation with Secretary of Homeland Security and Sec-*  
10 *retary of Defense, shall submit to the Committee on Trans-*  
11 *portation and Infrastructure and Committee on Homeland*  
12 *Security of the House of Representatives and the Committee*  
13 *on Commerce, Science, and Transportation of the Senate*  
14 *a plan for the Washington, DC, Air Defense Identification*  
15 *Zone.*

16 (b) *CONTENTS OF PLAN.—The plan shall outline spe-*  
17 *cific changes to the Washington, DC, Air Defense Identifica-*  
18 *tion Zone that will decrease operational impacts and im-*  
19 *prove general aviation access to airports in the National*  
20 *Capital Region that are currently impacted by the zone.*

21 **SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

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

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

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

17 **SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.**  
18                   **HOBBY AIRPORT, HOUSTON, TEXAS.**

19       *It is the sense of Congress that the Nation—*

20               (1) *supports the goals and ideals of the 1940 Air*  
21 *Terminal Museum located at William P. Hobby Air-*  
22 *port in the city of Houston, Texas;*

23               (2) *congratulates the city of Houston and the*  
24 *1940 Air Terminal Museum on the 80-year history of*  
25 *William P. Hobby Airport and the vital role of the*



1        *airport in Houston's and the Nation's transportation*  
2        *infrastructure; and*

3                *(3) recognizes the 1940 Air Terminal Museum*  
4        *for its importance to the Nation in the preservation*  
5        *and presentation of civil aviation heritage and recog-*  
6        *nizes the importance of civil aviation to the Nation's*  
7        *history and economy.*

8        **SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**  
9                **APPLICABLE TO FLIGHT CREWMEMBERS.**

10        *Not later than 180 days after the date of enactment*  
11        *of this Act, the Administrator of the Federal Aviation Ad-*  
12        *ministration shall initiate a rulemaking proceeding for the*  
13        *following purposes:*

14                *(1) To require a flight crewmember who is em-*  
15        *ployed by an air carrier conducting operations under*  
16        *part 121 of title 14, Code of Federal Regulations, and*  
17        *who accepts an additional assignment for flying*  
18        *under part 91 of such title from the air carrier or*  
19        *from any other air carrier conducting operations*  
20        *under part 121 or 135 of such title, to apply the pe-*  
21        *riod of the additional assignment (regardless of*  
22        *whether the assignment is performed by the flight*  
23        *crewmember before or after an assignment to fly*  
24        *under part 121 of such title) toward any limitation*

1 applicable to the flight crewmember relating to duty  
2 periods or flight times under part 121 of such title.

3 (2) To require a flight crewmember who is em-  
4 ployed by an air carrier conducting operations under  
5 part 135 of title 14, Code of Federal Regulations, and  
6 who accepts an additional assignment for flying  
7 under part 91 of such title from the air carrier or  
8 any other air carrier conducting operations under  
9 part 121 or 135 of such title, to apply the period of  
10 the additional assignment (regardless of whether the  
11 assignment is performed by the flight crewmember be-  
12 fore or after an assignment to fly under part 135 of  
13 such title) toward any limitation applicable to the  
14 flight crewmember relating to duty periods or flight  
15 times under part 135 of such title.

16 **SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
17 **PORT PROPERTIES.**

18 (a) *IN GENERAL.*—Not later than 1 after the date of  
19 enactment of this Act, the Administrator of the Federal  
20 Aviation Administration shall establish a pilot program at  
21 up to 4 public-use airports (as defined in section 47102 of  
22 title 49, United States Code) that have a noise compat-  
23 ibility program approved by the Administrator under sec-  
24 tion 47504 of such title.

1       (b) *GRANTS.*—Under the pilot program, the Adminis-  
2 trator may make a grant in a fiscal year, from funds made  
3 available under section 47117(e)(1)(A) of such title, to the  
4 operator of an airport participating in the pilot program—

5           (1) to support joint planning (including plan-  
6 ning described in section 47504(a)(2)(F) of such  
7 title), engineering design, and environmental permit-  
8 ting for the assembly and redevelopment of real prop-  
9 erty purchased with noise mitigation funds made  
10 available under section 48103 or passenger facility  
11 revenues collected for the airport under section 40117  
12 of such title; and

13           (2) to encourage compatible land uses with the  
14 airport and generate economic benefits to the airport  
15 operator and an affected local jurisdiction.

16       (c) *GRANT REQUIREMENTS.*—The Administrator may  
17 not make a grant under this section unless the grant is  
18 made—

19           (1) to enable the airport operator and an affected  
20 local jurisdiction to expedite their noise mitigation  
21 redevelopment efforts with respect to real property de-  
22 scribed in subsection (b)(1);

23           (2) subject to a requirement that the affected  
24 local jurisdiction has adopted zoning regulations that

1        *permit compatible redevelopment of real property de-*  
2        *scribed in subsection (b)(1); and*

3                *(3) subject to a requirement that funds made*  
4        *available under section 47117(e)(1)(A) with respect to*  
5        *real property assembled and redeveloped under sub-*  
6        *section (b)(1) plus the amount of any grants made for*  
7        *acquisition of such property under section 47504 of*  
8        *such title are repaid to the Administrator upon the*  
9        *sale of such property.*

10        *(d) COOPERATION WITH LOCAL AFFECTED JURISDIC-*  
11        *TION.—An airport operator may use funds granted under*  
12        *this section for a purpose described in subsection (b) only*  
13        *in cooperation with an affected local jurisdiction.*

14        *(e) UNITED STATES GOVERNMENT SHARE.—*

15                *(1) IN GENERAL.—The United States Govern-*  
16        *ment share of the allowable costs of a project carried*  
17        *out under the pilot program shall be 80 percent.*

18                *(2) DETERMINATION.—In determining the allow-*  
19        *able project costs of a project carried out under the*  
20        *pilot program for purposes of this subsection, the Ad-*  
21        *ministrator shall deduct from the total costs of the*  
22        *project that portion of the total costs of the project*  
23        *that are incurred with respect to real property that*  
24        *is not owned or to be acquired by the airport operator*  
25        *pursuant to the noise compatibility program for the*

1        *airport or that is not owned by an affected local ju-*  
2        *risdiction or other public entity.*

3            (3) *MAXIMUM AMOUNT.—Not more than*  
4        *\$5,000,000 in funds made available under section*  
5        *47117(e) of title 49, United States Code, may be ex-*  
6        *pended under this pilot program at any single public-*  
7        *use airport.*

8            (f) *SPECIAL RULES FOR REPAID FUNDS.—The*  
9        *amounts repaid to the Administrator with respect to an air-*  
10       *port under subsection (c)(3)—*

11            (1) *shall be available to the Administrator for*  
12        *the following actions giving preference to such actions*  
13        *in descending order:*

14            (A) *reinvestment in an approved noise com-*  
15        *patibility project at the airport;*

16            (B) *reinvestment in another project at the*  
17        *airport that is available for funding under sec-*  
18        *tion 47117(e) of title 49, United States Code;*

19            (C) *reinvestment in an approved airport*  
20        *development project at the airport that is eligible*  
21        *for funding under section 47114, 47115, or*  
22        *47117 of such title;*

23            (D) *reinvestment in approved noise compat-*  
24        *ibility project at any other public airport; and*

1           (E) deposit in the Airport and Airway  
2           Trust Fund established under section 9502 of the  
3           Internal Revenue Code of 1986 (26 U.S.C. 9502);  
4           (2) shall be in addition to amounts authorized  
5           under section 48103 of title 49, United States Code;  
6           and

7           (3) shall remain available until expended.

8           (g) *USE OF PASSENGER FACILITY REVENUE.*—An op-  
9           erator of an airport participating in the pilot program may  
10          use passenger facility revenue collected for the airport under  
11          section 40117 of title 49, United States Code, to pay the  
12          portion of the total cost of a project carried out by the oper-  
13          ator under the pilot program that are not allowable under  
14          subsection (e)(2).

15          (h) *SUNSET.*—The Administrator may not make a  
16          grant under the pilot program after September 30, 2012.

17          (i) *REPORT TO CONGRESS.*—Not later than the last  
18          day of the 30th month following the date on which the first  
19          grant is made under this section, the Administrator shall  
20          report to Congress on the effectiveness of the pilot program  
21          on returning real property purchased with noise mitigation  
22          funds made available under section 47117(e)(1)(A) or  
23          47505 or passenger facility revenues to 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 subpara-  
4 graph (E) and inserting “; and”; and

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

6                   “(F) joint comprehensive land use planning,  
7 including master plans, traffic studies, environ-  
8 mental evaluation and economic and feasibility  
9 studies, with neighboring local jurisdictions un-  
10 dertaking community redevelopment in the area  
11 where any land or other property interest ac-  
12 quired by the airport operator under this sub-  
13 section is located, to encourage and enhance rede-  
14 velopment opportunities that reflect zoning and  
15 uses that will prevent the introduction of addi-  
16 tional incompatible uses and enhance redevel-  
17 opment potential.”.

18 **SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND**

19 **AND STATEN ISLAND, 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 and Staten Island, New York.

23           (b) *CONTENTS.*—In conducting the study, the Admin-  
24 istrator shall examine, at a minimum, the following:

1           (1) *The effect of helicopter operations on residen-*  
2           *tial areas, including—*

3                   (A) *safety issues relating to helicopter oper-*  
4                   *ations;*

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 and Staten*  
18           *Island, New York, shall not apply to helicopters performing*  
19           *operations for news organizations, the military, law en-*  
20           *forcement, or 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 submit  
3 to Congress a report on the results of the study, including  
4 information and recommendations concerning the issues ex-  
5 amined under subsection (b).

6 **SEC. 819. CABIN TEMPERATURE AND HUMIDITY STAND-**  
7                                   **ARDS STUDY.**

8       (a) *STUDY.*—Not later than 6 months after the date  
9 of enactment of this Act, the Administrator of the Federal  
10 Aviation Administration shall conduct a study to determine  
11 whether onboard temperature standards are necessary to  
12 protect cabin and cockpit crew members and passengers on  
13 an aircraft of an air carrier used to provide air transpor-  
14 tation from excessive heat and humidity onboard such air-  
15 craft during standard operations or during an excessive  
16 flight delay.

17       (b) *TEMPERATURE REVIEW.*—In conducting the study  
18 under subsection (a), the Administrator shall—

19               (1) survey onboard cabin and cockpit tempera-  
20 ture and humidity of a representative sampling of  
21 different aircraft types and operations;

22               (2) address the appropriate placement of tem-  
23 perature monitoring devices onboard the aircraft to  
24 determine the most accurate measurement of onboard  
25 temperature and humidity and develop a system for

1 *the reporting of excessive temperature and humidity*  
2 *onboard passenger aircraft by cockpit and cabin crew*  
3 *members; and*

4 *(3) review the impact of implementing such on-*  
5 *board temperature and humidity standards on the en-*  
6 *vironment, fuel economy, and avionics and determine*  
7 *the costs associated with such implementation and the*  
8 *feasibility of using ground equipment or other mitiga-*  
9 *tion measures to offset any such costs.*

10 *(c) REPORT TO CONGRESS.—Not later than 18 months*  
11 *after the date of enactment of this Act, the Administrator*  
12 *shall submit to Congress a report on the findings of the*  
13 *study.*

14 **SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

15 *Section 46301 is amended—*

16 *(1) in subsection (a)(1)(A) by inserting “chapter*  
17 *451,” before “section 47107(b)”;*

18 *(2) in subsection (a)(5)(A)(i)—*

19 *(A) by striking “or chapter 449” and in-*  
20 *serting “chapter 449”; and*

21 *(B) by inserting after “44909)” the fol-*  
22 *lowing: “, or chapter 451”; and*

23 *(3) in subsection (d)(2)—*

1           (A) by inserting after “44723)” the fol-  
2           lowing: “, chapter 451 (except section 45107)”;  
3           and

4           (B) by inserting after “44909),” the fol-  
5           lowing: “section 45107 or”.

6 **SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGES-**  
7           **TION.**

8           *Not later than 18 months after the date of enactment*  
9 *of this Act, the Comptroller General shall conduct a study*  
10 *and submit a report to Congress regarding effective strate-*  
11 *gies to alleviate congestion in the national airspace at air-*  
12 *ports during peak travel times, by evaluating the effective-*  
13 *ness of reducing flight schedules and staggering flights, de-*  
14 *veloping incentives for airlines to reduce the number of*  
15 *flights offered, and instituting slots and quotas at airports.*  
16 *In addition, the Comptroller General shall compare the effi-*  
17 *ciency of implementing the strategies in the preceding sen-*  
18 *tence with redesigning airspace and evaluate any legal ob-*  
19 *stacles to implementing such strategies.*

20 **SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.**

21           *Not later than 1 after the date of enactment of this*  
22 *Act, the Secretary of Transportation shall issue regulations*  
23 *under chapter 447 of title 49, United States Code, that re-*  
24 *quire air carriers to provide initial and annual recurring*  
25 *training for flight attendants and gate attendants regard-*

1 *ing serving alcohol, dealing with disruptive passengers, and*  
2 *recognizing intoxicated persons. The training shall include*  
3 *situational training on methods of handling an intoxicated*  
4 *person who is belligerent.*

5 **SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**  
6 **PUBLIC INTERNET WEB-BASED SEARCH EN-**  
7 **GINE ON WIND TURBINE INSTALLATION OB-**  
8 **STRUCTION.**

9 (a) *STUDY.*—*The Administrator of the Federal Avia-*  
10 *tion Administration shall carry out a study on the feasi-*  
11 *bility of developing a publicly searchable, Internet Web-*  
12 *based resource that provides information regarding the ac-*  
13 *ceptable height and distance that wind turbines may be in-*  
14 *stalled in relation to aviation sites and the level of obstruc-*  
15 *tion such turbines may present to such sites.*

16 (b) *CONSIDERATIONS.*—*In conducting the study, the*  
17 *Administrator shall consult, if appropriate, with the Secre-*  
18 *taries of the Army, Navy and Air Force, Homeland Secu-*  
19 *rity, Agriculture, and Energy to coordinate the require-*  
20 *ments of each agency for future air space needs, determine*  
21 *what the acceptable risks are to existing infrastructure of*  
22 *each agency, and define the different levels of risk for such*  
23 *infrastructure.*

24 (c) *IMPACT OF WIND TURBINES ON RADAR SIGNALS.*—  
25 *In conducting the study, the Administrator shall consider*

1 *the impact of the operation of wind turbines, individually*  
2 *and in collections, on radar signals and evaluate the feasi-*  
3 *bility of providing quantifiable measures of numbers of tur-*  
4 *bines and distance from radars that are acceptable.*

5       *(d) REPORT.—Not later than 1 after the date of enact-*  
6 *ment of this Act, the Secretary shall submit a report on*  
7 *the results of the study to the Committee on Transportation*  
8 *and Infrastructure, Committee on Homeland Security,*  
9 *Committee on Armed Services, Committee on Agriculture,*  
10 *and Committee on Science and Technology of the House of*  
11 *Representatives and the Committee on Commerce, Science,*  
12 *and Transportation, Committee on Homeland Security and*  
13 *Governmental Affairs, Committee on Agriculture, Nutri-*  
14 *tion, and Forestry, and Committee on Armed Services of*  
15 *the Senate.*

16 **SEC. 824. FAA RADAR SIGNAL LOCATIONS.**

17       *(a) STUDY.—The Administrator of the Federal Avia-*  
18 *tion Administration shall conduct a study on the locations*  
19 *of Federal Aviation Administration radar signals (in this*  
20 *section referred to as “FAA radars”) in the United States,*  
21 *including the impact of such locations on—*

22               *(1) the development and installation of renew-*  
23 *able energy technologies, including wind turbines; and*

1           (2) *the ability of State and local authorities to*  
2           *identify and plan for the location of such renewable*  
3           *energy technologies.*

4           (b) *CONSULTATION.*—*In conducting the study, the Ad-*  
5           *ministrator may consult with the heads of appropriate*  
6           *agencies as needed.*

7           (c) *REPORT.*—*Not later than 18 months after the date*  
8           *of enactment of this Act, the Administrator shall transmit*  
9           *to Congress a report on the results of the study.*

10          (d) *ADMINISTRATIVE PROCESS.*—*The Administrator*  
11          *shall develop an effective administrative process for reloca-*  
12          *tion of FAA radars, when appropriate, and testing and de-*  
13          *ployment of alternate solutions, as necessary.*

14          (e) *LIMITATION ON STATUTORY CONSTRUCTION.*—  
15          *Nothing in this section shall be construed to affect the au-*  
16          *thority of the Administrator to issue hazard determinations.*

17          **SEC. 825. WIND TURBINE LIGHTING.**

18          (a) *STUDY.*—*The Administrator of the Federal Avia-*  
19          *tion Administration shall conduct a study on wind turbine*  
20          *lighting systems.*

21          (b) *CONTENTS.*—*In conducting the study, the Admin-*  
22          *istrator shall examine the following:*

23                  (1) *The effect of wind turbine lighting on resi-*  
24                  *dential areas.*



1 *air carriers, aircraft manufacturers, and air carrier labor*  
2 *representatives, shall conduct a study to identify a physical*  
3 *means, or a combination of physical and procedural means,*  
4 *of limiting access to the flight decks of all-cargo aircraft*  
5 *to authorized flight crew members.*

6 (b) *REPORT.—Not later than 1 after the date of enact-*  
7 *ment of this Act, the Administrator shall submit to Congress*  
8 *a report on the results of the study.*

9 **SEC. 828. WHISTLEBLOWERS AT FAA.**

10 *It is the sense of Congress that whistleblowers at the*  
11 *Federal Aviation Administration be granted the full protec-*  
12 *tion of the law.*

13 **SEC. 829. COLLEGE POINT MARINE TRANSFER STATION,**  
14 **NEW YORK.**

15 (a) *FINDING.—Congress finds that the Federal Avia-*  
16 *tion Administration, in determining whether the proposed*  
17 *College Point Marine Transfer Station in New York City,*  
18 *New York, if constructed, would constitute a hazard to air*  
19 *navigation, has not followed published policy statements of*  
20 *the Federal Aviation Administration, including—*

21 (1) *Advisory Circular Number 150/5200–33B 2,*  
22 *entitled “Hazardous Wildlife Attractants on or Near*  
23 *Airports”;*

24 (2) *Advisory Circular Number 150/5300–13, en-*  
25 *titled “Airport Design”;* and



1           (3) the publication entitled “Policies and Proce-  
2           dures Memorandum—Airports Division”, Number  
3           5300.1B, dated Feb. 5, 1999.

4           (b) *DESIGNATION OF TRANSFER STATION AS HAZARD*  
5 *TO AIR NAVIGATION.*—The Administrator of the Federal  
6 *Aviation Administration shall take such actions as may be*  
7 *necessary to designate the proposed College Point Marine*  
8 *Transfer Station in New York City, New York, as a hazard*  
9 *to air navigation.*

10 **SEC. 830. PILOT TRAINING AND CERTIFICATION.**

11           (a) *INITIATION OF STUDY.*—Not later than 3 months  
12 *after the date of enactment of this Act, the Comptroller Gen-*  
13 *eral shall initiate a study on commercial airline pilot*  
14 *training and certification programs. The study shall in-*  
15 *clude the data collected under subsection (b).*

16           (b) *DATA COLLECTED.*—In conducting the study, the  
17 *Comptroller General shall collect data on—*

18                   (1) *commercial pilot training and certification*  
19 *programs at United States air carriers, including re-*  
20 *gional and commuter air carriers;*

21                   (2) *the number of training hours required for pi-*  
22 *lots operating new aircraft types before assuming*  
23 *pilot in command duties;*

1           (3) *how United States air carriers update and*  
2 *train pilots on new technologies in aircraft types in*  
3 *which they hold certifications;*

4           (4) *what remedial actions are taken in cases of*  
5 *repeated unsatisfactory check-rides by commercial*  
6 *airline pilots;*

7           (5) *what stall warning systems are included in*  
8 *flight simulator training compared to classroom in-*  
9 *struction; and*

10          (6) *the information required to be provided by*  
11 *pilots on their job applications and the ability of*  
12 *United States air carriers to verify the information*  
13 *provided.*

14          (c) *CONTENTS OF STUDY.*—*The study shall include, at*  
15 *a minimum—*

16           (1) *a review of Federal Aviation Administration*  
17 *and international standards regarding commercial*  
18 *airline pilot training and certification programs;*

19           (2) *the results of interviews that the Comptroller*  
20 *General shall conduct with United States air carriers,*  
21 *pilot organizations, the National Transportation*  
22 *Safety Board, the Federal Aviation Administration,*  
23 *and such other parties as the Comptroller General de-*  
24 *termines appropriate; and*

1           (3) *such other matters as the Comptroller Gen-*  
2           *eral determines are appropriate.*

3           (d) *REPORT.—Not later than 12 months after the date*  
4           *of initiation of the study, the Comptroller General shall sub-*  
5           *mit to the Administrator, the Committee on Transportation*  
6           *and Infrastructure of the House of Representatives, and the*  
7           *Committee on Commerce, Science, and Transportation of*  
8           *the Senate a report on the results of the study, together with*  
9           *the findings and recommendations of the Comptroller Gen-*  
10          *eral regarding the study.*

11   **SEC. 831. ST. GEORGE, UTAH.**

12          (a) *IN GENERAL.—Notwithstanding section 16 of the*  
13          *Federal Airport Act (as in effect on August 28, 1973) or*  
14          *sections 47125 and 47153 of title 49, United States Code,*  
15          *the Secretary of Transportation is authorized, subject to*  
16          *subsection (b), to grant releases from any of the terms, con-*  
17          *ditions, reservations, and restrictions contained in the deed*  
18          *of conveyance dated August 28, 1973, under which the*  
19          *United States conveyed certain property to the city of St.*  
20          *George, Utah, for airport purposes.*

21          (b) *CONDITION.—Any release granted by the Secretary*  
22          *under the subsection (a) shall be subject to the following*  
23          *conditions:*

24                  (1) *The city of St. George shall agree that in*  
25                  *conveying any interest in the property that the*

1        *United States conveyed to the city by deed dated Au-*  
2        *gust 28, 1973, the city will receive an amount for*  
3        *such interest that is equal to the fair market value.*

4            *(2) Any such amount so received by the city of*  
5        *St. George shall be used by the city for the develop-*  
6        *ment, improvement, operation, or maintenance of a*  
7        *replacement public airport.*

8        **SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH**

9                    **CONTROL AT PALM BEACH INTERNATIONAL**  
10                   **AIRPORT.**

11        *The Administrator of the Federal Aviation Adminis-*  
12        *tration shall take such actions as may be necessary to en-*  
13        *sure that any air traffic control tower or facility placed*  
14        *into operation at Palm Beach International Airport after*  
15        *September 30, 2009, to replace an air traffic control tower*  
16        *or facility placed into operation before September 30, 2009,*  
17        *includes an operating terminal radar approach control.*

18        **SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.**

19        *It is the sense of Congress that the Administrator of*  
20        *the Federal Aviation Administration should enter into good*  
21        *faith discussions with the city of Santa Monica, California,*  
22        *to achieve runway safety area solutions consistent with Fed-*  
23        *eral Aviation Administration design guidelines to address*  
24        *safety concerns at Santa Monica Airport.*

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 2010”.*

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 Avia-*  
10    *tion Administration.*

11            (2) *FAA.*—*The term “FAA” means the Federal*  
12    *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 Re-*  
17    *search Council of the National Academies of Science*  
18    *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 National*  
22    *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 coordination*  
4 *with NASA and the United States Climate Change Science*  
5 *Program, shall carry out a research initiative to assess the*  
6 *impact of aviation on the climate and, if warranted, to*  
7 *evaluate approaches to mitigate that impact.*

8 (b) *RESEARCH PLAN.*—*Not later than 1 after the date*  
9 *of enactment of this Act, the participating Federal entities*  
10 *shall jointly develop a plan for the research program that*  
11 *contains the objectives, proposed tasks, milestones, and 5-*  
12 *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 technology*  
17 *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 2010 through 2012 to*  
25 *carry out this section.*

1 **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

2 (a) *ESTABLISHMENT OF PROGRAM.*—Not later than 6  
3 months after the date of enactment of this Act, the FAA,  
4 in consultation with other agencies as appropriate, shall  
5 establish a research program on methods to improve both  
6 confidence in and the timeliness of certification of new tech-  
7 nologies for their introduction into the national airspace  
8 system.

9 (b) *RESEARCH PLAN.*—Not later than 1 year after the  
10 date of enactment of this Act, as part of the activity de-  
11 scribed in subsection (a), the FAA shall develop a plan for  
12 the research program that contains the objectives, proposed  
13 tasks, milestones, and 5-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 the  
19 House of Representatives and the Committee on Commerce,  
20 Science, and Transportation of the Senate not later than  
21 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 the

1 center and all related research activities that grant recipi-  
2 ents carry out shall not exceed 75 percent of the costs. The  
3 United States Government's share of an individual grant  
4 under this section shall not exceed 90 percent of the costs.”.

5 (b) ANNUAL REPORT.—The Administrator shall trans-  
6 mit annually to the Committee on Science and Technology  
7 and the Committee on Transportation and Infrastructure  
8 of the House of Representatives and the Committee on Com-  
9 merce, Science, and Transportation of the Senate at the  
10 time of the President's budget request a report that lists—

11 (1) the research projects that have been initiated  
12 by each Center of Excellence in the preceding year;

13 (2) the amount of funding for each research  
14 project and the funding source;

15 (3) the institutions participating in each project  
16 and their shares of the overall funding for each re-  
17 search project; and

18 (4) the level of cost-sharing for each research  
19 project.

20 **SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

21 Section 44511(f) is amended—

22 (1) in paragraph (1) by striking “establish a 4-  
23 year pilot” and inserting “maintain an”; and

24 (2) in paragraph (4)—



1           (A) by striking “expiration of the program”  
2           and inserting “expiration of the pilot program”;  
3           and

4           (B) by striking “program, including rec-  
5           ommendations as to the need for establishing a  
6           permanent airport cooperative research pro-  
7           gram” and inserting “program”.

8   **SEC. 908. UNMANNED AIRCRAFT SYSTEMS.**

9           (a) *RESEARCH INITIATIVE.*—Section 44504(b) is  
10          amended—

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

13           (2) in paragraph (7) by striking the period at  
14          the end and inserting “; and”; and

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

16           “(8) in conjunction with other Federal agencies,  
17          as appropriate, to develop technologies and methods to  
18          assess the risk of and prevent defects, failures, and  
19          malfunctions of products, parts, and processes, for use  
20          in all classes of unmanned aircraft systems that could  
21          result in a catastrophic failure of the unmanned air-  
22          craft that would endanger other aircraft in the na-  
23          tional airspace system.”.

24           (b) *SYSTEMS, PROCEDURES, FACILITIES, AND DE-*  
25          *VICES.*—Section 44505(b) is amended—

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

3           (2) in paragraph (5)(C) by striking the period at  
4           the end and inserting a semicolon; and

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

6           “(6) to develop a better understanding of the re-  
7           lationship between human factors and unmanned air-  
8           craft systems safety; and

9           “(7) to develop dynamic simulation models for  
10          integrating all classes of unmanned aircraft systems  
11          into the national airspace system without any deg-  
12          radation of existing levels of safety for all national  
13          airspace system users.”.

14 **SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UN-**  
15 **DERGRADUATE STUDENTS.**

16          (a) *IN GENERAL.*—The Administrator shall establish  
17          a program to utilize colleges and universities, including  
18          Historically Black Colleges and Universities, Hispanic  
19          serving institutions, tribally controlled colleges and univer-  
20          sities, and Alaska Native and Native Hawaiian serving in-  
21          stitutions in conducting research by undergraduate students  
22          on subjects of relevance to the FAA. Grants may be awarded  
23          under this section for—

24                 (1) research projects to be carried out primarily  
25                 by undergraduate students;



1 *tinued in subsection (a), containing the specific research*  
2 *and development objectives and the anticipated timetable*  
3 *for achieving the objectives.*

4 *(c) REPORT.—Not later than 130 days after the date*  
5 *of enactment of this Act, the Administrator shall provide*  
6 *the roadmap specified in subsection (b) to the Committee*  
7 *on Science and Technology of the House of Representatives*  
8 *and the Committee on Commerce, Science, and Transpor-*  
9 *tation of the Senate.*

10 *(d) AUTHORIZATION OF APPROPRIATIONS.—There is*  
11 *authorized to be appropriated \$750,000 for each of the fiscal*  
12 *years 2010 through 2012 to carry out this section.*

13 **SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-**  
14 **RELATED RESEARCH PROGRAMS.**

15 *(a) STUDY.—The Administrator shall enter into an ar-*  
16 *rangement with the National Research Council for a review*  
17 *of the FAA's energy- and environment-related research pro-*  
18 *grams. The review shall assess whether—*

19 *(1) the programs have well-defined, prioritized,*  
20 *and appropriate research objectives;*

21 *(2) the programs are properly coordinated with*  
22 *the energy- and environment-related research pro-*  
23 *grams of NASA, NOAA, and other relevant agencies;*

24 *(3) the programs have allocated appropriate re-*  
25 *sources to each of the research objectives; and*

1           (4) *there exist suitable mechanisms for*  
2           *transitioning the research results into the FAA’s oper-*  
3           *ational technologies and procedures and certification*  
4           *activities.*

5           (b) *REPORT.—A report containing the results of the*  
6           *review shall be provided to the Committee on Science and*  
7           *Technology of the House of Representatives and the Com-*  
8           *mittee on Commerce, Science, and Transportation of the*  
9           *Senate within 18 months of the enactment of this Act.*

10   **SEC. 912. REVIEW OF FAA’S AVIATION SAFETY-RELATED RE-**  
11                           **SEARCH PROGRAMS.**

12           (a) *REVIEW.—The Administrator shall enter into an*  
13           *arrangement with the National Research Council for an*  
14           *independent review of the FAA’s aviation safety-related re-*  
15           *search programs. The review shall assess whether—*

16                   (1) *the programs have well-defined, prioritized,*  
17                   *and appropriate research objectives;*

18                   (2) *the programs are properly coordinated with*  
19                   *the safety research programs of NASA and other rel-*  
20                   *evant Federal agencies;*

21                   (3) *the programs have allocated appropriate re-*  
22                   *sources to each of the research objectives; and*

23                   (4) *there exist suitable mechanisms for*  
24                   *transitioning the research results from the programs*

1        *into the FAA's operational technologies and proce-*  
2        *dures and certification activities in a timely manner.*

3        *(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS*  
4        *TO BE ASSESSED.—The FAA aviation safety-related re-*  
5        *search programs to be assessed under the review shall in-*  
6        *clude, at a minimum, the following:*

7            *(1) Air traffic control/technical operations*  
8            *human factors.*

9            *(2) Runway incursion reduction.*

10           *(3) Flightdeck/maintenance system integration*  
11           *human factors.*

12           *(4) Airports technology research—safety.*

13           *(5) Airport cooperative research program—safe-*  
14           *ty.*

15           *(6) Weather program.*

16           *(7) Atmospheric hazards/digital system safety.*

17           *(8) Fire research and safety.*

18           *(9) Propulsion and fuel systems.*

19           *(10) Advanced materials/structural safety.*

20           *(11) Aging aircraft.*

21           *(12) Aircraft catastrophic failure prevention re-*  
22           *search.*

23           *(13) Aeromedical research.*

24           *(14) Aviation safety risk analysis.*

25           *(15) Unmanned aircraft systems research.*

1       (c) *REPORT.*—Not later than 14 months after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to Congress a report on the results of the review.

4       (d) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-  
5 tion to amounts authorized to be appropriated by the  
6 amendments made by this Act, there is authorized to be ap-  
7 propriated \$700,000 for fiscal year 2010 to carry out this  
8 section.

9       **SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL**  
10                                   **TECHNOLOGY FOR CIVIL AIRCRAFT.**

11       (a) *ESTABLISHMENT OF RESEARCH PROGRAM.*—  
12 Using amounts made available under section 48102(a) of  
13 title 49, United States Code, the Secretary of Transpor-  
14 tation shall conduct a research program related to devel-  
15 oping jet fuel from alternative sources (such as coal, natural  
16 gas, biomass, ethanol, butanol, and hydrogen) through  
17 grants or other measures authorized under section 106(l)(6)  
18 of such title, including reimbursable agreements with other  
19 Federal agencies.

20       (b) *PARTICIPATION BY EDUCATIONAL AND RESEARCH*  
21 *INSTITUTIONS.*—In conducting the program, the Secretary  
22 shall provide for participation by educational and research  
23 institutions that have existing facilities and experience in  
24 the development and deployment of technology for alter-  
25 native jet fuels.

1           (c) *DESIGNATION OF INSTITUTE AS A CENTER OF EX-*  
2 *CELLENCE.*—Not later than 6 months after the date of en-  
3 actment of this Act, the Administrator of the Federal Avia-  
4 tion Administration shall designate an institution de-  
5 scribed in subsection (a) as a Center of Excellence for Alter-  
6 native Jet Fuel Research.

7 **SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**  
8 **MENT.**

9           (a) *ESTABLISHMENT.*—The Administrator shall estab-  
10 lish a Center for Excellence in Aviation Employment (in  
11 this section referred to as the “Center”).

12           (b) *APPLIED RESEARCH AND TRAINING.*—The Center  
13 shall conduct applied research and training on—

14                   (1) *human performance in the air transportation*  
15 *environment;*

16                   (2) *air transportation personnel, including air*  
17 *traffic controllers, pilots, and technicians; and*

18                   (3) *any other aviation human resource issues*  
19 *pertinent to developing and maintaining a safe and*  
20 *efficient air transportation system.*

21           (c) *DUTIES.*—The Center shall—

22                   (1) *in conjunction with the Collegiate Training*  
23 *Initiative and other air traffic controller training*  
24 *programs, develop, implement, and evaluate a com-*



1        *prehensive, best-practices based training program for*  
2        *air traffic controllers;*

3            (2) *work with the Office of Human Resource*  
4        *Management of the FAA as that office develops and*  
5        *implements a strategic recruitment and marketing*  
6        *program to help the FAA compete for the best quali-*  
7        *fied employees and incorporate an employee value*  
8        *proposition process that results in attracting a broad-*  
9        *based and diverse aviation workforce in mission crit-*  
10       *ical positions, including air traffic controller, avia-*  
11       *tion safety inspector, airway transportation safety*  
12       *specialist, and engineer;*

13           (3) *through industry surveys and other research*  
14        *methodologies and in partnership with the “Taskforce*  
15        *on the Future of the Aerospace Workforce” and the*  
16        *Secretary of Labor, establish a baseline of general*  
17        *aviation employment statistics for purposes of pro-*  
18        *jecting and anticipating future workforce needs and*  
19        *demonstrating the economic impact of general avia-*  
20        *tion employment;*

21           (4) *conduct a comprehensive analysis of the air-*  
22        *frame and powerplant technician certification process*  
23        *and employment trends for maintenance repair orga-*  
24        *nization facilities, certificated repair stations, and*  
25        *general aviation maintenance organizations;*

1           (5) *establish a best practices model in aviation*  
 2           *maintenance technician school environments; and*

3           (6) *establish a workforce retraining program to*  
 4           *allow for transition of recently unemployed and high-*  
 5           *ly skilled mechanics into aviation employment.*

6           (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 7           *authorized to be appropriated to the Administrator such*  
 8           *sums as may be necessary to carry out this section. Such*  
 9           *sums shall remain available until expended.*

10       ***TITLE X—AIRPORT AND AIRWAY***  
 11       ***TRUST FUND FINANCING***

12       ***SEC. 1001. SHORT TITLE.***

13           *This title may be cited as the “Airport and Airway*  
 14           *Trust Fund Financing Act of 2010”.*

15       ***SEC. 1002. EXTENSION AND MODIFICATION OF TAXES***  
 16                       ***FUNDING AIRPORT AND AIRWAY TRUST***  
 17                       ***FUND.***

18           (a) *RATE OF TAX ON AVIATION-GRADE KEROSENE AND*  
 19           *AVIATION GASOLINE.—*

20           (1) *AVIATION-GRADE KEROSENE.—Subparagraph*  
 21           *(A) of section 4081(a)(2) of the Internal Revenue*  
 22           *Code of 1986 (relating to rates of tax) is amended by*  
 23           *striking “and” at the end of clause (ii), by striking*  
 24           *the period at the end of clause (iii) and inserting “,*

1 *and”, and by adding at the end the following new*  
2 *clause:*

3 *“(iv) in the case of aviation-grade ker-*  
4 *osene, 35.9 cents per gallon.”.*

5 *(2) AVIATION GASOLINE.—Clause (ii) of section*  
6 *4081(a)(2)(A) of such Code is amended by striking*  
7 *“19.3 cents” and inserting “24.1 cents”.*

8 *(3) FUEL REMOVED DIRECTLY INTO FUEL TANK*  
9 *OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—*  
10 *Subparagraph (C) of section 4081(a)(2) of such Code*  
11 *is amended to read as follows:*

12 *“(C) TAXES IMPOSED ON FUEL USED IN*  
13 *COMMERCIAL AVIATION.—In the case of aviation-*  
14 *grade kerosene which is removed from any refin-*  
15 *ery or terminal directly into the fuel tank of an*  
16 *aircraft for use in commercial aviation by a per-*  
17 *son registered for such use under section 4101,*  
18 *the rate of tax under subparagraph (A)(iv) shall*  
19 *be 4.3 cents per gallon.”.*

20 *(4) CONFORMING AMENDMENTS.—*

21 *(A) Clause (iii) of section 4081(a)(2)(A) of*  
22 *such Code is amended by inserting “other than*  
23 *aviation-grade kerosene” after “kerosene”.*

1           (B) *The following provisions of such Code*  
2 *are each amended by striking “kerosene” and in-*  
3 *serting “aviation-grade kerosene”:*

4           (i) *Section 4081(a)(3)(A)(ii).*

5           (ii) *Section 4081(a)(3)(A)(iv).*

6           (iii) *Section 4081(a)(3)(D).*

7           (C) *Section 4081(a)(3)(D) of such Code is*  
8 *amended—*

9           (i) *by striking “paragraph (2)(C)(i)”*  
10 *in clause (i) and inserting “paragraph*  
11 *(2)(C)”;* and

12           (ii) *by striking “paragraph (2)(C)(ii)”*  
13 *in clause (ii) and inserting “paragraph*  
14 *(2)(A)(iv)”.*

15           (D) *Section 4081(a)(4) of such Code is*  
16 *amended—*

17           (i) *by striking “paragraph (2)(C)(i)”*  
18 *and inserting “paragraph (2)(C)”;* and

19           (ii) *by striking “KEROSENE” in the*  
20 *heading and inserting “AVIATION-GRADE*  
21 *KEROSENE”.*

22           (E) *Section 4081(d)(2) of such Code is*  
23 *amended by inserting “, (a)(2)(A)(iv),” after*  
24 *“subsections (a)(2)(A)(ii)”.*

25           (b) *EXTENSION.—*

1           (1) *FUELS TAXES.*—Paragraph (2) of section  
2           4081(d) of such Code is amended by striking “gal-  
3           lon—” and all that follows and inserting “gallon  
4           after September 30, 2012”.

5           (2) *TAXES ON TRANSPORTATION OF PERSONS*  
6           *AND PROPERTY.*—

7           (A) *PERSONS.*—Clause (ii) of section  
8           4261(j)(1)(A) of such Code is amended by strik-  
9           ing “September 30, 2009” and inserting “Sep-  
10           tember 30, 2012”.

11           (B) *PROPERTY.*—Clause (ii) of section  
12           4271(d)(1)(A) of such Code is amended by strik-  
13           ing “September 30, 2009” and inserting “Sep-  
14           tember 30, 2012”.

15           (c) *EXEMPTION FOR AVIATION-GRADE KEROSENE RE-*  
16           *MOVED INTO AN AIRCRAFT.*—Subsection (e) of section 4082  
17           of such Code is amended—

18           (1) by striking “kerosene” and inserting “avia-  
19           tion-grade kerosene”;

20           (2) by striking “section 4081(a)(2)(A)(iii)” and  
21           inserting “section 4081(a)(2)(A)(iv)”; and

22           (3) by striking “KEROSENE” in the heading and  
23           inserting “AVIATION-GRADE KEROSENE”.

24           (d) *RETAIL TAX ON AVIATION FUEL.*—

1           (1) *EXEMPTION FOR PREVIOUSLY TAXED*  
2 *FUEL.*—Paragraph (2) of section 4041(c) of such Code  
3 *is amended by inserting “at the rate specified in sub-*  
4 *section (a)(2)(A)(iv) thereof” after “section 4081”.*

5           (2) *RATE OF TAX.*—Paragraph (3) of section  
6 *4041(c) of such Code is amended to read as follows:*

7           “(3) *RATE OF TAX.*—The rate of tax imposed by  
8 *this subsection shall be the rate of tax in effect under*  
9 *section 4081(a)(2)(A)(iv) (4.3 cents per gallon with*  
10 *respect to any sale or use for commercial aviation).”.*

11          (e) *REFUNDS RELATING TO AVIATION-GRADE KER-*  
12 *ROSENE.*—

13           (1) *KEROSENE USED IN COMMERCIAL AVIA-*  
14 *TION.*—Clause (ii) of section 6427(l)(4)(A) of such  
15 *Code is amended by striking “specified in section*  
16 *4041(c) or 4081(a)(2)(A)(iii), as the case may be,”*  
17 *and inserting “so imposed”.*

18           (2) *KEROSENE USED IN AVIATION.*—Paragraph  
19 *(4) of section 6427(l) of such Code is amended—*

20           (A) *by striking subparagraph (B) and re-*  
21 *designating subparagraph (C) as subparagraph*  
22 *(B); and*

23           (B) *by amending subparagraph (B), as re-*  
24 *designated by subparagraph (A), to read as fol-*  
25 *lows:*

1           “(B) *PAYMENTS TO ULTIMATE, REGISTERED*  
2           *VENDOR.*—*With respect to any kerosene used in*  
3           *aviation (other than kerosene to which para-*  
4           *graph (6) applies), if the ultimate purchaser of*  
5           *such kerosene waives (at such time and in such*  
6           *form and manner as the Secretary shall pre-*  
7           *scribe) the right to payment under paragraph*  
8           *(1) and assigns such right to the ultimate ven-*  
9           *дор, then the Secretary shall pay (without inter-*  
10           *est) the amount which would be paid under*  
11           *paragraph (1) to such ultimate vendor, but only*  
12           *if such ultimate vendor—*

13                   “(i) *is registered under section 4101,*

14                   *and*

15                   “(ii) *meets the requirements of sub-*  
16                   *paragraph (A), (B), or (D) of section*  
17                   *6416(a)(1).”.*

18           (3) *AVIATION-GRADE KEROSENE NOT USED IN*  
19           *AVIATION.*—*Subsection (l) of section 6427 of such*  
20           *Code is amended by redesignating paragraph (5) as*  
21           *paragraph (6) and by inserting after paragraph (4)*  
22           *the following new paragraph:*

23                   “(5) *REFUNDS FOR AVIATION-GRADE KEROSENE*  
24           *NOT USED IN AVIATION.*—*If tax has been imposed*  
25           *under section 4081 at the rate specified in section*

1       4081(a)(2)(A)(iv) and the fuel is used other than in  
2       an aircraft, the Secretary shall pay (without interest)  
3       to the ultimate purchaser of such fuel an amount  
4       equal to the amount of tax imposed on such fuel re-  
5       duced by the amount of tax that would be imposed  
6       under section 4041 if no tax under section 4081 had  
7       been imposed.”.

8               (4) *CONFORMING AMENDMENTS.*—

9               (A) Section 6427(i)(4) of such Code is  
10              amended—

11              (i) by striking “paragraph (4)(C) or  
12              (5)” both places it appears and inserting  
13              “paragraph (4)(B) or (6)”; and

14              (ii) by striking “, (l)(4)(C)(ii), and  
15              (l)(5)” and inserting “and (l)(6)”.

16              (B) Section 6427(l)(1) of such Code is  
17              amended by striking “paragraph (4)(C)(i)” and  
18              inserting “paragraph (4)(B)(i)”.

19              (C) Section 4082(d)(2)(B) of such Code is  
20              amended by striking “6427(l)(5)(B)” and insert-  
21              ing “6427(l)(6)(B)”.

22              (f) *AIRPORT AND AIRWAY TRUST FUND.*—

23              (1) *EXTENSION OF TRUST FUND AUTHORITIES.*—



1           (A) *EXPENDITURES FROM TRUST FUND.*—  
2           Paragraph (1) of section 9502(d) of such Code is  
3           amended—

4                   (i) by striking “October 1, 2009” in  
5                   the matter preceding subparagraph (A) and  
6                   inserting “October 1, 2012”; and

7                   (ii) by inserting “or the Aviation Safe-  
8                   ty and Investment Act of 2010” before the  
9                   semicolon at the end of subparagraph (A).

10          (B) *LIMITATION ON TRANSFERS TO TRUST*  
11          *FUND.*—Paragraph (2) of section 9502(e) of such  
12          Code is amended by striking “October 1, 2009”  
13          and inserting “October 1, 2012”.

14          (2) *TRANSFERS TO TRUST FUND.*—Subpara-  
15          graph (C) of section 9502(b)(1) of such Code is  
16          amended to read as follows:

17                   “(C) section 4081 with respect to aviation  
18                   gasoline and aviation-grade kerosene, and”.

19          (3) *TRANSFERS ON ACCOUNT OF CERTAIN RE-*  
20          *FUNDS.*—

21           (A) *IN GENERAL.*—Subsection (d) of section  
22           9502 of such Code is amended—

23                   (i) by striking “(other than subsection  
24                   (l)(4) thereof)” in paragraph (2); and

1           (ii) by striking “(other than payments  
2           made by reason of paragraph (4) of section  
3           6427(l))” in paragraph (3).

4           (B) CONFORMING AMENDMENTS.—

5           (i) Section 9503(b)(4) of such Code is  
6           amended by striking “or” at the end of sub-  
7           paragraph (C), by striking the period at the  
8           end of subparagraph (D) and inserting a  
9           comma, and by inserting after subpara-  
10          graph (D) the following:

11          “(E) section 4081 to the extent attributable  
12          to the rate specified in clause (ii) or (iv) of sec-  
13          tion 4081(a)(2)(A), or

14          “(F) section 4041(c).”.

15          (ii) Section 9503(c) of such Code is  
16          amended by striking the last paragraph (re-  
17          lating to transfers from the Trust Fund for  
18          certain aviation fuel taxes).

19          (iii) Section 9502(a) of such Code is  
20          amended by striking “, section 9503(c)(7),”.

21          (4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE  
22          KEROSENE NOT USED IN AVIATION.—Section 9502(d)  
23          of such Code is amended by adding at the end the fol-  
24          lowing new paragraph:

1           “(7) *TRANSFERS FROM AIRPORT AND AIRWAY*  
2           *TRUST FUND ON ACCOUNT OF AVIATION-GRADE KER-*  
3           *OSENE NOT USED IN AVIATION.*—*The Secretary of the*  
4           *Treasury shall pay from time to time from the Air-*  
5           *port and Airway Trust Fund into the Highway Trust*  
6           *Fund amounts as determined by the Secretary of the*  
7           *Treasury equivalent to amounts transferred to the*  
8           *Airport and Airway Trust Fund with respect to avia-*  
9           *tion-grade kerosene not used in aviation.”.*

10           (5) *EXPENDITURES FOR AIR TRAFFIC CONTROL*  
11           *MODERNIZATION.*—*Section 9502(d) of such Code, as*  
12           *amended by this title, is amended by adding at the*  
13           *end the following new paragraph:*

14           “(8) *EXPENDITURES FOR AIR TRAFFIC CONTROL*  
15           *MODERNIZATION.*—*The following amounts may be*  
16           *used only for making expenditures to carry out air*  
17           *traffic control modernization:*

18           “(A) *So much of the amounts appropriated*  
19           *under subsection (b)(1)(C) as the Secretary esti-*  
20           *mates are attributable to—*

21           “(i) *14.1 cents per gallon of the tax*  
22           *imposed at the rate specified in section*  
23           *4081(a)(2)(A)(iv) in the case of aviation-*  
24           *grade kerosene used other than in commer-*

1            *cial aviation (as defined in section*  
2            *4083(b)), and*

3            *“(ii) 4.8 cents per gallon of the tax im-*  
4            *posed at the rate specified in section*  
5            *4081(a)(2)(A)(ii) in the case of aviation*  
6            *gasoline used other than in commercial*  
7            *aviation (as so defined).*

8            *“(B) Any amounts credited to the Airport*  
9            *and Airway Trust Fund under section 9602(b)*  
10           *with respect to amounts described in this para-*  
11           *graph.”.*

12           *(g) EFFECTIVE DATE.—*

13           *(1) MODIFICATIONS.—Except as provided in*  
14           *paragraph (2), the amendments made by this section*  
15           *shall apply to fuels removed, entered, or sold after De-*  
16           *cember 31, 2009.*

17           *(2) EXTENSIONS.—The amendments made by*  
18           *subsections (b) and (f)(1) shall take effect on the date*  
19           *of the enactment of this Act.*

20           *(h) FLOOR STOCKS TAX.—*

21           *(1) IMPOSITION OF TAX.—In the case of aviation*  
22           *fuel which is held on January 1, 2010, by any person,*  
23           *there is hereby imposed a floor stocks tax on aviation*  
24           *fuel equal to—*

1           (A) the tax which would have been imposed  
2 before such date on such fuel had the amend-  
3 ments made by this section been in effect at all  
4 times before such date, reduced by

5           (B) the sum of—

6           (i) the tax imposed before such date on  
7 such fuel under section 4081 of the Internal  
8 Revenue Code of 1986, as in effect on such  
9 date; and

10           (ii) in the case of kerosene held exclu-  
11 sively for such person's own use, the amount  
12 which such person would (but for this  
13 clause) reasonably expect (as of such date)  
14 to be paid as a refund under section 6427(l)  
15 of such Code with respect to such kerosene.

16           (2) *LIABILITY FOR TAX AND METHOD OF PAY-*  
17 *MENT.*—

18           (A) *LIABILITY FOR TAX.*—A person holding  
19 aviation fuel on January 1, 2010, shall be liable  
20 for such tax.

21           (B) *TIME AND METHOD OF PAYMENT.*—The  
22 tax imposed by paragraph (1) shall be paid on  
23 April 30, 2010, and in such manner as the Sec-  
24 retary of the Treasury shall prescribe.

1           (3) *TRANSFER OF FLOOR STOCK TAX REVENUES*  
2           *TO TRUST FUNDS.*—For purposes of determining the  
3           amount transferred to the Airport and Airway Trust  
4           Fund, the tax imposed by this subsection shall be  
5           treated as imposed by the provision of section 4081 of  
6           the Internal Revenue Code of 1986 which applies with  
7           respect to the aviation fuel involved.

8           (4) *DEFINITIONS.*—For purposes of this sub-  
9           section—

10           (A) *AVIATION FUEL.*—The term “aviation  
11           fuel” means aviation-grade kerosene and avia-  
12           tion gasoline, as such terms are used within the  
13           meaning of section 4081 of the Internal Revenue  
14           Code of 1986.

15           (B) *HELD BY A PERSON.*—Aviation fuel  
16           shall be considered as held by a person if title  
17           thereto has passed to such person (whether or not  
18           delivery to the person has been made).

19           (C) *SECRETARY.*—The term “Secretary”  
20           means the Secretary of the Treasury or the Sec-  
21           retary’s delegate.

22           (5) *EXCEPTION FOR EXEMPT USES.*—The tax  
23           imposed by paragraph (1) shall not apply to any  
24           aviation fuel held by any person exclusively for any  
25           use to the extent a credit or refund of the tax is allow-

1        *able under the Internal Revenue Code of 1986 for such*  
2        *use.*

3            (6) *EXCEPTION FOR CERTAIN AMOUNTS OF*  
4        *FUEL.—*

5            (A) *IN GENERAL.—No tax shall be imposed*  
6        *by paragraph (1) on any aviation fuel held on*  
7        *January 1, 2010, by any person if the aggregate*  
8        *amount of such aviation fuel held by such person*  
9        *on such date does not exceed 2,000 gallons. The*  
10       *preceding sentence shall apply only if such per-*  
11       *son submits to the Secretary (at the time and in*  
12       *the manner required by the Secretary) such in-*  
13       *formation as the Secretary shall require for pur-*  
14       *poses of this subparagraph.*

15           (B) *EXEMPT FUEL.—For purposes of sub-*  
16        *paragraph (A), there shall not be taken into ac-*  
17        *count any aviation fuel held by any person*  
18        *which is exempt from the tax imposed by para-*  
19        *graph (1) by reason of paragraph (6).*

20           (C) *CONTROLLED GROUPS.—For purposes of*  
21        *this subsection—*

22            (i) *CORPORATIONS.—*

23            (I) *IN GENERAL.—All persons*  
24        *treated as a controlled group shall be*  
25        *treated as 1 person.*

1                   (II) *CONTROLLED GROUP.*—The  
2                   term “controlled group” has the mean-  
3                   ing given to such term by subsection  
4                   (a) of section 1563 of such Code; except  
5                   that for such purposes the phrase  
6                   “more than 50 percent” shall be sub-  
7                   stituted for the phrase “at least 80 per-  
8                   cent” each place it appears in such  
9                   subsection.

10                   (ii) *NONINCORPORATED PERSONS*  
11                   *UNDER COMMON CONTROL.*—Under regula-  
12                   tions prescribed by the Secretary, principles  
13                   similar to the principles of subparagraph  
14                   (A) shall apply to a group of persons under  
15                   common control if 1 or more of such persons  
16                   is not a corporation.

17                   (7) *OTHER LAWS APPLICABLE.*—All provisions of  
18                   law, including penalties, applicable with respect to  
19                   the taxes imposed by section 4081 of such Code on the  
20                   aviation fuel involved shall, insofar as applicable and  
21                   not inconsistent with the provisions of this subsection,  
22                   apply with respect to the floor stock taxes imposed by  
23                   paragraph (1) to the same extent as if such taxes were  
24                   imposed by such section.



1 **TITLE XI—COMPLIANCE WITH**  
2 **STATUTORY PAY-AS-YOU-GO**  
3 **ACT OF 2010**

4 **SEC. 1101. COMPLIANCE PROVISION.**

5 *The budgetary effects of this Act, for purposes of com-*  
6 *plying with the Statutory Pay-As-You-Go Act of 2010, shall*  
7 *be determined by reference to the latest statement titled*  
8 *“Budgetary Effects of PAYGO Legislation” for this Act,*  
9 *jointly submitted for printing in the Congressional Record*  
10 *by the Chairmen of the House and Senate Budget Commit-*  
11 *tees, provided that such statement has been submitted prior*  
12 *to the vote on passage in the House acting first on this con-*  
13 *ference report or amendments between the Houses.*

Attest:

*Clerk.*

# **H.R. 1586**

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**HOUSE AMENDMENT TO  
SENATE AMENDMENT**