

L. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Oberstar OF Minnesota, OR HIS
DESIGNEE, DEBATABLE FOR 20 MINUTES:

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 915
OFFERED BY MR. OBERSTAR OF MINNESOTA**

Page 6, strike line 18.

Page 6, line 19, strike "(2)" and insert "(1)".

Page 6, line 20, strike "(3)" and insert "(2)".

Page 6, line 21, strike "(4)" and insert "(3)".

Page 7, line 7, strike "2009" and insert "2010".

Page 7, line 12, strike "2009" and insert "2010".

Page 7, line 16, strike "March 31" and insert "September 30".

Page 7, after line 17, insert the following:

1 (d) RESCISSION OF UNOBLIGATED BALANCES.—Of
2 the amounts authorized under sections 48103 and 48112
3 of title 49, United States Code, for fiscal year 2009,
4 \$305,500,000 are hereby rescinded. Of the unobligated
5 balances from funds available under such sections for fis-
6 cal years prior to fiscal year 2009, \$102,000,000 are here-
7 by rescinded.

Page 7, strike line 22.

Page 7, line 23, strike "(2)" and insert "(1)".

Page 7, line 24, strike "(3)" and insert "(2)".

Page 7, line 25, strike "(4)" and insert "(3)".

Page 8, line 6, strike "2009" and insert "2010".

Page 8, line 12, strike "2009" and insert "2010".

Page 9, line 9, strike "2009" and insert "2010".

Page 9, line 13, strike "\$10,000,000 for fiscal year 2009,".

Page 9, lines 19 and 20, strike "\$50,000,000 for fiscal year 2009,".

Page 10, line 1, strike "\$41,400,000 for fiscal year 2009,".

Page 10, lines 6 and 7, strike "\$28,000,000 for fiscal year 2009,".

Page 10, line 13, strike "\$76,000,000 for fiscal year 2009,".

Page 10, lines 18 and 19, strike "\$21,900,000 for fiscal year 2009,".

Page 11, strike line 6.

Page 11, line 7, strike "(B)" and insert "(A)".

Page 11, line 8, strike “(C)” and insert “(B)”.

Page 11, line 10, strike “(D)” and insert “(C)”.

Page 11, line 17, strike “2009” and insert “2010”.

Page 12, line 6, strike “2009” and insert “2010”.

Page 12, line 15, strike “2009,”.

Page 13, strike line 3 and all that follows through line 19 on page 14.

Page 14, line 20, strike “(14)” and insert “(13)”.

Page 16, line 12, strike “(15)” and insert “(14)”.

Page 18, line 6, strike “(16)” and insert “(15)”.

Page 20, lines 10 and 11, strike “in each of fiscal years 2009 and 2010,” and insert “in fiscal year 2010,”.

Page 27, after line 4, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

1 **SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS**
2 **ENTERPRISES IN CONTRACTS, SUB-**
3 **CONTRACTS, AND BUSINESS OPPORTUNITIES**
4 **FUNDED USING PASSENGER FACILITY REVE-**
5 **NUES AND IN AIRPORT CONCESSIONS.**

6 Section 40117 (as amended by this Act) is further
7 amended by adding at the end the following:

8 “(o) **PARTICIPATION BY DISADVANTAGED BUSINESS**
9 **ENTERPRISES.—**

10 “(1) **APPLICABILITY OF REQUIREMENTS.—**Ex-
11 cept to the extent otherwise provided by the Sec-
12 retary, requirements relating to disadvantaged busi-
13 ness enterprises, as set forth in parts 23 and 26 of
14 title 49, Code of Federal Regulations (or a successor
15 regulation), shall apply to an airport collecting pas-
16 senger facility revenue.

17 “(2) **REGULATIONS.—**The Secretary shall issue
18 any regulations necessary to implement this sub-
19 section, including—

20 “(A) goal setting requirements for an eligi-
21 ble agency to ensure that contracts, sub-
22 contracts, and business opportunities funded
23 using passenger facility revenues, and airport
24 concessions, are awarded consistent with the
25 levels of participation of disadvantaged business
26 enterprises and airport concessions disadvan-

1 tagged business enterprises that would be ex-
2 pected in the absence of discrimination;

3 “(B) provision for an assurance that re-
4 quires that an eligible agency will not discrimi-
5 nate on the basis of race, color, national origin,
6 or sex in the award and performance of any
7 contract funded using passenger facility reve-
8 nues; and

9 “(C) a requirement that an eligible agency
10 will take all necessary and reasonable steps to
11 ensure nondiscrimination in the award and ad-
12 ministration of contracts funded using pas-
13 senger facility revenues.

14 “(3) EFFECTIVE DATE.—Paragraph (1) shall
15 take effect on the day following the date on which
16 the Secretary issues final regulations under para-
17 graph (2).

18 “(4) DEFINITIONS.—In this subsection, the fol-
19 lowing definitions apply:

20 “(A) AIRPORT CONCESSIONS DISADVAN-
21 TAGED BUSINESS ENTERPRISE.—The term ‘air-
22 port concessions disadvantaged business enter-
23 prise’ has the meaning given that term in part
24 23 of title 49, Code of Federal Regulations (or
25 a successor regulation).

1 “(B) DISADVANTAGED BUSINESS ENTER-
2 PRISE.—The term ‘disadvantaged business en-
3 terprise’ has the meaning given that term in
4 part 26 of title 49, Code of Federal Regulations
5 (or a successor regulation).”.

Page 30, line 13, strike “May 1, 2009” and insert
“September 1, 2009”.

Page 42, strike line 9 and all that follows through
line 5 on page 44 (with the correct sequential provision
designations [replacing the numbers currently shown for
such designations]) and conform the table of contents ac-
cordingly.

Page 44, line 15, strike “1632” and insert “632”.

Page 44, strike line 17 and all that follows through
line 14 on page 45 and insert the following (with the cor-
rect sequential provision designations [replacing the num-
bers currently shown for such designations]) and conform
the table of contents accordingly:

6 **SEC. 138. AIRPORT DISADVANTAGED BUSINESS ENTER-**
7 **PRISE PROGRAM.**

8 (a) **PURPOSE.**—It is the purpose of the airport dis-
9 advantaged business program to ensure that minority- and
10 women-owned businesses have a full and fair opportunity
11 to compete in federally assisted airport contracts and con-

1 cessions and to ensure that the Federal Government does
2 not subsidize discrimination in private or locally funded
3 airport-related industries.

4 (b) FINDINGS.—Congress finds the following:

5 (1) While significant progress has occurred due
6 to the enactment of the airport disadvantaged busi-
7 ness enterprise program (49 U.S.C. 47107(e) and
8 47113), discrimination continues to be a significant
9 barrier for minority- and women-owned businesses
10 seeking to do business in airport-related markets.
11 This continuing discrimination merits the continu-
12 ation of the airport disadvantaged business enter-
13 prise program.

14 (2) Discrimination poses serious barriers to the
15 full participation in airport-related businesses of
16 women business owners and minority business own-
17 ers, including African Americans, Hispanic Ameri-
18 cans, Asian Americans, and Native Americans.

19 (3) Discrimination impacts minority and women
20 business owners in every geographic region of the
21 United States and in every airport-related industry.

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

24 (A) the availability of venture capital and
25 credit;

1 (B) the availability of bonding and insur-
2 ance;

3 (C) the ability to obtain licensing and cer-
4 tification;

5 (D) public and private bidding and quoting
6 procedures;

7 (E) the pricing of supplies and services;

8 (F) business training, education, and ap-
9 prenticeship programs; and

10 (G) professional support organizations and
11 informal networks through which business op-
12 portunities are often established.

13 (5) Congress has received voluminous evidence
14 of discrimination against minority and women busi-
15 ness owners in airport-related industries, includ-
16 ing—

17 (A) statistical analyses demonstrating sig-
18 nificant disparities in the utilization of
19 minority- and women-owned businesses in fed-
20 erally and locally funded airport related con-
21 tracting;

22 (B) statistical analyses of private sector
23 disparities in business success by minority- and
24 women-owned businesses in airport related in-
25 dustries;

1 (C) research compiling anecdotal reports of
2 discrimination by individual minority and
3 women business owners;

4 (D) individual reports of discrimination by
5 minority and women business owners and the
6 organizations and individuals who represent mi-
7 nority and women business owners;

8 (E) analyses demonstrating significant re-
9 ductions in the participation of minority and
10 women businesses in jurisdictions that have re-
11 duced or eliminated their minority- and women-
12 owned business programs;

13 (F) statistical analyses showing significant
14 disparities in the credit available to minority-
15 and women-owned businesses;

16 (G) research and statistical analyses dem-
17 onstrating how discrimination negatively im-
18 pacts firm formation, growth, and success;

19 (H) experience of airports and other local-
20 ities demonstrating that race- and gender-neu-
21 tral efforts alone are insufficient to remedy dis-
22 crimination; and

23 (I) other qualitative and quantitative evi-
24 dence of discrimination against minority- and

1 women-owned businesses in airport-related in-
2 dustries.

3 (6) All of this evidence provides a strong basis
4 for the continuation of the airport disadvantaged
5 business enterprise program and the airport conces-
6 sions disadvantaged business enterprise program.

7 (7) Congress has received and reviewed recent
8 comprehensive and compelling evidence of discrimi-
9 nation from many different sources, including con-
10 gressional hearings and roundtables, scientific re-
11 ports, reports issued by public and private agencies,
12 news stories, reports of discrimination by organiza-
13 tions and individuals, and discrimination lawsuits.

14 (c) DISADVANTAGED BUSINESS ENTERPRISE PER-
15 SONAL NET WORTH CAP; BONDING REQUIREMENTS.—
16 Section 47113 is amended by adding at the end the fol-
17 lowing:

18 “(e) PERSONAL NET WORTH CAP.—

19 “(1) REGULATIONS.—Not later than 180 days
20 after the date of enactment of this subsection, the
21 Secretary shall issue final regulations to adjust the
22 personal net worth cap used in determining whether
23 an individual is economically disadvantaged for pur-
24 poses of qualifying under the definition contained in
25 subsection (a)(2) and under section 47107(e). The

1 regulations shall correct for the impact of inflation
2 since the Small Business Administration established
3 the personal net worth cap at \$750,000 in 1989.

4 “(2) ANNUAL ADJUSTMENT.—Following the ini-
5 tial adjustment under paragraph (1), the Secretary
6 shall adjust, on June 30 of each year thereafter, the
7 personal net worth cap to account for changes, oc-
8 ccurring in the preceding 12-month period, in the
9 Consumer Price Index of All Urban Consumers
10 (United States city average, all items) published by
11 the Secretary of Labor.

12 “(f) EXCLUSION OF RETIREMENT BENEFITS.—

13 “(1) IN GENERAL.—In calculating a business
14 owner’s personal net worth, any funds held in a
15 qualified retirement account owned by the business
16 owner shall be excluded, subject to regulations to be
17 issued by the Secretary.

18 “(2) REGULATIONS.—Not later than one year
19 after the date of enactment of this subsection, the
20 Secretary shall issue final regulations to implement
21 paragraph (1), including consideration of appro-
22 priate safeguards, such as a limit on the amount of
23 such accounts, to prevent circumvention of personal
24 net worth requirements.

1 “(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-
2 TORY BONDING REQUIREMENTS.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish a program to eliminate barriers to small busi-
5 ness participation in airport-related contracts and
6 concessions by prohibiting excessive, unreasonable,
7 or discriminatory bonding requirements for any
8 project funded under this chapter or using passenger
9 facility revenues under section 40117.

10 “(2) REGULATIONS.—Not later than one year
11 after the date of enactment of this subsection, the
12 Secretary shall issue a final rule to establish the pro-
13 gram under paragraph (1).”.

Page 45, after line 14, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

14 **SEC. 139. TRAINING PROGRAM FOR CERTIFICATION OF DIS-**
15 **ADVANTAGED BUSINESS ENTERPRISES.**

16 (a) MANDATORY TRAINING PROGRAM.—Section
17 47113 (as amended by this Act) is further amended—

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

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

21 “(h) MANDATORY TRAINING PROGRAM.—

1 “(1) IN GENERAL.—Not later than one year
2 after the date of enactment of this subsection, the
3 Secretary shall establish a mandatory training pro-
4 gram for persons described in paragraph (3) on cer-
5 tifying whether a small business concern qualifies as
6 a small business concern owned and controlled by
7 socially and economically disadvantaged individuals
8 under this 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
17 47107(e) that the airport owner or operator will
18 meet the percentage goal of subsection (b) or
19 section 47107(e)(1); or

20 “(B) who is responsible for determining
21 whether or not a small business concern quali-
22 fies as a small business concern owned and con-
23 trolled by socially and economically disadvan-
24 taged individuals under this section or section
25 47107(e).

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

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

Page 47, line 23 through page 48, line 1, strike “fis-
cal years 2004 through 2008, and for the portion of fis-
cal year 2009 ending before April 1, 2009,” and insert
“fiscal years 2004 through 2009,”.

Page 48, line 1, strike “inserting,” and insert “in-
serting”.

Page 48, line 2, strike “2008” and insert “2010”.

Page 53, line 6, strike “March 31” and insert “September 30”.

Page 53, lines 15 through 17, strike “for fiscal years ending before October 1, 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,” and insert “October 1, 2009,”.

Page 76, line 12, strike “and” at the end.

Page 76, after line 12, insert the following:

1 (C) a description of possible options for ex-
2 panding surveillance coverage beyond the
3 ground stations currently under contract, in-
4 cluding enhanced ground signal coverage at air-
5 ports; and

Page 76, line 13, strike “(C)” and insert “(D)”.

Page 88, line 11, strike “2009” and insert “2010”.

Page 94, line 22, strike “2009” and insert “2010”.

Page 96, line 7, strike “2009” and insert “2010”.

Page 96, line 13, strike “\$14,500,000 for fiscal year 2009 and”.

Page 96, line 19, strike “2009,”.

Page 99, line 16, insert “(a) IN GENERAL.—” before “Not later than”.

Page 99, line 25, strike “and” at the end.

Page 100, line 9, strike the first period and all that follows through the final period and insert “; and”.

Page 100, after line 9, insert the following:

1 “(3) continue to hold discussions with countries
2 that have foreign repair stations that perform work
3 on air carrier aircraft and components to ensure
4 harmonization of the safety standards of such coun-
5 tries with those of the United States, including
6 standards governing maintenance requirements, edu-
7 cation and licensing of maintenance personnel, train-
8 ing, oversight, and mutual inspection of work sites.
9 “(b) REGULATORY AUTHORITY WITH RESPECT TO
10 CERTAIN FOREIGN REPAIR STATIONS.—With respect to
11 repair stations that are located in countries that are party
12 to the agreement entitled “Agreement between the United
13 States of America and the European Community on Co-
14 operation in the Regulation of Civil Aviation Safety”,
15 dated June 30, 2008, the requirements of subsection (a)
16 are an exercise of the rights of the United States under
17 paragraph A of Article 15 of the Agreement, which pro-
18 vides that nothing in the Agreement shall be construed

1 to limit the authority of a party to determine through its
2 legislative, regulatory, and administrative measures, the
3 level of protection it considers appropriate for civil avia-
4 tion safety.”.

Page 115, after line 7, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

5 **SEC. 312. SAFETY OF HELICOPTER AIR AMBULANCE OPER-**
6 **ATIONS.**

7 (a) IN GENERAL.—Chapter 447 (as amended by this
8 Act) is further amended by adding at the end the fol-
9 lowing:

10 **“§ 44732. Helicopter air ambulance operations**

11 “(a) RULEMAKING.—The Administrator of the Fed-
12 eral Aviation Administration shall conduct a rulemaking
13 proceeding to improve the safety of flight crewmembers,
14 medical personnel, and passengers onboard helicopters
15 providing helicopter air ambulance services under part 135
16 of title 14, Code of Federal Regulations.

17 “(b) MATTERS TO BE ADDRESSED.—In conducting
18 the rulemaking proceeding under subsection (a), the Ad-
19 ministrator shall address the following:

1 “(1) Flight request and dispatch procedures, in-
2 cluding performance-based flight dispatch proce-
3 dures.

4 “(2) Pilot training standards, including—

5 “(A) mandatory training requirements, in-
6 cluding a minimum time for completing the
7 training requirements;

8 “(B) training subject areas, such as com-
9 munications procedures and appropriate tech-
10 nology use;

11 “(C) establishment of training standards
12 in—

13 “(i) crew resource management;

14 “(ii) flight risk evaluation;

15 “(iii) preventing controlled flight into
16 terrain;

17 “(iv) recovery from inadvertent flight
18 into instrument meteorological conditions;

19 “(v) operational control of the pilot in
20 command; and

21 “(vi) use of flight simulation training
22 devices and line oriented flight training.

23 “(3) Safety-enhancing technology and equip-
24 ment, including—

1 “(A) helicopter terrain awareness and
2 warning systems;

3 “(B) radar altimeters;

4 “(C) devices that perform the function of
5 flight data recorders and cockpit voice record-
6 ers, to the extent feasible; and

7 “(D) safety equipment that should be worn
8 or used by flight crewmembers and medical per-
9 sonnel on a flight, including the possible use of
10 shoulder harnesses, helmets, seatbelts, and fire
11 resistant clothing to enhance crash surviv-
12 ability.

13 “(4) Such other matters as the Administrator
14 considers appropriate.

15 “(c) MINIMUM REQUIREMENTS.—In issuing a final
16 rule under subsection (a), the Administrator, at a min-
17 imum, shall provide for the following:

18 “(1) FLIGHT RISK EVALUATION PROGRAM.—

19 The Administrator shall ensure that a part 135 cer-
20 tificate holder providing helicopter air ambulance
21 services—

22 “(A) establishes a flight risk evaluation
23 program, based on FAA Notice 8000.301
24 issued by the Administration on August 1,
25 2005, including any updates thereto;

1 “(B) as part of the flight risk evaluation
2 program, develops a checklist for use by pilots
3 in determining whether a flight request should
4 be accepted; and

5 “(C) requires the pilots of the certificate
6 holder to use the checklist.

7 “(2) OPERATIONAL CONTROL CENTER.—The
8 Administrator shall ensure that a part 135 certifi-
9 cate holder providing helicopter air ambulance serv-
10 ices using 10 or more helicopters has an operational
11 control center that meets such requirements as the
12 Administrator may prescribe.

13 “(3) COMPLIANCE.—The Administrator shall
14 ensure that a part 135 certificate holder providing
15 helicopter air ambulance services complies with ap-
16 plicable regulations under part 135 of title 14, Code
17 of Federal Regulations, including regulations on
18 weather minima and flight and duty time whenever
19 medical personnel are onboard the aircraft.

20 “(d) DEADLINES.—The Administrator shall—

21 “(1) not later than 180 days after the date of
22 enactment of this section, issue a notice of proposed
23 rulemaking under subsection (a); and

1 that were accepted or declined by the certificate
2 holder and the type of each such flight request (such
3 as scene response, inter-facility transport, organ
4 transport, or ferry or repositioning flight).

5 “(4) The number of accidents involving heli-
6 copters operated by the certificate holder while pro-
7 viding helicopter air ambulance services and a de-
8 scription of the accidents.

9 “(5) The number of flights and hours flown
10 under instrument flight rules by helicopters operated
11 by the certificate holder while providing helicopter
12 air ambulance services.

13 “(6) The time of day of each flight flown by
14 helicopters operated by the certificate holder while
15 providing helicopter air ambulance services.

16 “(b) REPORTING PERIOD.—Data contained in a re-
17 port submitted by a part 135 certificate holder under sub-
18 section (a) shall relate to such reporting period as the Ad-
19 ministrator determines appropriate.

20 “(c) DATABASE.—Not later than 6 months after the
21 date of enactment of this section, the Administrator shall
22 develop a method to collect and store the data collected
23 under subsection (a), including a method to protect the
24 confidentiality of any trade secret or proprietary informa-
25 tion provided in response to this section.

1 “(d) REPORT TO CONGRESS.—Not later than 24
2 months after the date of enactment of this section, and
3 annually thereafter, the Administrator shall submit to the
4 Committee on Transportation and Infrastructure of the
5 House of Representatives and the Committee on Com-
6 merce, Science, and Transportation of the Senate a report
7 containing a summary of the data collected under sub-
8 section (a).

9 “(e) PART 135 CERTIFICATE HOLDER DEFINED.—
10 In this section, the term ‘part 135 certificate holder’
11 means a person holding a certificate issued under part 135
12 of title 14, Code of Federal Regulations.”.

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

“Sec. 44732. Helicopter air ambulance operations.

“Sec. 44733. Collection of data on helicopter air ambulance operations.”.

16 **SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**
17 **TO USE NIGHT VISION GOGGLES.**

18 (a) STUDY.—The Administrator of the Federal Avia-
19 tion Administration shall carry out a study on the feasi-
20 bility of requiring pilots of helicopters providing helicopter
21 air ambulance services under part 135 of title 14, Code
22 of Federal Regulations, to use night vision goggles during
23 nighttime operations.

1 (b) CONSIDERATIONS.—In conducting the study, the
2 Administrator shall consult with owners and operators of
3 helicopters providing helicopter air ambulance services
4 under such part 135 and aviation safety professionals to
5 determine the benefits, financial considerations, and risks
6 associated with requiring the use of night vision goggles.

7 (c) REPORT TO CONGRESS.—Not later than one year
8 after the date of enactment of this Act, the Administrator
9 shall submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the results of the study.

13 **SEC. 314. STUDY OF HELICOPTER AND FIXED WING AIR AM-**
14 **BULANCE SERVICES.**

15 (a) IN GENERAL.—The Comptroller General shall
16 conduct a study of the helicopter and fixed-wing air ambu-
17 lance industry. The study shall include information, anal-
18 ysis, and recommendations pertinent to ensuring a safe
19 air ambulance industry.

20 (b) REQUIRED INFORMATION.—In conducting the
21 study, the Comptroller General shall obtain detailed infor-
22 mation on the following aspects of the air ambulance in-
23 dustry:

24 (1) A review of the industry, for part 135 cer-
25 tificate holders and indirect carriers providing heli-

1 copter and fixed-wing air ambulance services, includ-
2 ing—

3 (A) a listing of the number, size, and loca-
4 tion of helicopter and fixed-wing aircraft and
5 their flight bases;

6 (B) affiliations of certificate holders and
7 indirect carriers with hospitals, governments,
8 and other entities;

9 (C) coordination of air ambulance services,
10 with each other, State and local emergency
11 medical services systems, referring entities, and
12 receiving hospitals;

13 (D) nature of services contracts, sources of
14 payment, financial relationships between certifi-
15 cate holders and indirect carriers providing air
16 ambulance services and referring entities, and
17 costs of operations; and

18 (E) a survey of business models for air
19 ambulance operations, including expenses,
20 structure, and sources of income.

21 (2) Air ambulance request and dispatch prac-
22 tices, including the various types of protocols, mod-
23 els, training, certifications, and air medical commu-
24 nications centers relating to part 135 certificate

1 holders and indirect carriers providing helicopter
2 and fixed-wing air ambulance services, including—

3 (A) the practices that emergency and med-
4 ical officials use to request an air ambulance;

5 (B) information on whether economic or
6 other nonmedical factors lead to air ambulance
7 transport when it is not medically needed, ap-
8 propriate, or safe; and

9 (C) the cause, occurrence, and extent of
10 delays in air ambulance transport.

11 (3) Economic and medical issues relating to the
12 air ambulance industry, including—

13 (A) licensing;

14 (B) certificates of need;

15 (C) public convenience and necessity re-
16 quirements;

17 (D) assignment of geographic coverage
18 areas;

19 (E) accreditation requirements;

20 (F) compliance with dispatch procedures;

21 and

22 (G) requirements for medical equipment
23 and personnel onboard the aircraft.

24 (4) Such other matters as the Comptroller Gen-
25 eral considers relevant to the purpose of the study.

1 (c) ANALYSIS AND RECOMMENDATIONS.—Based on
2 information obtained under subsection (b) and other infor-
3 mation the Comptroller General considers appropriate, the
4 report shall also include an analysis and specific rec-
5 ommendations, as appropriate, related to—

6 (1) the relationship between State regulation
7 and Federal preemption of rates, routes, and serv-
8 ices of air ambulances;

9 (2) the extent to which Federal law may impact
10 existing State regulation of air ambulances and the
11 potential effect of greater State regulation—

12 (A) in the air ambulance industry, on the
13 economic viability of air ambulance services, the
14 availability and coordination of service, and
15 costs of operations both in rural and highly
16 populated areas;

17 (B) on the quality of patient care and out-
18 comes; and

19 (C) on competition and safety; and

20 (3) whether systemic or other problems exist on
21 a statewide, regional, or national basis with the cur-
22 rent system governing air ambulances.

23 (d) REPORT.—Not later than June 1, 2010, the
24 Comptroller General shall submit to the Secretary of
25 Transportation and the appropriate committees of Con-

1 gress a report containing its findings and recommenda-
2 tions regarding the study under this section.

3 (e) ADOPTION OF RECOMMENDED POLICY
4 CHANGES.—Not later than 60 days after the date of re-
5 ceipt of the report under subsection (d), the Secretary
6 shall issue a report to the appropriate committees of Con-
7 gress, that—

8 (1) specifies which, if any, policy changes rec-
9 ommended by the Comptroller General and any
10 other policy changes with respect to air ambulances
11 the Secretary will adopt and implement; and

12 (2) includes recommendations for legislative
13 change, if appropriate.

14 (f) PART 135 CERTIFICATE HOLDER DEFINED.—In
15 this section, the term “part 135 certificate holder” means
16 a person holding a certificate issued under part 135 of
17 title 14, Code of Federal Regulations.

Page 121, strike line 2 and all that follows through
line 15 on page 125 and insert the following (with the
correct sequential provision designations [replacing the
numbers currently shown for such designations]) and
conform the table of contents accordingly:

1 **SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**
2 **TION OFFICE.**

3 Section 106 is amended by adding at the end the fol-
4 lowing:

5 “(s) AVIATION SAFETY WHISTLEBLOWER INVES-
6 TIGATION OFFICE.—

7 “(1) ESTABLISHMENT.—There is established in
8 the Federal Aviation Administration (in this sub-
9 section referred to as the ‘Agency’) an Aviation
10 Safety Whistleblower Investigation Office (in this
11 subsection referred to as the ‘Office’).

12 “(2) DIRECTOR.—

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

16 “(B) REPORTS AND RECOMMENDATIONS
17 TO SECRETARY.—The Director shall provide
18 regular reports to the Secretary of Transpor-
19 tation. The Director may recommend that the
20 Secretary take any action necessary for the Of-
21 fice to carry out its functions, including protec-
22 tion of complainants and witnesses.

23 “(C) QUALIFICATIONS.—The Director
24 shall have a demonstrated ability in investiga-
25 tions and knowledge of or experience in avia-
26 tion.

1 “(D) TERM.—The Director shall be ap-
2 pointed for a term of 5 years.

3 “(E) VACANCY.—Any individual appointed
4 to fill a vacancy in the position of the Director
5 occurring before the expiration of the term for
6 which the individual’s predecessor was ap-
7 pointed shall be appointed for the remainder of
8 that term.

9 “(3) COMPLAINTS AND INVESTIGATIONS.—

10 “(A) AUTHORITY OF DIRECTOR.—The Di-
11 rector shall—

12 “(i) receive complaints and informa-
13 tion submitted by employees of persons
14 holding certificates issued under title 14,
15 Code of Federal Regulations, and employ-
16 ees of the Agency concerning the possible
17 existence of an activity relating to a viola-
18 tion of an order, regulation, or standard of
19 the Agency or any other provision of Fed-
20 eral law relating to aviation safety;

21 “(ii) assess complaints and informa-
22 tion submitted under clause (i) and deter-
23 mine whether a substantial likelihood ex-
24 ists that a violation of an order, regulation,
25 or standard of the Agency or any other

1 provision of Federal law relating to avia-
2 tion safety may have occurred; and

3 “(iii) based on findings of the assess-
4 ment conducted under clause (ii), make
5 recommendations to the Secretary and Ad-
6 ministrator in writing for—

7 “(I) further investigation by the
8 Office, the Inspector General of the
9 Department of Transportation, or
10 other appropriate investigative body;
11 or

12 “(II) corrective actions.

13 “(B) DISCLOSURE OF IDENTITIES.—The
14 Director shall not disclose the identity or identi-
15 fying information of an individual who submits
16 a complaint or information under subparagraph
17 (A)(i) unless—

18 “(i) the individual consents to the dis-
19 closure in writing; or

20 “(ii) the Director determines, in the
21 course of an investigation, that the disclo-
22 sure is unavoidable, in which case the Di-
23 rector shall provide the individual with rea-
24 sonable advance notice.

1 “(C) INDEPENDENCE OF DIRECTOR.—The
2 Secretary, the Administrator, or any officer or
3 employee of the Agency may not prevent or pro-
4 hibit the Director from initiating, carrying out,
5 or completing any assessment of a complaint or
6 information submitted under subparagraph
7 (A)(i) or from reporting to Congress on any
8 such assessment.

9 “(D) ACCESS TO INFORMATION.—In con-
10 ducting an assessment of a complaint or infor-
11 mation submitted under subparagraph (A)(i),
12 the Director shall have access to, and can order
13 the retention of, all records, reports, audits, re-
14 views, documents, papers, recommendations,
15 and other material necessary to determine
16 whether a substantial likelihood exists that a
17 violation of an order, regulation, or standard of
18 the Agency or any other provision of Federal
19 law relating to aviation safety may have oc-
20 curred. The Director may order sworn testi-
21 mony from appropriate witnesses during the
22 course of an investigation.

23 “(E) PROCEDURE.—The Office shall es-
24 tablish procedures equivalent to sections
25 1213(d) and 1213(e) of title 5 for investigation,

1 report, employee comment, and evaluation by
2 the Secretary for any investigation conducted
3 pursuant to paragraph (3)(A).

4 “(4) RESPONSES TO RECOMMENDATIONS.—The
5 Administrator shall—

6 “(A) respond within 60 days to a rec-
7 ommendation made by the Director under para-
8 graph (3)(A)(iii) in writing and retain records
9 related to any further investigations or correc-
10 tive actions taken in response to the rec-
11 ommendation, in accordance with established
12 record retention requirements; and

13 “(B) ensure that the findings of all refer-
14 rals for further investigation or corrective ac-
15 tions taken are reported to the Director.

16 “(5) INCIDENT REPORTS.—If the Director de-
17 termines there is a substantial likelihood that a vio-
18 lation of an order, regulation, or standard of the
19 Agency or any other provision of Federal law relat-
20 ing to aviation safety may have occurred that re-
21 quires immediate corrective action, the Director shall
22 report the potential violation expeditiously to the
23 Secretary, the Administrator, and the Inspector
24 General of the Department of Transportation.

1 “(6) REPORTING OF CRIMINAL VIOLATIONS TO
2 INSPECTOR GENERAL.—If the Director has reason-
3 able grounds to believe that there has been a viola-
4 tion of Federal criminal law, the Director shall re-
5 port the violation expeditiously to the Inspector Gen-
6 eral.

7 “(7) RETALIATION AGAINST AGENCY EMPLOY-
8 EES.—Any retaliatory action taken or threatened
9 against an employee of the Agency for good faith
10 participation in activities under this subsection is
11 prohibited. The Director shall make all policy rec-
12 ommendations and specific requests to the Secretary
13 for relief necessary to protect employees of the
14 Agency who initiate or participate in investigations
15 under this subsection. The Secretary shall respond
16 in a timely manner and shall share the responses
17 with the appropriate committees of Congress.

18 “(8) DISCIPLINARY ACTIONS.—The Secretary
19 shall exercise the Secretary’s authority under section
20 2302 of title 5 for the prevention of prohibited per-
21 sonnel actions in any case in which the prohibited
22 personnel action is taken against an employee of the
23 Agency who, in good faith, has reported the possible
24 existence of an activity relating to a violation of an
25 order, regulation, or standard of the Agency or any

1 other provision of Federal law relating to aviation
2 safety. In exercising such authority, the Secretary
3 may subject an employee of the Agency who has
4 taken or failed to take, or threatened to take or fail
5 to take, a personnel action in violation of such sec-
6 tion to a disciplinary action up to and including ter-
7 mination.

8 “(9) ANNUAL REPORTS TO CONGRESS.—Not
9 later than October 1 of each year, the Director shall
10 submit to Congress a public report containing—

11 “(A) information on the number of submis-
12 sions of complaints and information received by
13 the Director under paragraph (3)(A)(i) in the
14 preceding 12-month period;

15 “(B) summaries of those submissions;

16 “(C) summaries of further investigations,
17 corrective actions recommended, and referrals
18 in response to the submissions; and

19 “(D) summaries of the responses of the
20 Administrator to such recommendations; and

21 “(E) an evaluation of personnel and re-
22 sources necessary to effectively support the
23 mandate of the Office.”.

Page 130, line 17, after “Agency” insert “, including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors,”.

Page 132, line 21, strike “GAO” and insert “INSPECTOR GENERAL”.

Page 132, line 22, strike “Comptroller General” and insert “Inspector General of the Department of Transportation”.

Page 133, line 2, strike “Comptroller General” and insert “Inspector General”.

Page 134, lines 6 and 7, strike “Comptroller General” and insert “Inspector General”.

Page 134, after line 13, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

1 **SEC. 401. SMOKING PROHIBITION.**

2 (a) IN GENERAL.—Section 41706 is amended—

3 (1) in the section heading by striking “**sched-**
4 **uled**” and inserting “**passenger**”; and

5 (2) by striking subsections (a) and (b) and in-
6 serting the following:

1 “(a) SMOKING PROHIBITION IN INTRASTATE AND
2 INTERSTATE TRANSPORTATION BY AIRCRAFT.—An indi-
3 vidual may not smoke in an aircraft —

4 “(1) in scheduled passenger interstate air
5 transportation or scheduled passenger intrastate air
6 transportation; and

7 “(2) in nonscheduled intrastate or interstate
8 transportation of passengers by aircraft for com-
9 pensation, if a flight attendant is a required crew-
10 member on the aircraft (as determined by the Ad-
11 ministrator of the Federal Aviation Administration).

12 “(b) SMOKING PROHIBITION IN FOREIGN AIR
13 TRANSPORTATION.—The Secretary of Transportation
14 shall require all air carriers and foreign air carriers to pro-
15 hibit smoking in an aircraft—

16 “(1) in scheduled passenger foreign air trans-
17 portation; and

18 “(2) in nonscheduled passenger foreign air
19 transportation, if a flight attendant is a required
20 crewmember on the aircraft (as determined by the
21 Administrator or a foreign government).”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 417 is amended by striking the item relating to section
24 41706 and inserting the following:

“41706. Prohibitions against smoking on flights.”.

Page 147, line 3, strike “Secretary” and insert “Secretary of Transportation”.

Page 148, lines 19 and 20, strike “April 1, 2009” and insert “October 1, 2009”.

Page 150, strike lines 1 through 10 and insert the following:

1 (1) Section 47124(b)(3)(E) is amended to read
2 as follows:
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
8 to carry out this paragraph.”.

Page 174, after line 4, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

9 **SEC. 426. MUSICAL INSTRUMENTS.**

10 (a) IN GENERAL.—Subchapter I of chapter 417 (as
11 amended by this Act) is further amended by adding at
12 the end the following:

13 **“§ 41725. Musical instruments**

14 “(a) IN GENERAL.—

1 “(1) INSTRUMENTS IN THE PASSENGER COM-
2 PARTMENT.—An air carrier providing air transpor-
3 tation shall permit a passenger to carry a musical
4 instrument in the aircraft passenger compartment in
5 a closet, baggage, or cargo stowage compartment ap-
6 proved by the Administrator without charge if—

7 “(A) the instrument can be stowed in ac-
8 cordance with the requirements for carriage of
9 carry-on baggage or cargo set forth by the Ad-
10 ministrator of the Federal Aviation Administra-
11 tion; and

12 “(B) there is space for such stowage on
13 the aircraft.

14 “(2) LARGE INSTRUMENTS IN THE PASSENGER
15 COMPARTMENT.—An air carrier providing air trans-
16 portation shall permit a passenger to carry a musi-
17 cal instrument in the aircraft passenger compart-
18 ment that is too large to be secured in a closet, bag-
19 gage, or cargo stowage compartment approved by
20 the Administrator, if—

21 “(A) the instrument can be stowed in a
22 seat, in accordance with the requirements for
23 carriage of carry-on baggage or cargo set forth
24 by the Administrator for such stowage; and

1 “(B) the passenger wishing to carry the in-
2 strument in the aircraft cabin has purchased a
3 seat to accommodate the instrument.

4 “(3) INSTRUMENTS AS CHECKED BAGGAGE.—
5 An air carrier shall transport as baggage a musical
6 instrument that is the property of a passenger on a
7 flight and that may not be carried in the aircraft
8 passenger compartment if—

9 “(A) the sum of the length, width, and
10 height measured in inches of the outside linear
11 dimensions of the instrument (including the
12 case) does not exceed 150 inches and the size
13 restrictions for that aircraft;

14 “(B) the weight of the instrument does not
15 exceed 165 pounds and the weight restrictions
16 for that aircraft; and

17 “(C) the instrument can be stowed in ac-
18 cordance with the requirements for carriage of
19 baggage or cargo set forth by the Administrator
20 for such stowage.

21 “(4) AIR CARRIER TERMS.—Nothing in this
22 section shall be construed as prohibiting an air car-
23 rier from limiting its liability for carrying a musical
24 instrument or requiring a passenger to purchase in-

1 surance to cover the value of a musical instrument
2 transported by the air carrier.

3 “(b) REGULATIONS.—The Secretary may prescribe
4 such regulations as may be necessary or appropriate to
5 implement subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The analysis for such
7 subchapter is amended by adding at the end the following:
“41725. Musical instruments.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 30 days after the date of en-
10 actment of this Act.

Page 183, after line 21, insert the following (with
the correct sequential provision designations [replacing
the numbers currently shown for such designations]) and
conform the table of contents accordingly:

11 **SEC. 505. SOUNDPROOFING OF RESIDENCES.**

12 (a) SOUNDPROOFING AND ACQUISITION OF CERTAIN
13 RESIDENTIAL BUILDINGS AND PROPERTIES.—Section
14 47504(c)(2)(D) is amended to read as follows:

15 “(D) to an airport operator and unit of local
16 government referred to in paragraph (1)(A) or
17 (1)(B) to soundproof—

18 “(i) a building in the noise impact area
19 surrounding the airport that is used primarily
20 for educational or medical purposes and that

1 the Secretary decides is adversely affected by
2 airport noise; and

3 “(ii) residential buildings located on resi-
4 dential properties in the noise impact area sur-
5 rounding the airport that the Secretary decides
6 is adversely affected by airport noise, if—

7 “(I) the residential properties are
8 within airport noise contours prepared by
9 the airport owner or operator using the
10 Secretary’s methodology and guidance, and
11 the noise contours have been found accept-
12 able by the Secretary;

13 “(II) the residential properties cannot
14 be removed from airport noise contours for
15 at least a 5-year period by changes in air-
16 port configuration or flight procedures;

17 “(III) the land use jurisdiction has
18 taken, or will take, appropriate action, in-
19 cluding the adoption of zoning laws, to the
20 extent reasonable to restrict the use of
21 land to uses that are compatible with nor-
22 mal airport operations; and

23 “(IV) the Secretary determines that
24 the project is compatible with the purposes
25 of this chapter; and”

1 (b) REQUIREMENTS APPLICABLE TO CERTAIN
2 GRANTS.—Section 44705 (as amended by this Act) is fur-
3 ther amended by adding at the end the following:

4 “(f) REQUIREMENTS APPLICABLE TO CERTAIN
5 GRANTS.—

6 “(1) ESTABLISHMENT OF CRITERIA.—Before
7 awarding a grant under subsection (c)(2)(D), the
8 Secretary shall establish criteria to determine which
9 residences in the 65 DNL area suffer the greatest
10 noise impact.

11 “(2) ANALYSIS FROM COMPTROLLER GEN-
12 ERAL.—Prior to making a final decision on the cri-
13 teria required by paragraph (1), the Secretary shall
14 develop proposed criteria and obtain an analysis
15 from the Comptroller General as to the reasonable-
16 ness and validity of the criteria.

17 “(3) PRIORITY.—If the Secretary determines
18 that the grants likely to be awarded under sub-
19 section (c)(2)(D) in fiscal years 2010 though 2012
20 will not be sufficient to soundproof all residences in
21 the 65 DNL area, the Secretary shall first award
22 grants to soundproof those residences suffering the
23 greatest noise impact under the criteria established
24 under paragraph (1).”.

Page 186, strike line 6.

Page 186, line 7, strike “(2)” and insert “(1)”.

Page 186, line 8, strike “(3)” and insert “(2)”.

Page 186, line 9, strike “(4)” and insert “(3)”.

Page 196, strike line 23 and all that follows through line 6 on page 197 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

1 SEC. 511. CABIN AIR QUALITY TECHNOLOGY.

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the Administrator of the
4 Federal Aviation Administration shall initiate research
5 and development work on effective air cleaning and sensor
6 technology for the engine and auxiliary power unit for
7 bleed air supplied to the passenger cabin and flight deck
8 of a pressurized aircraft.

9 (b) TECHNOLOGY REQUIREMENTS.—The technology
10 should, at a minimum, be capable of—

11 (1) removing oil-based contaminants from the
12 bleed air supplied to the passenger cabin and flight
13 deck; and

14 (2) detecting and recording oil-based contami-
15 nants in the bleed air fraction of the total air sup-
16 plied to the passenger cabin and flight deck.

1 (c) REPORT.—Not later than 3 years after the date
2 of enactment of this Act, the Administrator shall transmit
3 to Congress a report on the results of the research and
4 development work carried out under this section.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated such sums as may be nec-
7 essary to carry out this section.

Page 197, line 9, strike “proposed”.

Page 198, after line 25, insert the following (with
the correct sequential provision designations [replacing
the numbers currently shown for such designations]) and
conform the table of contents accordingly:

8 **SEC. 515. AVIATION NOISE COMPLAINTS.**

9 (a) TELEPHONE NUMBER POSTING.—Not later than
10 3 months after the date of enactment of this Act, each
11 owner or operator of a large hub airport (as defined in
12 section 40102(a) of title 49, United States Code) shall
13 publish on an Internet Web site of the airport a telephone
14 number to receive aviation noise complaints related to the
15 airport.

16 (b) SUMMARIES AND REPORTS.—Not later than one
17 year after the last day of the 3-month period referred to
18 in subsection (a), and annually thereafter, an owner or
19 operator that receives one or more noise complaints under

1 subsection (a) shall submit to the Administrator of the
2 Federal Aviation Administration a report regarding the
3 number of complaints received and a summary regarding
4 the nature of such complaints. The Administrator shall
5 make such information available to the public by print and
6 electronic means.

Page 206, after line 6, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

7 **SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED**
8 **PERSONNEL PRACTICES.**

9 Section 40122(g)(2)(A) is amended to read as fol-
10 lows:

11 “(A) sections 2301 and 2302, relating to
12 merit system principles and prohibited per-
13 sonnel practices, including the provisions for in-
14 vestigation and enforcement as provided in
15 chapter 12 of title 5;”.

Page 207, strike line 21 and all that follows through line 3 on page 208 (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

Page 223, line 24, strike “March 31” and insert “September 30”.

Page 224, line 1, strike “May 31” and insert “December 31”.

Page 225, line 16, strike “May 31” and insert “December 31”.

Page 236, strike lines 19 and 20 and insert the following:

1 (h) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) FAA.—The term “FAA” means the Fed-
4 eral Aviation Administration.

5 (2) REALIGNMENT; CONSOLIDATION.—

6 (A) IN GENERAL.—The terms “realign-
7 ment” and “consolidation” include any action
8 that—

9 (i) relocates functions, services, or
10 personnel positions;

11 (ii) severs existing facility functions or
12 services; or

13 (iii) any combination thereof.

14 (B) EXCLUSION.—The term does not in-
15 clude a reduction in personnel resulting from
16 workload adjustments.

Page 243, lines 15 and 16, strike “flight crew members” and insert “pilots and flight attendants”.

Page 243, line 22, strike “2009” and insert “2010”.

Page 254, line 1, strike “**TEMPERATURE**” and insert “**TEMPERATURE AND HUMIDITY**” (and conform the table of contents accordingly).

Page 254, line 8, insert “and humidity” before “on-board”.

Page 254, lines 13 and 14, strike “temperatures” and insert “temperature and humidity”.

Page 254, line 19, strike “temperature” and insert “temperature and humidity”.

Page 254, line 20, strike “temperature” and insert “temperature and humidity”.

Page 254, line 23, strike “temperature” and insert “temperature and humidity”.

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

1 **SEC. 826. ST. GEORGE, UTAH.**

2 (a) IN GENERAL.—Notwithstanding section 16 of the
3 Federal Airport Act (as in effect on August 28, 1973) or
4 sections 47125 and 47153 of title 49, United States Code,
5 the Secretary of Transportation is authorized, subject to
6 subsection (b), to grant releases from any of the terms,
7 conditions, reservations, and restrictions contained in the
8 deed of conveyance dated August 28, 1973, under which
9 the United States conveyed certain property to the city
10 of St. George, Utah, for airport purposes.

11 (b) CONDITION.—Any release granted by the Sec-
12 retary under the subsection (a) shall be subject to the fol-
13 lowing conditions:

14 (1) The city of St. George shall agree that in
15 conveying any interest in the property that the
16 United States conveyed to the city by deed dated
17 August 28, 1973, the city will receive an amount for
18 such interest that is equal to the fair market value.

19 (2) Any such amount so received by the city of
20 St. George shall be used by the city for the develop-
21 ment, improvement, operation, or maintenance of a
22 replacement public airport.

1 **SEC. 827. REPLACEMENT OF TERMINAL RADAR APPROACH**
2 **CONTROL AT PALM BEACH INTERNATIONAL**
3 **AIRPORT.**

4 The Administrator of the Federal Aviation Adminis-
5 tration shall take such actions as may be necessary to en-
6 sure that any air traffic control tower or facility placed
7 into operation at Palm Beach International Airport after
8 September 30, 2009, to replace an air traffic control tower
9 or facility placed into operation before September 30,
10 2009, includes an operating terminal radar approach con-
11 trol.

12 **SEC. 828. SANTA MONICA AIRPORT, CALIFORNIA.**

13 It is the sense of Congress that the Administrator
14 of the Federal Aviation Administration should enter into
15 good faith discussions with the city of Santa Monica, Cali-
16 fornia, to achieve runway safety area solutions consistent
17 with Federal Aviation Administration design guidelines to
18 address safety concerns at Santa Monica Airport.

Page 261, line 24, strike "2009" and insert "2010".

Page 266, line 19, strike "2009" and insert "2010".

Page 267, line 18, strike "2009" and insert "2010".

Page 270, line 14, strike "2009" and insert "2010".

