

PART A: TEXT OF THE AMENDMENT TO BE CONSIDERED AS ADOPTED

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

Strike all after the enacting clause and insert the following:

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “FAA Reauthorization Act of 2009”.

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. 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. Uniform certification training for airport concessions under disadvantaged business enterprise program.
- Sec. 137. Preference for small business concerns owned and controlled by disabled veterans.
- Sec. 138. Minority and disadvantaged business participation.
- 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.

## 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.

## TITLE IV—AIR SERVICE IMPROVEMENTS

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

- Sec. 420. Denied boarding compensation.
- Sec. 421. Compensation for delayed baggage.
- Sec. 422. Schedule reduction.
- Sec. 423. Expansion of DOT airline consumer complaint investigations.
- Sec. 424. Prohibitions against voice communications using mobile communications devices on scheduled flights.
- Sec. 425. Antitrust exemptions.

#### TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. CLEEN research, development, and implementation partnership.
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 507. Environmental mitigation pilot program.
- Sec. 508. Aircraft departure queue management pilot program.
- Sec. 509. High performance and sustainable air traffic control facilities.
- Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.
- Sec. 511. Continuation of air quality sampling.
- Sec. 512. Sense of Congress.
- Sec. 513. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
- Sec. 514. GAO study on compliance with FAA record of decision.

#### TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Applicability of back pay requirements.
- Sec. 603. MSPB remedial authority for FAA employees.
- 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 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. Wind turbine lighting.
- Sec. 825. Limiting access to flight decks of all-cargo aircraft.

#### 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.

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

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

1 a section or other provision of title 49, United States  
2 Code.

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

4 Except as otherwise expressly provided, this Act and  
5 the amendments made by this Act shall apply only to fiscal  
6 years beginning after September 30, 2008.

7 **TITLE I—AUTHORIZATIONS**  
8 **Subtitle A—Funding of FAA**  
9 **Programs**

10 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**  
11 **NOISE COMPATIBILITY PLANNING AND PRO-**  
12 **GRAMS.**

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

14 (1) by striking “September 30, 2003” and in-  
15 serting “September 30, 2008”; and

16 (2) by striking paragraphs (1) through (6) and  
17 inserting the following:

18 “(1) \$3,900,000,000 for fiscal year 2009;

19 “(2) \$4,000,000,000 for fiscal year 2010;

20 “(3) \$4,100,000,000 for fiscal year 2011; and

21 “(4) \$4,200,000,000 for fiscal year 2012.”.

22 (b) ALLOCATIONS OF FUNDS.—Section 48103 is  
23 amended—

1           (1) by striking “The total amounts” and insert-  
2           ing “(a) AVAILABILITY OF AMOUNTS.—The total  
3           amounts”; and

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

5           “(b) AIRPORT COOPERATIVE RESEARCH PRO-  
6           GRAM.—Of the amounts made available under subsection  
7           (a), \$15,000,000 for each of fiscal years 2009 through  
8           2012 may be used for carrying out the Airport Coopera-  
9           tive Research Program.

10          “(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the  
11          amounts made available under subsection (a),  
12          \$19,348,000 for each of fiscal years 2009 through 2012  
13          may be used for carrying out airports technology re-  
14          search.”.

15          (c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is  
16          amended by striking “March 31, 2009” and inserting  
17          “September 30, 2012”.

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

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

22               “(1) \$3,246,000,000 for fiscal year 2009.

23               “(2) \$3,259,000,000 for fiscal year 2010.

24               “(3) \$3,353,000,000 for fiscal year 2011.

25               “(4) \$3,506,000,000 for fiscal year 2012.”.

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

4 “(c) WAKE VORTEX MITIGATION.—Of amounts ap-  
5 propriated under subsection (a), such sums as may be nec-  
6 essary for each of fiscal years 2009 through 2012 may  
7 be used for the development and analysis of wake vortex  
8 mitigation, including advisory systems.

9 “(d) WEATHER HAZARDS.—

10 “(1) IN GENERAL.—Of amounts appropriated  
11 under subsection (a), such sums as may be nec-  
12 essary for each of fiscal years 2009 through 2012  
13 may be used for the development of in-flight and  
14 ground-based weather threat mitigation systems, in-  
15 cluding ground de-icing and anti-icing systems and  
16 other systems for predicting, detecting, and miti-  
17 gating the effects of certain weather conditions on  
18 both airframes and engines.

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

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

23 “(B) oceanic weather, including convective  
24 weather, and other hazards associated with oce-  
25 anic operations (where commercial traffic is

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

5 “(C) en route turbulence prediction.

6 “(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts  
7 appropriated under subsection (a) and section 106(k)(1),  
8 such sums as may be necessary for each of fiscal years  
9 2009 through 2012 may be used to advance the develop-  
10 ment and implementation of safety management systems.

11 “(f) RUNWAY INCURSION REDUCTION PROGRAMS.—  
12 Of amounts appropriated under subsection (a),  
13 \$10,000,000 for fiscal year 2009, \$12,000,000 for fiscal  
14 year 2010, \$12,000,000 for fiscal year 2011, and  
15 \$12,000,000 for fiscal year 2012 may be used for the de-  
16 velopment and implementation of runway incursion reduc-  
17 tion programs.

18 “(g) RUNWAY STATUS LIGHTS.—Of amounts appro-  
19 priated under subsection (a), \$50,000,000 for fiscal year  
20 2009, \$125,000,000 for fiscal year 2010, \$100,000,000  
21 for 2011, and \$50,000,000 for fiscal year 2012 may be  
22 used for the acquisition and installation of runway status  
23 lights.

24 “(h) NEXTGEN SYSTEMS DEVELOPMENT PRO-  
25 GRAMS.—Of amounts appropriated under subsection (a),

1 \$41,400,000 for fiscal year 2009, \$102,900,000 for fiscal  
2 year 2010, \$104,000,000 for fiscal year 2011, and  
3 \$105,300,000 for fiscal year 2012 may be used for sys-  
4 tems development activities associated with NextGen.

5 “(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of  
6 amounts appropriated under subsection (a), \$28,000,000  
7 for fiscal year 2009, \$30,000,000 for fiscal year 2010,  
8 \$30,000,000 for fiscal year 2011, and \$30,000,000 for fis-  
9 cal year 2012 may be used for demonstration activities  
10 associated with NextGen.

11 “(j) CENTER FOR ADVANCED AVIATION SYSTEM DE-  
12 VELOPMENT.—Of amounts appropriated under subsection  
13 (a), \$76,000,000 for fiscal year 2009, \$79,000,000 for fis-  
14 cal year 2010, \$79,000,000 for fiscal year 2011, and  
15 \$80,800,000 for fiscal year 2012 may be used for the Cen-  
16 ter for Advanced Aviation System Development.

17 “(k) ADDITIONAL PROGRAMS.—Of amounts appro-  
18 priated under subsection (a), \$21,900,000 for fiscal year  
19 2009, \$22,500,000 for fiscal year 2010, \$22,500,000 for  
20 fiscal year 2011, and \$22,500,000 for fiscal year 2012  
21 may be used for—

22 “(1) system capacity, planning, and improve-  
23 ment;

24 “(2) operations concept validation;

25 “(3) NAS weather requirements; and

1 “(4) Airspace Management Lab.”.

2 **SEC. 103. FAA OPERATIONS.**

3 (a) IN GENERAL.—Section 106(k)(1) is amended by  
4 striking subparagraphs (A) through (E) and inserting the  
5 following:

6 “(A) \$8,998,462,000 for fiscal year 2009;

7 “(B) \$9,531,272,000 for fiscal year 2010;

8 “(C) \$9,936,259,000 for fiscal year 2011;

9 and

10 “(D) \$10,350,155,000 for fiscal year  
11 2012.”.

12 (b) AUTHORIZED EXPENDITURES.—Section  
13 106(k)(2) is amended—

14 (1) by striking subparagraph (A) and inserting  
15 the following:

16 “(A) Such sums as may be necessary for  
17 fiscal years 2009 through 2012 to support de-  
18 velopment and maintenance of helicopter ap-  
19 proach procedures, including certification and  
20 recertification of instrument flight rule, global  
21 positioning system, and point-in-space ap-  
22 proaches to heliports necessary to support all  
23 weather, emergency services.”;

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

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

4           (4) in subparagraphs (B), (C), and (D) (as so  
5           redesignated) by striking “2004 through 2007” and  
6           inserting “2009 through 2012”.

7           (c) AIRLINE DATA AND ANALYSIS.—There is author-  
8           ized to be appropriated to the Secretary of Transportation  
9           out of the Airport and Airway Trust Fund established by  
10          section 9502 of the Internal Revenue Code of 1986 (26  
11          U.S.C. 9502) to fund airline data collection and analysis  
12          by the Bureau of Transportation Statistics in the Re-  
13          search and Innovative Technology Administration of the  
14          Department of Transportation \$6,000,000 for each of fis-  
15          cal years 2009, 2010, 2011, and 2012.

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

17          Section 48102(a) is amended—

18                 (1) in paragraph (11)—

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

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

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

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

3           “(13) for fiscal year 2009, \$212,929,000, in-  
4 cluding—

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

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

9           “(C) \$2,920,000 for advanced materials  
10 and structural safety;

11           “(D) \$4,838,000 for atmospheric hazards  
12 and digital system safety;

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

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

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

18           “(H) \$12,488,000 for aviation safety risk  
19 analysis;

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

22           “(J) \$8,395,000 for aeromedical research;

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

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

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

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

5           “(O) \$10,425,000 for NextGen—Air  
6           ground integration;

7           “(P) \$8,025,000 for NextGen—Self sepa-  
8           ration;

9           “(Q) \$8,049,000 for NextGen—Weather  
10          technology in the cockpit;

11          “(R) \$22,939,000 for environment and en-  
12          ergy;

13          “(S) \$16,050,000 for NextGen—Environ-  
14          mental research—Aircraft technologies, fuels,  
15          and metrics;

16          “(T) \$1,847,000 for system planning and  
17          resource management; and

18          “(U) \$3,548,000 for the William J.  
19          Hughes Technical Center Laboratory Facility;

20          “(14) for fiscal year 2010, \$214,587,000, in-  
21          cluding—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24          “(P) \$8,000,000 for NextGen—Self sepa-  
25          ration;

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

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

5           “(S) \$19,700,000 for NextGen—Environ-  
6           mental research—Aircraft technologies, fuels,  
7           and metrics;

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

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

12          “(15) for fiscal year 2011, \$225,993,000, in-  
13          cluding—

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

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

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

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

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

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

1           “(G) \$12,000,000 for flightdeck maintenance, system integration, and human factors;

2  
3           “(H) \$12,497,000 for aviation safety risk analysis;

4  
5           “(I) \$15,715,000 for air traffic control, technical operations, and human factors;

6  
7           “(J) \$8,976,000 for aeromedical research;

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

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

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

12  
13  
14           “(N) \$10,471,000 for wake turbulence;

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

16  
17           “(P) \$8,300,000 for NextGen—Self separation;

18  
19           “(Q) \$8,345,000 for NextGen—Weather technology in the cockpit;

20  
21           “(R) \$27,075,000 for environment and energy;

22  
23           “(S) \$20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

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

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

6           “(16) for fiscal year 2012, \$244,860,000, in-  
7           cluding—

8           “(A) \$8,957,000 for fire research and safe-  
9           ty;

10          “(B) \$4,201,000 for propulsion and fuel  
11          systems;

12          “(C) \$2,986,000 for advanced materials  
13          and structural safety;

14          “(D) \$4,979,000 for atmospheric hazards  
15          and digital system safety;

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

17          “(F) \$2,192,000 for aircraft catastrophic  
18          failure prevention research;

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

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

23          “(I) \$16,000,000 for air traffic control,  
24          technical operations, and human factors;

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

1           “(K) \$23,800,000 for weather program;  
2           “(L) \$6,400,000 for unmanned aircraft  
3 systems research;  
4           “(M) \$18,100,000 for the Next Generation  
5 Air Transportation System Joint Planning and  
6 Development Office;  
7           “(N) \$10,471,000 for wake turbulence;  
8           “(O) \$10,800,000 for NextGen—Air  
9 ground integration;  
10          “(P) \$8,500,000 for NextGen—Self sepa-  
11 ration;  
12          “(Q) \$8,569,000 for NextGen—Weather  
13 technology in the cockpit;  
14          “(R) \$44,409,000 for environment and en-  
15 ergy;  
16          “(S) \$20,034,000 for NextGen—Environ-  
17 mental research—Aircraft technologies, fuels,  
18 and metrics;  
19          “(T) \$1,840,000 for system planning and  
20 resource management; and  
21          “(U) \$3,941,000 for the William J.  
22 Hughes Technical Center Laboratory Facility.”.

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

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

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

10 “(i) in each of fiscal years 2009 and  
11 2010, be equal to 90 percent of the esti-  
12 mated level of receipts plus interest cred-  
13 ited to the Airport and Airway Trust Fund  
14 for that fiscal year; and

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

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

21 “(II) the actual level of receipts  
22 plus interest credited to the Airport  
23 and Airway Trust Fund for the sec-  
24 ond preceding fiscal year minus the  
25 total amount made available for obli-  
26 gation from the Airport and Airway

1 Trust Fund for the second preceding  
2 fiscal year.

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

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

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

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

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

15 (d) ENFORCEMENT OF GUARANTEES.—Section  
16 48114(c)(2) is amended by striking “2007” and inserting  
17 “2012”.

## 18 **Subtitle B—Passenger Facility** 19 **Charges**

### 20 **SEC. 111. PFC AUTHORITY.**

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

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

1 (b) INCREASE IN PFC MAXIMUM LEVEL.—Section  
2 40117(b)(4) is amended by striking “\$4.00 or \$4.50” and  
3 inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

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

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

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

9 (d) CORRECTION OF REFERENCES.—

10 (1) SECTION 40117.—Section 40117 is amend-  
11 ed—

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

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

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

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

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

23 (F) in the heading for paragraph (1) of  
24 subsection (m) by striking “FEES” and insert-  
25 ing “CHARGES”;

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

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

6 (2) OTHER REFERENCES.—Subtitle VII is  
7 amended by striking “fee” and inserting “charge”  
8 each place it appears in each of the following sec-  
9 tions:

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

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

12 (C) Section 47114(f).

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

14 (E) Section 47139(b).

15 (F) Section 47524(e).

16 (G) Section 47526(2).

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

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

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

24 (b) REPORT TO CONGRESS.—Not later than one year  
25 after the date of enactment of this Act, the Administrator

1 of the Federal Aviation Administration shall submit to  
2 Congress a report on the progress being made by airports  
3 to install bicycle parking for airport customers and airport  
4 employees.

5 **SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING**  
6 **CONTRACTS FOR AIRSIDE PROJECTS.**

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

8 (1) by striking “and” at the end of paragraph  
9 (3);

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

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

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

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

6 **SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT**  
7 **PROGRAM.**

8 Section 40117 is amended by adding at the end the  
9 following:

10 “(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR  
11 INTERMODAL GROUND ACCESS PROJECTS.—

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

19 “(2) INTERMODAL GROUND ACCESS PROJECT  
20 DEFINED.—In this section, the term ‘intermodal  
21 ground access project’ means a project for con-  
22 structing a local facility owned or operated by an eli-  
23 gible agency that is directly and substantially related  
24 to the movement of passengers or property traveling  
25 in air transportation.

1           “(3) ELIGIBLE COSTS.—

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

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

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

11                   “(B) DETERMINATIONS REGARDING PRO-  
12 JECTED PROJECT USE.—

13                           “(i) IN GENERAL.—Except as pro-  
14 vided by clause (ii), the Secretary shall de-  
15 termine the projected use of a project for  
16 purposes of subparagraph (A) at the time  
17 the project is approved under this sub-  
18 section.

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

1                   proved by the Federal Transit Administra-  
2                   tion to enter preliminary engineering to de-  
3                   termine the projected use of the project for  
4                   purposes of subparagraph (A).”.

5 **SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING**  
6                   **CONNECTING PASSENGERS.**

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

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

12           (2) the treatment of airports at which the ma-  
13 jority of passengers are connecting passengers under  
14 the passenger facility charge program authorized by  
15 section 40117 of title 49, United States Code.

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

18           (1) the differences in facility needs, and the  
19 costs for constructing, maintaining, and operating  
20 those facilities, for airports at which the majority of  
21 passengers are connecting passengers as compared  
22 to airports at which the majority of passengers are  
23 originating and destination passengers;

24           (2) whether the costs to an airport of accommo-  
25 dating additional connecting passengers differs from

1 the cost of accommodating additional originating  
2 and destination passengers;

3 (3) for each airport charging a passenger facil-  
4 ity charge, the percentage of passenger facility  
5 charge revenue attributable to connecting passengers  
6 and the percentage of such revenue attributable to  
7 originating and destination passengers;

8 (4) the potential effects on airport revenues of  
9 requiring airports to charge different levels of pas-  
10 senger facility charges on connecting passengers and  
11 originating and destination passengers; and

12 (5) the added costs to air carriers of collecting  
13 passenger facility charges under a system in which  
14 different levels of passenger facility charges are im-  
15 posed on connecting passengers and originating and  
16 destination passengers.

17 (c) REPORT TO CONGRESS.—

18 (1) IN GENERAL.—Not later than one year  
19 after the date of initiation of the study, the Sec-  
20 retary shall submit to Congress a report on the re-  
21 sults of the study.

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

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

1 (B) recommendations, if any, of the Sec-  
2 retary based on the results of the study for any  
3 changes to the passenger facility charge pro-  
4 gram, including recommendations as to whether  
5 different levels of passenger facility charges  
6 should be imposed on connecting passengers  
7 and originating and destination passengers.

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

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

10 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

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

12 “(b) ESTABLISHMENT AND ADJUSTMENT OF  
13 FEES.—

14 “(1) IN GENERAL.—In establishing and adjust-  
15 ing fees under subsection (a), the Administrator  
16 shall ensure that the fees are reasonably related to  
17 the Administration’s costs, as determined by the Ad-  
18 ministrator, of providing the services rendered. Serv-  
19 ices for which costs may be recovered include the  
20 costs of air traffic control, navigation, weather serv-  
21 ices, training, and emergency services which are  
22 available to facilitate safe transportation over the  
23 United States and the costs of other services pro-  
24 vided by the Administrator, or by programs financed  
25 by the Administrator, to flights that neither take off

1 nor land in the United States. The determination of  
2 such costs by the Administrator, and the allocation  
3 of such costs by the Administrator to services pro-  
4 vided, are not subject to judicial review.

5 “(2) ADJUSTMENT OF FEES.—The Adminis-  
6 trator shall adjust the overflight fees established by  
7 subsection (a)(1) by expedited rulemaking and begin  
8 collections under the adjusted fees by May 1, 2010.  
9 In developing the adjusted overflight fees, the Ad-  
10 ministrator may seek and consider the recommenda-  
11 tions offered by an aviation rulemaking committee  
12 for overflight fees that are provided to the Adminis-  
13 trator by May 1, 2009, and are intended to ensure  
14 that overflight fees are reasonably related to the Ad-  
15 ministrator’s costs of providing air traffic control  
16 and related services to overflights.

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

21 “(4) COSTS DEFINED.—In this subsection, the  
22 term ‘costs’ includes those costs associated with the  
23 operation, maintenance, leasing costs, and overhead  
24 expenses of the services provided and the facilities  
25 and equipment used in such services, including the

1 projected costs for the period during which the serv-  
2 ices will be provided.

3 “(5) PUBLICATION; COMMENT.—The Adminis-  
4 trator shall publish in the Federal Register any fee  
5 schedule under this section, including any adjusted  
6 overflight fee schedule, and the associated collection  
7 process as an interim final rule, pursuant to which  
8 public comment will be sought and a final rule  
9 issued.”.

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

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

15 **SEC. 122. REGISTRATION FEES.**

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

18 **“§ 45305. Registration, certification, and related fees**

19 “(a) GENERAL AUTHORITY AND FEES.—Subject to  
20 subsection (b), the Administrator of the Federal Aviation  
21 Administration shall establish the following fees for serv-  
22 ices and activities of the Administration:

23 “(1) \$130 for registering an aircraft.

24 “(2) \$45 for replacing an aircraft registration.

1           “(3) \$130 for issuing an original dealer’s air-  
2           craft certificate.

3           “(4) \$105 for issuing an aircraft certificate  
4           (other than an original dealer’s aircraft certificate).

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

7           “(6) \$50 for issuing a renewal of a special reg-  
8           istration number.

9           “(7) \$130 for recording a security interest in  
10          an aircraft or aircraft part.

11          “(8) \$50 for issuing an airman certificate.

12          “(9) \$25 for issuing a replacement airman cer-  
13          tificate.

14          “(10) \$42 for issuing an airman medical certifi-  
15          cate.

16          “(11) \$100 for providing a legal opinion per-  
17          taining to aircraft registration or recordation.

18          “(b) LIMITATION ON COLLECTION.—No fee may be  
19          collected under this section unless the expenditure of the  
20          fee to pay the costs of activities and services for which  
21          the fee is imposed is provided for in advance in an appro-  
22          priations Act.

23          “(c) FEES CREDITED AS OFFSETTING COLLEC-  
24          TIONS.—

1           “(1) IN GENERAL.—Notwithstanding section  
2           3302 of title 31, any fee authorized to be collected  
3           under this section shall—

4                   “(A) be credited as offsetting collections to  
5           the account that finances the activities and  
6           services for which the fee is imposed;

7                   “(B) be available for expenditure only to  
8           pay the costs of activities and services for which  
9           the fee is imposed; and

10                   “(C) remain available until expended.

11           “(2) CONTINUING APPROPRIATIONS.—The Ad-  
12           ministrator may continue to assess, collect, and  
13           spend fees established under this section during any  
14           period in which the funding for the Federal Aviation  
15           Administration is provided under an Act providing  
16           continuing appropriations in lieu of the Administra-  
17           tion’s regular appropriations.

18           “(3) ADJUSTMENTS.—The Administrator shall  
19           periodically adjust the fees established by subsection  
20           (a) when cost data from the cost accounting system  
21           developed pursuant to section 45303(e) reveal that  
22           the cost of providing the service is higher or lower  
23           than the cost data that were used to establish the  
24           fee then in effect.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-  
2 ter 453 is amended by adding at the end the following:

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

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

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

7 “(1) IN GENERAL.—A fee”; and

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

9 “(2) EFFECT OF IMPOSITION OF OTHER  
10 FEES.—A fee may not be imposed for a service or  
11 activity under this section during any period in  
12 which a fee for the same service or activity is im-  
13 posed under section 45305.”.

## 14 **Subtitle D—AIP Modifications**

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

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

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

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

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

1           “(N) terminal development under section  
2           47119(a).

3           “(O) acquiring and installing facilities and  
4           equipment to provide air conditioning, heating,  
5           or electric power from terminal-based, non-ex-  
6           clusive use facilities to aircraft parked at a pub-  
7           lic use airport for the purpose of reducing en-  
8           ergy use or harmful emissions as compared to  
9           the provision of such air conditioning, heating,  
10          or electric power from aircraft-based systems.”.

11          (b) AIRPORT PLANNING.—Section 47102(5) is  
12          amended by inserting before the period at the end the fol-  
13          lowing: “, developing an environmental management sys-  
14          tem”.

15          (c) GENERAL AVIATION AIRPORT.—Section 47102 is  
16          amended—

17                 (1) by redesignating paragraphs (23) through  
18                 (25) as paragraphs (25) through (27), respectively;

19                 (2) by redesignating paragraphs (8) through  
20                 (22) as paragraphs (9) through (23), respectively;

21                 and

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

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

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

5                   “(B) has scheduled service with less than  
6           2,500 passenger boardings each year.”.

7           (d) REVENUE PRODUCING AERONAUTICAL SUPPORT  
8           FACILITIES.—Section 47102 is amended by inserting  
9           after paragraph (23) (as redesignated by subsection (c)(2)  
10          of this section) the following:

11                   “(24) ‘revenue producing aeronautical support  
12          facilities’ means fuel farms, hangar buildings, self-  
13          service credit card aeronautical fueling systems, air-  
14          plane wash racks, major rehabilitation of a hangar  
15          owned by a sponsor, or other aeronautical support  
16          facilities that the Secretary determines will increase  
17          the revenue producing ability of the airport.”.

18          (e) TERMINAL DEVELOPMENT.—Section 47102 is  
19          further amended by adding at the end the following:

20                   “(28) ‘terminal development’ means—

21                           “(A) development of—

22                                   “(i) an airport passenger terminal  
23                                   building, including terminal gates;

24                                   “(ii) access roads servicing exclusively  
25                                   airport traffic that leads directly to or

1 from an airport passenger terminal build-  
2 ing; and

3 “(iii) walkways that lead directly to or  
4 from an airport passenger terminal build-  
5 ing; and

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

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

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

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

16 (1) by striking “and” at the end of paragraph  
17 (4);

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

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

21 “(6) in any case in which the project is for an  
22 airport that has an airport master plan, the master  
23 plan addresses the feasibility of solid waste recycling  
24 at the airport and minimizing the generation of solid  
25 waste at the airport.”.

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

2 (a) **GENERAL WRITTEN ASSURANCES.**—Section  
3 47107(a)(16)(D)(ii) is amended by inserting before the  
4 semicolon at the end the following: “, except in the case  
5 of a relocation or replacement of an existing airport facil-  
6 ity that meets the conditions of section 47110(d)”.

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

8 (1) **USE OF PROCEEDS.**—Section  
9 47107(c)(2)(A)(iii) is amended by striking “paid to  
10 the Secretary” and all that follows before the semi-  
11 colon and inserting “reinvested in another project at  
12 the airport or transferred to another airport as the  
13 Secretary prescribes under paragraph (4)”.

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

16 “(4) **PRIORITIES FOR REINVESTMENT.**—In ap-  
17 proving the reinvestment or transfer of proceeds  
18 under subsection (c)(2)(A)(iii), the Secretary shall  
19 give preference, in descending order, to the following  
20 actions:

21 “(A) Reinvestment in an approved noise  
22 compatibility project.

23 “(B) Reinvestment in an approved project  
24 that is eligible for funding under section  
25 47117(e).

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

4           “(D) Transfer to a sponsor of another  
5           public airport to be reinvested in an approved  
6           noise compatibility project at such airport.

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

9           (c)           CLERICAL           AMENDMENT.—Section  
10          47107(c)(2)(B)(iii) is amended by striking “the Fund”  
11          and inserting “the Airport and Airway Trust Fund estab-  
12          lished under section 9502 of the Internal Revenue Code  
13          of 1986 (26 U.S.C. 9502)”.

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

15          Section 47109 is amended—

16                 (1) in subsection (a) by striking “provided in  
17                 subsection (b) or subsection (c) of this section” and  
18                 inserting “otherwise specifically provided in this sec-  
19                 tion”; and

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

21                 “(e) SPECIAL RULE FOR TRANSITION FROM SMALL  
22                 HUB TO MEDIUM HUB STATUS.—If the status of a small  
23                 hub airport changes to a medium hub airport, the Govern-  
24                 ment’s share of allowable project costs for the airport may

1 not exceed 90 percent for the first 2 fiscal years following  
2 such change in hub status.

3 “(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED  
4 COMMUNITIES.—The Government’s share of allowable  
5 project costs shall be 95 percent for a project at an airport  
6 that—

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

9 “(2) is located in an area that meets one or  
10 more of the criteria established in section 301(a) of  
11 the Public Works and Economic Development Act of  
12 1965 (42 U.S.C. 3161(a)), as determined by the  
13 Secretary of Commerce.”.

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

15 (a) ALLOWABLE PROJECT COSTS.—Section  
16 47110(b)(2)(D) is amended to read as follows:

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

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

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

1 with all statutory and administrative require-  
2 ments that would have been applicable to the  
3 project if the project had been carried out after  
4 execution of the grant agreement;

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

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

13 (b) RELOCATION OF AIRPORT-OWNED FACILITIES.—

14 Section 47110(d) is amended to read as follows:

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

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

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

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

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

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

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

9 **SEC. 136. UNIFORM CERTIFICATION TRAINING FOR AIR-**  
10 **PORT CONCESSIONS UNDER DISADVAN-**  
11 **TAGED BUSINESS ENTERPRISE PROGRAM.**

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

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

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

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

19           “(A) IN GENERAL.—Not later than one  
20           year after the date of enactment of the FAA  
21           Reauthorization Act of 2009, the Secretary  
22           shall establish a mandatory training program  
23           for persons described in subparagraph (C) on  
24           the certification of whether a small business  
25           concern in airport concessions qualifies as a

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

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

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

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

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

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

6 **SEC. 137. PREFERENCE FOR SMALL BUSINESS CONCERNS**  
7 **OWNED AND CONTROLLED BY DISABLED**  
8 **VETERANS.**

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

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

17 **SEC. 138. MINORITY AND DISADVANTAGED BUSINESS PAR-**  
18 **TICIPATION.**

19 Section 47113 is amended by adding at the end the  
20 following:

21 “(e) **PERSONAL NET WORTH CAP.**—

22 “(1) **REGULATIONS.**—Not later than 180 days  
23 after the date of enactment of this subsection, the  
24 Secretary shall issue final regulations to adjust the  
25 personal net worth cap used in determining whether

1 an individual is economically disadvantaged for pur-  
2 poses of qualifying under the definition contained in  
3 subsection (a)(2). The regulations shall correct for  
4 the impact of inflation since the Small Business Ad-  
5 ministration established the personal net worth cap  
6 at \$750,000 in 1989.

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

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

16 Section 47114(d) is amended—

17 (1) in paragraph (2)—

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

21 (B) by striking “18.5 percent” and insert-  
22 ing “10 percent”; and

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

25 “(3) ADDITIONAL AMOUNT.—

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

8                   “(i) \$150,000; or

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

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

24 **SEC. 140. REDUCING APPORTIONMENTS.**

25           Section 47114(f)(1) is amended—

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

3 (2) in subparagraph (B)—

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

6 (B) by striking the period at the end and  
7 inserting “; and”; and

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

9 “(C) in the case of a charge of more than  
10 \$4.50 imposed by the sponsor of an airport en-  
11 planing at least one percent of the total number  
12 of boardings each year in the United States,  
13 100 percent of the projected revenues from the  
14 charge in the fiscal year but not more than 100  
15 percent of the amount that otherwise would be  
16 apportioned under this section.”.

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

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

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

23 Section 47115(j) is amended by striking “fiscal years  
24 2004 through 2008, and for the portion of fiscal year

1 2009 ending before April 1, 2009,” and inserting, “fiscal  
2 years 2008 through 2012,”.

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

4 Section 47117(e)(1)(A) is amended—

5 (1) in the first sentence—

6 (A) by striking “35 percent” and inserting  
7 “\$300,000,000”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) PROHIBITION ON RECEIPT OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 146. AIRPORT SECURITY PROGRAM.**

5 (a) GENERAL AUTHORITY.—Section 47137(a) is  
6 amended by inserting “, in consultation with the Secretary  
7 of Homeland Security,” after “Transportation”.

8 (b) IMPLEMENTATION.—Section 47137(b) is amend-  
9 ed to read as follows:

10 “(b) IMPLEMENTATION.—

11 “(1) IN GENERAL.—In carrying out this sec-  
12 tion, the Secretary of Transportation shall provide  
13 funding through a grant, contract, or another agree-  
14 ment described in section 106(l)(6) to a nonprofit  
15 consortium that—

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

18 “(B) has at least 10 years of demonstrated  
19 experience in testing and evaluating anti-ter-  
20 rorist technologies at airports.

21 “(2) PROJECT SELECTION.—The Secretary  
22 shall select projects under this subsection that—

23 “(A) evaluate and test the benefits of inno-  
24 vative aviation security systems or related tech-  
25 nology, including explosives detection systems,

1 for the purpose of improving aviation and air-  
2 craft physical security, access control, and pas-  
3 senger and baggage screening; and

4 “(B) provide testing and evaluation of air-  
5 port security systems and technology in an  
6 operational, testbed environment.”.

7 (c) MATCHING SHARE.—Section 47137(c) is amend-  
8 ed by inserting after “section 47109” the following: “or  
9 any other provision of law”.

10 (d) ADMINISTRATION.—Section 47137(e) is amended  
11 by adding at the end the following: “The Secretary may  
12 enter into an agreement in accordance with section  
13 106(m) to provide for the administration of any project  
14 under the program.”.

15 (e) ELIGIBLE SPONSOR.—Section 47137 is amended  
16 by striking subsection (f) and redesignating subsection (g)  
17 as subsection (f).

18 (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
19 47137(f) (as so redesignated) is amended by striking  
20 “\$5,000,000” and inserting “\$8,500,000”.

21 **SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**  
22 **AIRPORT DEVELOPMENT RIGHTS.**

23 Section 47138 is amended by adding at the end the  
24 following:

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

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

6       Section 47141(f) is amended by striking “March 31,  
7 2009” and inserting “September 30, 2012”.

8 **SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN**  
9 **WASHINGTON AIRPORTS AUTHORITY.**

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

12 **SEC. 150. MIDWAY ISLAND AIRPORT.**

13       Section 186(d) of the Vision 100—Century of Avia-  
14 tion Reauthorization Act (117 Stat. 2518) is amended by  
15 striking “for fiscal years ending before October 1, 2008,  
16 and for the portion of fiscal year 2009 ending before April  
17 1, 2009,” and inserting “October 1, 2012,”.

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

19       Section 47114(e) is amended—

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

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

23           “(5) PUERTO RICO MINIMUM GUARANTEE.—In  
24 any fiscal year in which the total amount appor-  
25 tioned to airports in Puerto Rico under subsections

1 (e) and (d) is less than 1.5 percent of the total  
2 amount apportioned to all airports under subsections  
3 (e) and (d), the Secretary shall apportion to the  
4 Puerto Rico Ports Authority for airport development  
5 projects in such fiscal year an amount equal to the  
6 difference between 1.5 percent of the total amounts  
7 apportioned under subsections (e) and (d) in such  
8 fiscal year and the amount otherwise apportioned  
9 under subsections (e) and (d) to airports in Puerto  
10 Rico in such fiscal year.”.

11 **SEC. 152. MISCELLANEOUS AMENDMENTS.**

12 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF  
13 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is  
14 amended—

15 (1) in subsection (a)—

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

18 (B) in paragraph (1) by striking “system  
19 in the particular area;” and inserting “system,  
20 including connection to the surface transpor-  
21 tation network; and”;

22 (C) in paragraph (2) by striking “; and”  
23 and inserting a period; and

24 (D) by striking paragraph (3);

25 (2) in subsection (b)—

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

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

5 (C) in paragraph (2) (as so redesignated)  
6 by striking “, Short Takeoff and Landing/Very  
7 Short Takeoff and Landing aircraft oper-  
8 ations,”; and

9 (3) in subsection (d) by striking “status of  
10 the”.

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

13 (1) in paragraph (1)—

14 (A) in subparagraph (B) by striking “sepa-  
15 rated from” and inserting “discharged or re-  
16 leased from active duty in”; and

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

18 “(C) ‘Afghanistan-Iraq war veteran’ means an  
19 individual who served on active duty (as defined by  
20 section 101 of title 38) in the Armed Forces for a  
21 period of more than 180 consecutive days, any part  
22 of which occurred during the period beginning on  
23 September 11, 2001, and ending on the date pre-  
24 scribed by presidential proclamation or by law as the  
25 last date of Operation Iraqi Freedom, and who was

1 separated from the Armed Forces under honorable  
2 conditions.”; and

3 (2) in paragraph (2) by striking “veterans and”  
4 and inserting “veterans, Afghanistan-Iraq war vet-  
5 erans, and”.

6 (c) CONSOLIDATION OF TERMINAL DEVELOPMENT  
7 PROVISIONS.—Section 47119 is amended—

8 (1) by redesignating subsections (a), (b), (c),  
9 and (d) as subsections (b), (c), (d), and (e), respec-  
10 tively; and

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

13 “(a) TERMINAL DEVELOPMENT PROJECTS.—

14 “(1) IN GENERAL.—The Secretary may approve  
15 a project for terminal development (including  
16 multimodal terminal development) in a nonrevenue-  
17 producing public-use area of a commercial service  
18 airport—

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

22 “(i) all the safety equipment required  
23 for certification of the airport under sec-  
24 tion 44706;

1           “(ii) all the security equipment re-  
2           quired by regulation; and

3           “(iii) provided for access by pas-  
4           sengers to the area of the airport for  
5           boarding or exiting aircraft that are not  
6           air carrier aircraft;

7           “(B) if the cost is directly related to mov-  
8           ing passengers and baggage in air commerce  
9           within the airport, including vehicles for moving  
10          passengers between terminal facilities and be-  
11          tween terminal facilities and aircraft; and

12          “(C) under terms necessary to protect the  
13          interests of the Government.

14          “(2) PROJECT IN REVENUE-PRODUCING AREAS  
15          AND NONREVENUE-PRODUCING PARKING LOTS.—In  
16          making a decision under paragraph (1), the Sec-  
17          retary may approve as allowable costs the expenses  
18          of terminal development in a revenue-producing area  
19          and construction, reconstruction, repair, and im-  
20          provement in a nonrevenue-producing parking lot  
21          if—

22                 “(A) except as provided in section  
23                 47108(e)(3), the airport does not have more  
24                 than .05 percent of the total annual passenger  
25                 boardings in the United States; and

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

5           (3) in paragraphs (3) and (4)(A) of subsection  
6           (b) (as redesignated by paragraph (1) of this sub-  
7           section) by striking “section 47110(d)” and insert-  
8           ing “subsection (a)”;

9           (4) in paragraph (5) of subsection (b) (as re-  
10          designated by paragraph (1) of this subsection) by  
11          striking “subsection (b)(1) and (2)” and inserting  
12          “subsections (c)(1) and (c)(2)”;

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

17          (6) in paragraph (2)(B) of subsection (c) (as  
18          redesignated by paragraph (1) of this subsection) by  
19          striking “section 47110(d)” and inserting “sub-  
20          section (a)”;

21          (7) in subsection (e)(5) (as redesignated by  
22          paragraph (1) of this subsection) by striking “sec-  
23          tion 47110(d)” and inserting “subsection (a)”;

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

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

7       (d) ANNUAL REPORT.—Section 47131(a) is amend-  
8 ed—

9           (1) by striking “April 1” and inserting “June  
10       1”; and

11           (2) by striking paragraphs (1), (2), (3), and (4)  
12 and inserting the following:

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

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

16           “(3) an accounting of discretionary and appor-  
17 tioned funds allocated;

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

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

21           (1) in subsection (a) by striking  
22 “47102(3)(F),”; and

23           (2) in subsection (b)—

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

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

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

4 (g) OTHER CONFORMING AMENDMENTS.—

5 (1) Sections 40117(a)(3)(B) is amended by  
6 striking “section 47110(d)” and inserting “section  
7 47119(a)”.

8 (2) Section 47108(e)(3) is amended—

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

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

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

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

23 **SEC. 153. AIRPORT MASTER PLANS.**

24 Section 47101 is amended by adding at the end the  
25 following:

1       “(i) ADDITIONAL GOALS FOR AIRPORT MASTER  
2 PLANS.—In addition to the goals set forth in subsection  
3 (g)(2), the Secretary shall encourage airport sponsors and  
4 State and local officials, through Federal Aviation Admin-  
5 istration advisory circulars, to consider customer conven-  
6 ience, airport ground access, and access to airport facili-  
7 ties in airport master plans.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16       (a) ESTABLISHMENT.—

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

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

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

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

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

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

13 (B) in subparagraph (H) by striking the  
14 period at the end and inserting a semicolon;  
15 and

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

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

1 extent practicable in establishing the environ-  
2 mental goals;

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

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

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

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

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

24 (A) by striking “(4)” and inserting  
25 “(4)(A)”; and

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

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

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

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

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

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

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

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

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

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

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

23       “(E) Not later than 6 months after the date of enact-  
24 ment of this subparagraph, the head of each Federal agen-  
25 cy that has responsibility for carrying out any activity

1 under the integrated plan under subsection (b) shall exe-  
2 cute a memorandum of understanding with the Office obli-  
3 gating that agency to carry out the activity.”.

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

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

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

16 “(i) ensure that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           “(H) a description of potentially signifi-  
2           cant operational or workforce changes resulting  
3           from deployment of the Next Generation Air  
4           Transportation System.”.

5           (c) NEXTGEN IMPLEMENTATION PLAN.—Section  
6 709(d) of such Act (117 Stat. 2584) is amended to read  
7 as follows:

8           “(d) NEXTGEN IMPLEMENTATION PLAN.—The Ad-  
9           ministrators of the Federal Aviation Administration shall  
10          develop and publish annually the document known as the  
11          ‘NextGen Implementation Plan’, or any successor docu-  
12          ment, that provides a detailed description of how the agen-  
13          cy is implementing the Next Generation Air Transpor-  
14          tation System.”.

15          (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 709(e) of such Act (117 Stat. 2584) is amended by strik-  
17 ing “2010” and inserting “2012”.

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

1 **SEC. 203. NEXT GENERATION AIR TRANSPORTATION SEN-**  
2 **IOR POLICY COMMITTEE.**

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

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

10 “(e) **ANNUAL REPORT.**—

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

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

25 “(A) a copy of the updated integrated  
26 work plan;

1           “(B) a description of the progress made in  
2 carrying out the integrated work plan and any  
3 changes in that plan, including any changes  
4 based on funding shortfalls and limitations set  
5 by the Office of Management and Budget;

6           “(C) a detailed description of—

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

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

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

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

23 **SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**  
24 **CAST SERVICES.**

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

1           (1) IN GENERAL.—The Administrator of the  
2           Federal Aviation Administration shall prepare a re-  
3           port detailing the program and schedule for inte-  
4           grating automatic dependent surveillance-broadcast  
5           (in this section referred to as “ADS-B”) technology  
6           into the national airspace system.

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

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

10                   (B) a description of plans for implementa-  
11                   tion of advanced operational procedures and  
12                   ADS-B air-to-air applications; and

13                   (C) a detailed description of the protec-  
14                   tions that the Administration will require as  
15                   part of any contract or program in the event of  
16                   a contractor’s default, bankruptcy, acquisition  
17                   by another entity, or any other event jeopard-  
18                   izing the uninterrupted provision of ADS-B  
19                   services.

20           (3) SUBMISSION TO CONGRESS.—Not later than  
21           90 days after the date of enactment of this Act, the  
22           Administrator shall submit to the Committee on  
23           Transportation and Infrastructure of the House of  
24           Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate the report  
2 prepared under paragraph (1).

3 (b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-  
4 B SERVICES.—Any contract entered into by the Adminis-  
5 trator with an entity to acquire ADS-B services shall con-  
6 tain terms and conditions that—

7 (1) require approval by the Administrator be-  
8 fore the contract may be assigned to or assumed by  
9 another entity, including any successor entity, sub-  
10 sidiary of the contractor, or other corporate entity;

11 (2) provide that the assets, equipment, hard-  
12 ware, and software used in the performance of the  
13 contract be designated as critical national infrastruc-  
14 ture for national security and related purposes;

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

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

1 performance, as determined by the Administrator;  
2 and

3 (5) permit the Government to acquire or utilize  
4 for a reasonable period, as determined by the Ad-  
5 ministrator, the assets, equipment, hardware, and  
6 software necessary to ensure the continued and un-  
7 interrupted provision of ADS-B services and to have  
8 ready access to such assets, equipment, hardware,  
9 and software through its own personnel, agents, or  
10 others, if the Administrator provides reasonable  
11 compensation for such acquisition or utilization.

12 (c) REVIEW BY DOT INSPECTOR GENERAL.—

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

19 (2) CONTENTS.—The review shall include, at a  
20 minimum—

21 (A) an examination of how program risks  
22 are being managed;

23 (B) an assessment of expected benefits at-  
24 tributable to the deployment of ADS-B services,  
25 including the implementation of advanced oper-

1           ational procedures and air-to-air applications as  
2           well as to the extent to which ground radar will  
3           be retained;

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

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

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

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

23          (3) REPORTS TO CONGRESS.—The Inspector  
24          General shall periodically, on at least an annual  
25          basis, submit to the Committee on Transportation

1 and Infrastructure of the House of Representatives  
2 and the Committee on Commerce, Science, and  
3 Transportation of the Senate a report on the results  
4 of the review conducted under this subsection.

5 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**  
6 **CONTROL MODERNIZATION PROJECTS.**

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

16 (b) PARTICIPATION.—

17 (1) BARGAINING OBLIGATIONS AND RIGHTS.—  
18 Participation in the process described in subsection  
19 (a) shall not be construed as a waiver of any bar-  
20 gaining obligations or rights under section  
21 40122(a)(1) or 40122(g)(2)(C) of title 49, United  
22 States Code.

23 (2) CAPACITY AND COMPENSATION.—Exclusive  
24 collective bargaining representatives and selected

1 employees participating in the process described in  
2 subsection (a) shall—

3 (A) serve in a collaborative and advisory  
4 capacity; and

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

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

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

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

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

24 (1) An evaluation of the continued implementa-  
25 tion and institutionalization of the processes that are

1 key to the ability of the Air Traffic Organization to  
2 effectively maintain management structures and sys-  
3 tems acquisitions procedures utilized under the cur-  
4 rent air traffic control modernization program as a  
5 basis for the NextGen System.

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

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

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

21 (5) An evaluation of the recently modified orga-  
22 nizational structure of the JPDO.

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

1           (7) Any other matters or aspects of planning  
2           and coordination of the NextGen System by the  
3           Federal Aviation Administration and the JPDO that  
4           the Comptroller General determines appropriate.

5           (c) REPORTS.—

6           (1) REPORT TO CONGRESS ON PRIORITIES.—

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

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

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

23          (a) STUDY.—The Comptroller General shall conduct  
24          a review of the progress made and challenges related to  
25          the acquisition of designated technologies and the develop-

1 ment of procedures for the Next Generation Air Transpor-  
2 tation System (in this section referred to as the “NextGen  
3 System”).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of new procedures and a determination of whether  
2 the Administration has established sufficient mecha-  
3 nisms and staffing to provide safety oversight func-  
4 tions, which may include quality assurance proc-  
5 esses, flight checks, integration of procedures into  
6 the National Aviation System, and operational as-  
7 sessments of procedures developed by third parties;  
8 and

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

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

1 **SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**  
2 **FOR NEXT GENERATION AIR TRANSPOR-**  
3 **TATION SYSTEM.**

4 (a) REVIEW.—The Administrator of the Federal  
5 Aviation Administration shall enter into an arrangement  
6 with the National Research Council to review the enter-  
7 prise architecture for the Next Generation Air Transpor-  
8 tation System.

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

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

18 (2) assess technical, cost, and schedule risk for  
19 the software development that will be necessary to  
20 achieve the expected benefits from a highly auto-  
21 mated air traffic management system and the impli-  
22 cations for ongoing modernization projects; and

23 (3) include judgments on how risks with auto-  
24 mation efforts for the Next Generation Air Trans-  
25 portation System can be mitigated based on the ex-

1       periences of other public or private entities in devel-  
2       oping complex, software-intensive systems.

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

7 **SEC. 210. NEXTGEN TECHNOLOGY TESTBED.**

8       Of amounts appropriated under section 48101(a) of  
9 title 49, United States Code, the Administrator of the  
10 Federal Aviation Administration shall use such sums as  
11 may be necessary for each of the fiscal years 2009 through  
12 2012 to contribute to the establishment by a public-private  
13 partnership (including a university component with sig-  
14 nificant aviation expertise in air traffic management, sim-  
15 ulation, meteorology, and engineering and aviation busi-  
16 ness) an airport-based testing site for existing Next Gen-  
17 eration Air Transport System technologies. The Adminis-  
18 trator shall ensure that next generation air traffic control  
19 integrated systems developed by private industries are in-  
20 stalled at the site for demonstration, operational research,  
21 and evaluation by the Administration. The testing site  
22 shall serve a mix of general aviation and commercial traf-  
23 fic.

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

3 Section 106(m) is amended in the last sentence by  
4 inserting “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 air-  
15 craft;

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

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

21 (A) by striking “another structure” and  
22 inserting “any structure, equipment;”;

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

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

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

3 **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
4                   **TORY.**

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

10 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**  
11                   **THORITY.**

12                   Section 40110(c) is amended—

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

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

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

18 **SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
19                   **TIES.**

20                   Section 40113(e) is amended—

21                   (1) in paragraph (1)—

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

24                   (B) by striking the period at the end of the  
25                   first sentence and inserting “or efficiency. The

1 Administrator may participate in, and submit  
2 offers in response to, competitions to provide  
3 such services and may contract with foreign  
4 aviation authorities to provide such services  
5 consistent with section 106(l)(6). Notwith-  
6 standing any other provision of law or policy,  
7 the Administrator may accept payments re-  
8 ceived under this subsection in arrears.”; and

9 (2) in paragraph (3) by striking “credited” and  
10 all that follows through the period at the end and  
11 inserting “credited as an offsetting collection to the  
12 account from which the expenses were incurred in  
13 providing such services and shall remain available  
14 until expended.”.

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

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

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

23 (1) the number of supervisory positions of oper-  
24 ation requiring watch coverage in each air traffic  
25 control facility;

1           (2) coverage requirements in relation to traffic  
2 demand;

3           (3) facility type;

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

6           (5) proficiency and training requirements; and

7           (6) such other factors as the Administrator con-  
8 siders appropriate.

9           (c) DETERMINATIONS.—The Administrator shall  
10 transmit any determinations made as a result of the study  
11 to the Chief Operating Officer for the air traffic control  
12 system.

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

21 **SEC. 217. FLIGHT SERVICE STATIONS.**

22          (a) ESTABLISHMENT OF MONITORING SYSTEM.—Not  
23 later than 60 days after the date of enactment of this Act,  
24 the Administrator of the Federal Aviation Administration  
25 shall develop and implement a monitoring system for flight

1 service specialist staffing and training under service con-  
2 tracts for flight service stations.

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

5 (1) flight specialist staffing plans for individual  
6 facilities;

7 (2) actual staffing levels for individual facilities;

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

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

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

23 (1) a description of monitoring system;

24 (2) if the Administrator determines that con-  
25 tractual changes or corrective actions are required

1 for the Administration to ensure that the vendor  
2 under a contract for flight service station services  
3 provides safe and high quality service to consumers,  
4 a description of the changes or actions required; and

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

9 (A) material non-performance of the con-  
10 tract;

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

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

16 **SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**  
17 **TER OF EXCELLENCE.**

18 (a) ESTABLISHMENT.—Of the amount appropriated  
19 under section 48101(a) of title 49, United States Code,  
20 the Administrator of the Federal Aviation Administration  
21 shall use such sums as may be necessary for each of fiscal  
22 years 2009 through 2012 to contribute to the establish-  
23 ment of a center of excellence for the research and devel-  
24 opment of Next Generation Air Transportation System  
25 technologies.

1 (b) FUNCTIONS.—The center established under sub-  
2 section (a) shall—

3 (1) leverage the centers of excellence program  
4 of the Federal Aviation Administration, as well as  
5 other resources and partnerships, to enhance the de-  
6 velopment of Next Generation Air Transportation  
7 System technologies within academia and industry;  
8 and

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

14 **SEC. 219. AIRSPACE REDESIGN.**

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

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

22 (2) The critical importance of airspace redesign  
23 efforts is underscored by the fact that they are high-  
24 lighted in strategic plans of the Administration, in-

1 cluding Flight Plan 2009–2013 and the document  
2 known as the “NextGen Implementation Plan”.

3 (3) Funding cuts have led to delays and defer-  
4 rals of critical capacity enhancing airspace redesign  
5 efforts.

6 (4) Several new runways planned for the period  
7 of fiscal years 2009 to 2012 will not provide esti-  
8 mated capacity benefits without additional funds.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
10 tion to amounts authorized by section 106(k) of title 49,  
11 United States Code, there are authorized to be appro-  
12 priated to the Administrator of the Federal Aviation Ad-  
13 ministration \$14,500,000 for fiscal year 2009 and  
14 \$20,000,000 for each of fiscal years 2010, 2011, and 2012  
15 to carry out such airspace redesign initiatives as the Ad-  
16 ministrator determines appropriate.

17 (c) ADDITIONAL AMOUNTS.—Of the amounts appro-  
18 priated under section 48101(a) of such title, the Adminis-  
19 trator may use \$5,000,000 for each of fiscal years 2009,  
20 2010, 2011, and 2012 to carry out such airspace redesign  
21 initiatives as the Administrator determines appropriate.

1                                   **TITLE III—SAFETY**  
2                   **Subtitle A—General Provisions**

3   **SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
4                                   **TIFICATES.**

5           (a) JUDICIAL REVIEW OF NTSB DECISIONS.—Sec-  
6   tion 44703(d) is amended by adding at the end the fol-  
7   lowing:

8                   “(3) JUDICIAL REVIEW.—A person who is sub-  
9           stantially affected by an order of the Board under  
10          this subsection, or the Administrator if the Adminis-  
11          trator decides that an order of the Board will have  
12          a significant adverse impact on carrying out this  
13          subtitle, may seek judicial review of the order under  
14          section 46110. The Administrator shall be made a  
15          party to the judicial review proceedings. The find-  
16          ings of fact of the Board in any such case are con-  
17          clusive if supported by substantial evidence.”.

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

21   **SEC. 302. RELEASE OF DATA RELATING TO ABANDONED**  
22                                   **TYPE CERTIFICATES AND SUPPLEMENTAL**  
23                                   **TYPE CERTIFICATES.**

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

1           “(5) RELEASE OF DATA.—

2                   “(A) IN GENERAL.—Notwithstanding any  
3           other provision of law, the Administrator may  
4           make available upon request to a person seek-  
5           ing to maintain the airworthiness of an aircraft,  
6           engine, propeller, or appliance, engineering data  
7           in the possession of the Administration relating  
8           to a type certificate or a supplemental type cer-  
9           tificate for such aircraft, engine, propeller, or  
10          appliance, without the consent of the owner of  
11          record, if the Administrator determines that—

12                   “(i) the certificate containing the re-  
13           quested data has been inactive for 3 or  
14           more years;

15                   “(ii) after using due diligence, the Ad-  
16           ministrator is unable to find the owner of  
17           record, or the owner of record’s heir, of the  
18           type certificate or supplemental certificate;  
19           and

20                   “(iii) making such data available will  
21           enhance aviation safety.

22                   “(B) ENGINEERING DATA DEFINED.—In  
23           this section, the term ‘engineering data’ as used  
24           with respect to an aircraft, engine, propeller, or  
25           appliance means type design drawing and speci-

1           fications for the entire aircraft, engine, pro-  
2           peller, or appliance or change to the aircraft,  
3           engine, propeller, or appliance, including the  
4           original design data, and any associated sup-  
5           plier data for individual parts or components  
6           approved as part of the particular certificate for  
7           the aircraft engine, propeller, or appliance.”.

8           (b) DESIGN ORGANIZATION CERTIFICATES.—Section  
9 44704(e)(1) is amended by striking “Beginning 7 years  
10 after the date of enactment of this subsection,” and insert-  
11 ing “Beginning January 1, 2014,”.

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

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

15 **“§ 44730. Inspection of foreign repair stations**

16           “Not later than one year after the date of enactment  
17 of this section, and annually thereafter, the Administrator  
18 of the Federal Aviation Administration shall—

19           “(1) submit to Congress a certification that  
20           each foreign repair station that is certified by the  
21           Administrator under part 145 of title 14, Code of  
22           Federal Regulations, and performs work on air car-  
23           rier aircraft or components has been inspected by  
24           safety inspectors of the Administration not fewer  
25           than 2 times in the preceding calendar year; and

1           “(2) modify the certification requirements  
2           under such part to include testing for the use of al-  
3           cohol or a controlled substance in accordance with  
4           section 45102 of any individual performing a safety-  
5           sensitive function at a foreign aircraft repair station,  
6           including an individual working at a station of a  
7           third-party with whom an air carrier contracts to  
8           perform work on air carrier aircraft or compo-  
9           nents.”.

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

“44730. Inspection of foreign repair stations.”.

12 **SEC. 304. RUNWAY SAFETY.**

13          (a) STRATEGIC RUNWAY SAFETY PLAN.—

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

19           (2) CONTENTS OF PLAN.—The strategic run-  
20           way safety plan—

21           (A) shall include, at a minimum—

22                   (i) goals to improve runway safety;

23                   (ii) near- and longer-term actions de-  
24                   signed to reduce the severity, number, and  
25                   rate of runway incursions;

1 (iii) timeframes and resources needed  
2 for the actions described in clause (ii); and  
3 (iv) a continuous evaluative process to  
4 track performance toward the goals re-  
5 ferred to in clause (i); and

6 (B) shall address the increased runway  
7 safety risk associated with the expected in-  
8 creased volume of air traffic.

9 (b) PLAN FOR INSTALLATION AND DEPLOYMENT OF  
10 SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY  
11 INCURSIONS.—Not later than December 31, 2009, the Ad-  
12 ministrator of the Federal Aviation Administration shall  
13 submit to Congress a report containing a plan for the in-  
14 stallation and deployment of systems the Administration  
15 is installing to alert controllers or flight crews, or both,  
16 of potential runway incursions. The plan shall be inte-  
17 grated into the annual NextGen Implementation Plan doc-  
18 ument of the Administration or any successor document.

19 **SEC. 305. IMPROVED PILOT LICENSES.**

20 (a) IN GENERAL.—Not later than 6 months after the  
21 date of enactment of this Act, the Administrator of the  
22 Federal Aviation Administration shall begin to issue im-  
23 proved pilot licenses consistent with the requirements of  
24 title 49, United States Code, and title 14, Code of Federal  
25 Regulations.

1 (b) REQUIREMENTS.—Improved pilots licenses issued  
2 under subsection (a) shall—

3 (1) be resistant to tampering, alteration, and  
4 counterfeiting;

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

7 (3) be capable of accommodating a digital pho-  
8 tograph, a biometric identifier, or any other unique  
9 identifier that the Administrator considers nec-  
10 essary.

11 (c) TAMPERING.—To the extent practical, the Admin-  
12 istrator shall develop methods to determine or reveal  
13 whether any component or security feature of a license  
14 issued under subsection (a) has been tampered, altered,  
15 or counterfeited.

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

19 (e) REPORT.—Not later than 9 months after the date  
20 of enactment of this Act and every 6 months thereafter  
21 until September 30, 2012, the Administrator shall submit  
22 to the Committee on Transportation and Infrastructure  
23 of the House of Representatives and the Committee on  
24 Commerce, Science, and Transportation of the Senate a

1 report on the issuance of improved pilot licenses under this  
2 section.

3 **SEC. 306. FLIGHT CREW FATIGUE.**

4 (a) IN GENERAL.—Not later than 3 months after the  
5 date of enactment of this Act, the Administrator of the  
6 Federal Aviation Administration shall conclude arrange-  
7 ments with the National Academy of Sciences for a study  
8 of pilot fatigue.

9 (b) STUDY.—The study shall include consideration  
10 of—

11 (1) research on pilot fatigue, sleep, and circa-  
12 dian rhythms;

13 (2) sleep and rest requirements of pilots rec-  
14 ommended by the National Aeronautics and Space  
15 Administration and the National Transportation  
16 Safety Board; and

17 (3) Federal Aviation Administration and inter-  
18 national standards regarding flight limitations and  
19 rest for pilots.

20 (c) REPORT.—Not later than 18 months after initi-  
21 ating the study, the National Academy of Sciences shall  
22 submit to the Administrator a report containing its find-  
23 ings and recommendations regarding the study under sub-  
24 sections (a) and (b), including recommendations with re-  
25 spect to Federal Aviation Administration regulations gov-

1 erning flight time limitations and rest requirements for  
2 pilots.

3 (d) RULEMAKING.—After the Administrator receives  
4 the report of the National Academy of Sciences, the Ad-  
5 ministrator shall consider the findings in the report and  
6 update as appropriate based on scientific data Federal  
7 Aviation Administration regulations governing flight time  
8 limitations and rest requirements for pilots.

9 (e) FLIGHT ATTENDANT FATIGUE.—

10 (1) STUDY.—The Administrator, acting  
11 through the Civil Aerospace Medical Institute, shall  
12 conduct a study on the issue of flight attendant fa-  
13 tigue.

14 (2) CONTENTS.—The study shall include the  
15 following:

16 (A) A survey of field operations of flight  
17 attendants.

18 (B) A study of incident reports regarding  
19 flight attendant fatigue.

20 (C) Field research on the effects of such  
21 fatigue.

22 (D) A validation of models for assessing  
23 flight attendant fatigue.

1 (E) A review of international policies and  
2 practices regarding flight limitations and rest of  
3 flight attendants.

4 (F) An analysis of potential benefits of  
5 training flight attendants regarding fatigue.

6 (3) REPORT.—Not later than June 30, 2010,  
7 the Administrator shall submit to Congress a report  
8 on the results of the study.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated such sums as may be  
11 necessary to carry out this section.

12 **SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STAND-**  
13 **ARDS FOR FLIGHT ATTENDANTS ON BOARD**  
14 **AIRCRAFT.**

15 (a) IN GENERAL.—Chapter 447 (as amended by sec-  
16 tion 303 of this Act) is further amended by adding at the  
17 end the following:

18 **“§ 44731. Occupational safety and health standards**  
19 **for flight attendants on board aircraft**

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

1       “(b) STANDARDS AND REGULATIONS.—Standards  
2 and regulations issued under this section shall require  
3 each air carrier operating an aircraft in air transpor-  
4 tation—

5               “(1) to provide for an environment in the cabin  
6 of the aircraft that is free from hazards that could  
7 cause physical harm to a flight attendant working in  
8 the cabin; and

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

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

15               “(1) Record keeping.

16               “(2) Blood borne pathogens.

17               “(3) Noise.

18               “(4) Sanitation.

19               “(5) Hazard communication.

20               “(6) Anti-discrimination.

21               “(7) Access to employee exposure and medical  
22 records.

23               “(8) Temperature standards for the aircraft  
24 cabin.

25       “(d) REGULATIONS.—

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

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

10           “(3) EMPLOYER ACTIONS TO ADDRESS OCCUPA-  
11 TIONAL SAFETY AND HEALTH HAZARDS.—Regula-  
12 tions issued under this subsection shall set forth  
13 clearly the circumstances under which an air carrier  
14 is required to take action to address occupational  
15 safety and health hazards.

16           “(e) ADDITIONAL RULEMAKING PROCEEDINGS.—  
17 After issuing regulations under subsection (c), the Admin-  
18 istrator may conduct additional rulemaking proceedings as  
19 the Administrator determines appropriate to carry out this  
20 section.

21           “(f) OVERSIGHT.—

22           “(1) CABIN OCCUPATIONAL SAFETY AND  
23 HEALTH INSPECTORS.—The Administrator shall es-  
24 tablish the position of Cabin Occupational Safety  
25 and Health Inspector within the Federal Aviation

1 Administration and shall employ individuals with ap-  
2 appropriate qualifications and expertise to serve in the  
3 position.

4 “(2) RESPONSIBILITIES.—Inspectors employed  
5 under this subsection shall be solely responsible for  
6 conducting proper oversight of air carrier programs  
7 implemented under this section.

8 “(g) CONSULTATION.—In developing, regulations  
9 under this section, the Administrator shall consult with  
10 the Administrator of the Occupational Safety and Health  
11 Administration, labor organizations representing flight at-  
12 tendants, air carriers, and other interested persons.

13 “(h) SAFETY PRIORITY.—In developing and imple-  
14 menting regulations under this section, the Administrator  
15 shall give priority to the safe operation and maintenance  
16 of an aircraft.

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

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

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

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

1 **SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS**  
2 **AREAS.**

3 (a) ESTABLISHMENT.—The Administrator of the  
4 Federal Aviation Administration may establish a pilot pro-  
5 gram to improve safety and efficiency by providing surveil-  
6 lance for aircraft flying outside of radar coverage in moun-  
7 tainous areas.

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

12 **SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**  
13 **ER OBSERVATION TECHNOLOGY.**

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

17 (b) SPECIFIC REVIEW.—The review shall include, at  
18 a minimum, an examination of off-airport, low-altitude  
19 weather reporting needs, an assessment of technical alter-  
20 natives (including automated weather observation sta-  
21 tions), an investment analysis, and recommendations for  
22 improving weather reporting.

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

4 **SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.**

5 (a) ISSUANCE OF REGULATIONS.—Not later than 3  
6 years after the date of enactment of this Act, the Adminis-  
7 trator of the Federal Aviation Administration shall issue  
8 regulations requiring that all covered maintenance work  
9 on aircraft used to provide air transportation under part  
10 121 of title 14, Code of Federal Regulations, be performed  
11 by individuals in accordance with subsection (b).

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

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

16 (2) an individual employed by another part 121  
17 air carrier;

18 (3) an individual employed by a part 145 repair  
19 station; or

20 (4) an individual employed by a company that  
21 provides contract maintenance workers to a part 145  
22 repair station or part 121 air carrier, if the indi-  
23 vidual—

24 (A) meets the requirements of the part  
25 145 repair station or the part 121 air carrier;

1 (B) works under the direct supervision and  
2 control of the part 145 repair station or part  
3 121 air carrier; and

4 (C) carries out the work in accordance  
5 with the part 121 air carrier's maintenance  
6 manual and, if applicable, the part 145 certifi-  
7 cate holder's repair station and quality control  
8 manuals.

9 (c) PLAN.—

10 (1) DEVELOPMENT.—The Administrator shall  
11 develop a plan to—

12 (A) require air carriers to identify and pro-  
13 vide to the Administrator a complete listing of  
14 all noncertificated maintenance providers that  
15 perform, before the effective date of the regula-  
16 tions to be issued under subsection (a), covered  
17 maintenance work on aircraft used to provide  
18 air transportation under part 121 of title 14,  
19 Code of Federal Regulations;

20 (B) validate the lists that air carriers pro-  
21 vide under subparagraph (A) by sampling air  
22 carrier records, such as maintenance activity re-  
23 ports and general vendor listings; and

24 (C) include surveillance and oversight by  
25 field inspectors of the Federal Aviation Admin-

1           istration for all noncertificated maintenance  
2           providers that perform covered maintenance  
3           work on aircraft used to provide air transpor-  
4           tation in accordance with such part 121.

5           (2) REPORT TO CONGRESS.—Not later than 6  
6           months after the date of enactment of this Act, the  
7           Administrator shall transmit to Congress a report  
8           containing the plan developed under paragraph (1).

9           (d) DEFINITIONS.—In this section, the following defi-  
10          nitions apply:

11           (1) COVERED MAINTENANCE WORK.—The term  
12           “covered maintenance work” means maintenance  
13           work that is essential, regularly scheduled, or a re-  
14           quired inspection item, as determined by the Admin-  
15           istrator.

16           (2) PART 121 AIR CARRIER.—The term “part  
17           121 air carrier” means an air carrier that holds a  
18           certificate issued under part 121 of title 14, Code of  
19           Federal Regulations.

20           (3) PART 145 REPAIR STATION.—The term  
21           “part 145 repair station” means a repair station  
22           that holds a certificate issued under part 145 of title  
23           14, Code of Federal Regulations.

24           (4) NONCERTIFICATED MAINTENANCE PRO-  
25           VIDER.—The term “noncertificated maintenance

1 provider” means a maintenance provider that does  
2 not hold a certificate issued under part 121 or part  
3 145 of title 14 Code of Federal Regulations.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated such sums as may be nec-  
6 essary for the Administrator to hire additional field safety  
7 inspectors to ensure adequate and timely inspection of  
8 maintenance providers that perform covered maintenance  
9 work.

10 **SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STAND-**  
11 **ARDS.**

12 (a) RULEMAKING PROCEEDING.—Not later than 180  
13 days after the date of enactment of this Act, the Adminis-  
14 trator of the Federal Aviation Administration shall initiate  
15 a rulemaking proceeding for the purpose of issuing a pro-  
16 posed and final rule that revises the aircraft rescue and  
17 firefighting standards (“ARFF”) under part 139 of title  
18 14, Code of Federal Regulations, to improve the protection  
19 of the traveling public, other persons, aircraft, buildings,  
20 and the environment from fires and hazardous materials  
21 incidents.

22 (b) CONTENTS OF PROPOSED AND FINAL RULE.—  
23 The proposed and final rule to be issued under subsection  
24 (a) shall address the following:

1           (1) The mission of aircraft rescue and fire-  
2           fighting personnel, including responsibilities for pas-  
3           senger egress in the context of other Administration  
4           requirements.

5           (2) The proper level of staffing.

6           (3) The timeliness of a response.

7           (4) The handling of hazardous materials inci-  
8           dents at airports.

9           (5) Proper vehicle deployment.

10          (6) The need for equipment modernization.

11          (c) CONSISTENCY WITH VOLUNTARY CONSENSUS  
12 STANDARDS.—The proposed and final rule issued under  
13 subsection (a) shall be, to the extent practical, consistent  
14 with national voluntary consensus standards for aircraft  
15 rescue and firefighting services at airports.

16          (d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the  
17 rulemaking proceeding initiated under subsection (a), the  
18 Administrator shall assess the potential impact of any re-  
19 visions to the firefighting standards on airports and air  
20 transportation service.

21          (e) INCONSISTENCY WITH STANDARDS.—If the pro-  
22 posed or final rule issued under subsection (a) is not con-  
23 sistent with national voluntary consensus standards for  
24 aircraft rescue and firefighting services at airports, the  
25 Administrator shall submit to the Office of Management

1 and Budget an explanation of the reasons for such incon-  
2 sistency in accordance with section 12(d) of the National  
3 Technology Transfer and Advancement Act of 1995 (15  
4 U.S.C. 272 note; 110 Stat. 783).

5 (f) FINAL RULE.—Not later than 24 months after  
6 the date of enactment of this Act, the Administrator shall  
7 issue the final rule required by subsection (a).

8 **Subtitle B—Unmanned Aircraft**  
9 **Systems**

10 **SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN-**  
11 **TEGRATION PLAN.**

12 (a) INTEGRATION PLAN.—

13 (1) COMPREHENSIVE PLAN.—Not later than 9  
14 months after the date of enactment of this Act, the  
15 Secretary, in consultation with representatives of the  
16 aviation industry, shall develop a comprehensive plan  
17 to safely integrate commercial unmanned aircraft  
18 systems into the national airspace system.

19 (2) MINIMUM REQUIREMENTS.—In developing  
20 the plan under paragraph (1), the Secretary shall, at  
21 a minimum—

22 (A) review technologies and research that  
23 will assist in facilitating the safe integration of  
24 commercial unmanned aircraft systems into the  
25 national airspace system;

1 (B) provide recommendations or projec-  
2 tions for the rulemaking to be conducted under  
3 subsection (b) to—

4 (i) define the acceptable standards for  
5 operations and certification of commercial  
6 unmanned aircraft systems;

7 (ii) ensure that any commercial un-  
8 manned aircraft system includes a detect,  
9 sense, and avoid capability; and

10 (iii) develop standards and require-  
11 ments for the operator, pilot, and pro-  
12 grammer of a commercial unmanned air-  
13 craft system, including standards and re-  
14 quirements for registration and licensing;

15 (C) recommend how best to enhance the  
16 technologies and subsystems necessary to effect  
17 the safe and routine operations of commercial  
18 unmanned aircraft systems in the national air-  
19 space system; and

20 (D) recommend how a phased-in approach  
21 to the integration of commercial unmanned air-  
22 craft systems into the national airspace system  
23 can best be achieved and a timeline upon which  
24 such a phase-in shall occur.



1 before completion of the plan and rulemaking required by  
2 section 321 or the guidance required by section 323.

3 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-  
4 TEMS.—In making the determination under subsection  
5 (a), the Secretary shall determine, at a minimum—

6 (1) which types of unmanned aircraft systems,  
7 if any, as a result of their size, weight, speed, oper-  
8 ational capability, proximity to airports and popu-  
9 lation areas, and operation within visual line-of-sight  
10 do not create a hazard to users of the national air-  
11 space system or the public or pose a threat to na-  
12 tional security; and

13 (2) whether a certificate of authorization or an  
14 airworthiness certification under section 44704 of  
15 title 49, United States Code, is required for the op-  
16 eration of unmanned aircraft systems identified  
17 under paragraph (1).

18 (c) REQUIREMENTS FOR SAFE OPERATION.—If the  
19 Secretary determines under this section that certain un-  
20 manned aircraft systems may operate safely in the na-  
21 tional airspace system, the Secretary shall establish re-  
22 quirements for the safe operation of such aircraft systems  
23 in the national airspace system.

1 **SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

2 Not later than 9 months after the date of enactment  
3 of this Act, the Secretary shall issue guidance regarding  
4 the operation of public unmanned aircraft systems to—

5 (1) expedite the issuance of a certificate of au-  
6 thorization process;

7 (2) provide for a collaborative process with pub-  
8 lic agencies to allow for an incremental expansion of  
9 access to the national airspace system as technology  
10 matures and the necessary safety analysis and data  
11 become available and until standards are completed  
12 and technology issues are resolved; and

13 (3) facilitate the capability of public agencies to  
14 develop and use test ranges, subject to operating re-  
15 strictions required by the Federal Aviation Adminis-  
16 tration, to test and operate unmanned aircraft sys-  
17 tems.

18 **SEC. 324. DEFINITIONS.**

19 In this subtitle, the following definitions apply:

20 (1) **CERTIFICATE OF AUTHORIZATION.**—The  
21 term “certificate of authorization” means a Federal  
22 Aviation Administration grant of approval for a spe-  
23 cific flight operation.

24 (2) **DETECT, SENSE, AND AVOID CAPABILITY.**—  
25 The term “detect, sense, and avoid capability”  
26 means the technical capability to perform separation

1 assurance and collision avoidance, as defined by the  
2 Federal Aviation Administration.

3 (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—  
4 The term “public unmanned aircraft system” means  
5 an unmanned aircraft system that meets the quali-  
6 fications and conditions required for operation of a  
7 public aircraft, as defined by section 40102 of title  
8 49, United States Code.

9 (4) SECRETARY.—The term “Secretary” means  
10 the Secretary of Transportation.

11 (5) TEST RANGE.—The term “test range”  
12 means a defined geographic area where research and  
13 development are conducted.

14 (6) UNMANNED AIRCRAFT.—The term “un-  
15 manned aircraft” means an aircraft that is operated  
16 without the possibility of direct human intervention  
17 from within or on the aircraft.

18 (7) UNMANNED AIRCRAFT SYSTEM.—The term  
19 “unmanned aircraft system” means an unmanned  
20 aircraft and associated elements (such as commu-  
21 nication links and a ground control station) that are  
22 required to operate safely and efficiently in the na-  
23 tional airspace system.

1 **Subtitle C—Safety and Protections**

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

4 Section 106 of title 49, United States Code, is  
5 amended by adding at the end the following:

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

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

13 “(2) DIRECTOR.—

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

17 “(B) QUALIFICATIONS.—The Director  
18 shall have a demonstrated ability in investiga-  
19 tions and knowledge of or experience in avia-  
20 tion.

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

23 “(D) VACANCY.—Any individual appointed  
24 to fill a vacancy in the position of the Director  
25 occurring before the expiration of the term for

1           which the individual's predecessor was ap-  
2           pointed shall be appointed for the remainder of  
3           that term.

4           “(3) COMPLAINTS AND INVESTIGATIONS.—

5                 “(A) AUTHORITY OF DIRECTOR.—The Di-  
6           rector shall—

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

16                       “(ii) assess complaints and informa-  
17                       tion submitted under clause (i) and deter-  
18                       mine whether a substantial likelihood ex-  
19                       ists that a violation of an order, regulation,  
20                       or standard of the Agency or any other  
21                       provision of Federal law relating to avia-  
22                       tion safety may have occurred; and

23                       “(iii) based on findings of the assess-  
24                       ment conducted under clause (ii), make  
25                       recommendations to the Administrator in

1 writing for further investigation or correc-  
2 tive actions.

3 “(B) DISCLOSURE OF IDENTITIES.—The  
4 Director shall not disclose the identity of an in-  
5 dividual who submits a complaint or informa-  
6 tion under subparagraph (A)(i) unless—

7 “(i) the individual consents to the dis-  
8 closure in writing; or

9 “(ii) the Director determines, in the  
10 course of an investigation, that the disclo-  
11 sure is unavoidable.

12 “(C) INDEPENDENCE OF DIRECTOR.—The  
13 Secretary, the Administrator, or any officer or  
14 employee of the Agency may not prevent or pro-  
15 hibit the Director from initiating, carrying out,  
16 or completing any assessment of a complaint or  
17 information submitted subparagraph (A)(i) or  
18 from reporting to Congress on any such assess-  
19 ment.

20 “(D) ACCESS TO INFORMATION.—In con-  
21 ducting an assessment of a complaint or infor-  
22 mation submitted under subparagraph (A)(i),  
23 the Director shall have access to all records, re-  
24 ports, audits, reviews, documents, papers, rec-  
25 ommendations, and other material necessary to

1           determine whether a substantial likelihood ex-  
2           ists that a violation of an order, regulation, or  
3           standard of the Agency or any other provision  
4           of Federal law relating to aviation safety may  
5           have occurred.

6           “(4) RESPONSES TO RECOMMENDATIONS.—The  
7           Administrator shall respond to a recommendation  
8           made by the Director under subparagraph (A)(iii) in  
9           writing and retain records related to any further in-  
10          vestigations or corrective actions taken in response  
11          to the recommendation.

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

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

1 port the violation expeditiously to the Inspector Gen-  
2 eral.

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

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

10 “(B) summaries of those submissions;

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

14 “(D) summaries of the responses of the  
15 Administrator to such recommendations.”.

16 **SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIA-**  
17 **TIVE.**

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

19 (1) Subsections (a) and (d) of section 40101 of  
20 title 49, United States Code, directs the Federal  
21 Aviation Administration (in this section referred to  
22 as the “Agency”) to make safety its highest priority.

23 (2) In 1996, to ensure that there would be no  
24 appearance of a conflict of interest for the Agency  
25 in carrying out its safety responsibilities, Congress

1 amended section 40101(d) of such title to remove  
2 the responsibilities of the Agency to promote air-  
3 lines.

4 (3) Despite these directives from Congress re-  
5 garding the priority of safety, the Agency issued a  
6 vision statement in which it stated that it has a “vi-  
7 sion” of “being responsive to our customers and ac-  
8 countable to the public” and, in 2003, issued a cus-  
9 tomer service initiative that required aviation inspec-  
10 tors to treat air carriers and other aviation certifi-  
11 cate holders as “customers” rather than regulated  
12 entities.

13 (4) The initiatives described in paragraph (3)  
14 appear to have given regulated entities and Agency  
15 inspectors the impression that the management of  
16 the Agency gives an unduly high priority to the sat-  
17 isfaction of regulated entities regarding its inspec-  
18 tion and certification decisions and other lawful ac-  
19 tions of its safety inspectors.

20 (5) As a result of the emphasis on customer  
21 satisfaction, some managers of the Agency have dis-  
22 couraged vigorous enforcement and replaced inspec-  
23 tors whose lawful actions adversely affected an air  
24 carrier.

1 (b) MODIFICATION OF INITIATIVE.—Not later than  
2 90 days after the date of enactment of this Act, the Ad-  
3 ministrator of the Federal Aviation Administration shall  
4 modify the customer service initiative, mission and vision  
5 statements, and other statements of policy of the Agen-  
6 cy—

7 (1) to remove any reference to air carriers or  
8 other entities regulated by the Agency as “cus-  
9 tomers”;

10 (2) to clarify that in regulating safety the only  
11 customers of the Agency are individuals traveling on  
12 aircraft; and

13 (3) to clarify that air carriers and other entities  
14 regulated by the Agency do not have the right to se-  
15 lect the employees of the Agency who will inspect  
16 their operations.

17 (c) SAFETY PRIORITY.—In carrying out the Adminis-  
18 trator’s responsibilities, the Administrator shall ensure  
19 that safety is given a higher priority than preventing the  
20 dissatisfaction of an air carrier or other entity regulated  
21 by the Agency with an employee of the Agency.

1 **SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT**  
2 **STANDARDS INSPECTORS.**

3 (a) IN GENERAL.—Section 44711 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

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

8 “(1) PROHIBITION.—A person holding an oper-  
9 ating certificate issued under title 14, Code of Fed-  
10 eral Regulations, may not knowingly employ, or  
11 make a contractual arrangement which permits, an  
12 individual to act as an agent or representative of the  
13 certificate holder in any matter before the Federal  
14 Aviation Administration (in this subsection referred  
15 to as the ‘Agency’) if the individual, in the preceding  
16 2-year period—

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

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

23 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

24 For purposes of paragraph (1), an individual shall  
25 be considered to be acting as an agent or representa-  
26 tive of a certificate holder in a matter before the

1 Agency if the individual makes any written or oral  
2 communication on behalf of the certificate holder to  
3 the Agency (or any of its officers or employees) in  
4 connection with a particular matter, whether or not  
5 involving a specific party and without regard to  
6 whether the individual has participated in, or had  
7 responsibility for, the particular matter while serving  
8 as a flight standards inspector of the Agency.”.

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

13 **SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY IN-**  
14 **SPECTORS.**

15 (a) IN GENERAL.—An individual serving as a prin-  
16 cipal supervisory inspector of the Federal Aviation Admin-  
17 istration (in this section referred to as the “Agency”) may  
18 not be responsible for overseeing the operations of a single  
19 air carrier for a continuous period of more than 5 years.

20 (b) TRANSITIONAL PROVISION.—An individual serv-  
21 ing as a principal supervisory inspector of the Agency with  
22 respect to an air carrier as of the date of enactment of  
23 this Act may be responsible for overseeing the operations  
24 of the carrier until the last day of the 5-year period speci-

1 fied in subsection (a) or last day of the 2-year period be-  
2 ginning on such date of enactment, whichever is later.

3 (c) ISSUANCE OF ORDER.—Not later than 30 days  
4 after the date of enactment of this Act, the Administrator  
5 of the Federal Aviation Administration shall issue an  
6 order to carry out this section.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to the Administrator  
9 such sums as may be necessary to carry out this section.

10 **SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
11 **TATION OVERSIGHT SYSTEM DATABASE.**

12 (a) REVIEWS.—The Administrator of the Federal  
13 Aviation Administration shall establish a process by which  
14 the air transportation oversight system database of the  
15 Federal Aviation Administration (in this section referred  
16 to as the “Agency”) is reviewed by a team of employees  
17 of the Agency on a monthly basis to ensure that—

18 (1) any trends in regulatory compliance are  
19 identified; and

20 (2) appropriate corrective actions are taken in  
21 accordance with Agency regulations, advisory direc-  
22 tives, policies, and procedures.

23 (b) MONTHLY TEAM REPORTS.—

24 (1) IN GENERAL.—The team of employees con-  
25 ducting a monthly review of the air transportation

1 oversight system database under subsection (a) shall  
2 submit to the Administrator, the Associate Adminis-  
3 trator for Aviation Safety, and the Director of  
4 Flight Standards a report on the results of the re-  
5 view.

6 (2) CONTENTS.—A report submitted under  
7 paragraph (1) shall identify—

8 (A) any trends in regulatory compliance  
9 discovered by the team of employees in con-  
10 ducting the monthly review; and

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

13 (c) QUARTERLY REPORTS TO CONGRESS.—The Ad-  
14 ministrator, on a quarterly basis, shall submit to the Com-  
15 mittee on Transportation and Infrastructure of the House  
16 of Representatives and the Committee on Commerce,  
17 Science, and Transportation of the Senate a report on the  
18 results of reviews of the air transportation oversight sys-  
19 tem database conducted under this section, including cop-  
20 ies of reports received under subsection (b).

21 **SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING**  
22 **SYSTEM.**

23 (a) VOLUNTARY DISCLOSURE REPORTING PROGRAM  
24 DEFINED.—In this section, the term “Voluntary Disclo-  
25 sure Reporting Program” means the program established

1 by the Federal Aviation Administration through Advisory  
2 Circular 00–58A, dated September 8, 2006, including any  
3 subsequent revisions thereto.

4 (b) VERIFICATION.—The Administrator of the Fed-  
5 eral Aviation Administration shall modify the Voluntary  
6 Disclosure Reporting Program to require inspectors to—

7 (1) verify that air carriers implement com-  
8 prehensive solutions to correct the underlying causes  
9 of the violations voluntarily disclosed by such air  
10 carriers; and

11 (2) confirm, before approving a final report of  
12 a violation, that the violation, or another violation  
13 occurring under the same circumstances, has not  
14 been previously discovered by an inspector or self-  
15 disclosed by the air carrier.

16 (c) SUPERVISORY REVIEW OF VOLUNTARY SELF  
17 DISCLOSURES.—The Administrator shall establish a proc-  
18 ess by which voluntary self-disclosures received from air  
19 carriers are reviewed and approved by a supervisor after  
20 the initial review by an inspector.

21 (d) GAO STUDY.—

22 (1) IN GENERAL.—The Comptroller General  
23 shall conduct a study of the Voluntary Disclosure  
24 Reporting Program.

1           (2) REVIEW.—In conducting the study, the  
2           Comptroller General shall examine, at a minimum,  
3           whether—

4                   (A) there is evidence that voluntary disclo-  
5                   sure is resulting in regulated entities discov-  
6                   ering and correcting violations to a greater ex-  
7                   tent than would otherwise occur if there was no  
8                   program for immunity from enforcement action;

9                   (B) the voluntary disclosure program  
10                  makes the Federal Aviation Administration  
11                  (FAA) aware of violations that the FAA would  
12                  not have discovered if there was not a program,  
13                  and if a violation is disclosed voluntarily,  
14                  whether the FAA insists on stronger corrective  
15                  actions than would have occurred if the regu-  
16                  lated entity knew of a violation, but FAA did  
17                  not;

18                  (C) the information the FAA gets under  
19                  the program leads to fewer violations by other  
20                  entities, either because the information leads  
21                  other entities to look for similar violations or  
22                  because the information leads FAA investiga-  
23                  tors to look for similar violations at other enti-  
24                  ties; and

1 (D) there is any evidence that voluntary  
2 disclosure has improved compliance with regula-  
3 tions, either for the entities making disclosures  
4 or for the industry generally.

5 (3) REPORT.—Not later than one year after the  
6 date of enactment of this Act, the Comptroller Gen-  
7 eral shall submit to the Committee on Transpor-  
8 tation and Infrastructure of the House of Represent-  
9 atives and Committee on Commerce, Science, and  
10 Transportation of the Senate a report on the results  
11 of the study conducted under this section.

## 12 **TITLE IV—AIR SERVICE**

### 13 **IMPROVEMENTS**

#### 14 **SEC. 401. MONTHLY AIR CARRIER REPORTS.**

15 (a) IN GENERAL.—Section 41708 is amended by  
16 adding at the end the following:

17 “(c) DIVERTED AND CANCELLED FLIGHTS.—

18 “(1) MONTHLY REPORTS.—The Secretary shall  
19 require an air carrier referred to in paragraph (2)  
20 to file with the Secretary a monthly report on each  
21 flight of the air carrier that is diverted from its  
22 scheduled destination to another airport and each  
23 flight of the air carrier that departs the gate at the  
24 airport at which the flight originates but is cancelled  
25 before wheels-off time.

1           “(2) APPLICABILITY.—An air carrier that is re-  
2           quired to file a monthly airline service quality per-  
3           formance report under subsection (b) shall be sub-  
4           ject to the requirement of paragraph (1).

5           “(3) CONTENTS.—A monthly report filed by an  
6           air carrier under paragraph (1) shall include, at a  
7           minimum, the following information:

8                   “(A) For a diverted flight—

9                           “(i) the flight number of the diverted  
10                          flight;

11                          “(ii) the scheduled destination of the  
12                          flight;

13                          “(iii) the date and time of the flight;

14                          “(iv) the airport to which the flight  
15                          was diverted;

16                          “(v) wheels-on time at the diverted  
17                          airport;

18                          “(vi) the time, if any, passengers  
19                          deplaned the aircraft at the diverted air-  
20                          port; and

21                          “(vii) if the flight arrives at the sched-  
22                          uled destination airport—

23                                   “(I) the gate-departure time at  
24                                   the diverted airport;

1 “(II) the wheels-off time at the  
2 diverted airport;

3 “(III) the wheels-on time at the  
4 scheduled arrival airport; and

5 “(IV) the gate arrival time at the  
6 scheduled arrival airport.

7 “(B) For flights cancelled after gate de-  
8 parture—

9 “(i) the flight number of the cancelled  
10 flight;

11 “(ii) the scheduled origin and destina-  
12 tion airports of the cancelled flight;

13 “(iii) the date and time of the can-  
14 celled flight;

15 “(iv) the gate-departure time of the  
16 cancelled flight; and

17 “(v) the time the aircraft returned to  
18 the gate.

19 “(4) PUBLICATION.—The Secretary shall com-  
20 pile the information provided in the monthly reports  
21 filed pursuant to paragraph (1) in a single monthly  
22 report and publish such report on the website of the  
23 Department of Transportation.”.

24 (b) EFFECTIVE DATE.—The Secretary of Transpor-  
25 tation shall require monthly reports pursuant to the

1 amendment made by subsection (a) beginning not later  
2 than 90 days after the date of enactment of this Act.

3 **SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIR-**  
4 **PORT.**

5 (a) **BEYOND PERIMETER EXEMPTIONS.**—Section  
6 41718(a) is amended by striking “24” and inserting “34”.

7 (b) **LIMITATIONS.**—Section 41718(c)(2) is amended  
8 by striking “3 operations” and inserting “5 operations”.

9 (c) **ALLOCATION OF BEYOND-PERIMETER EXEMP-**  
10 **TIONS.**—Section 41718(c) is amended—

11 (1) by redesignating paragraphs (3) and (4) as  
12 paragraphs (4) and (5), respectively; and

13 (2) by inserting after paragraph (2) the fol-  
14 lowing:

15 “(3) **SLOTS.**—The Administrator of the Federal  
16 Aviation Administration shall reduce the hourly air  
17 carrier slot quota for Ronald Reagan Washington  
18 National Airport in section 93.123(a) of title 14,  
19 Code of Federal Regulations, by a total of 10 slots  
20 that are available for allocation. Such reductions  
21 shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00  
22 p.m. hours, as determined by the Administrator, in  
23 order to grant exemptions under subsection (a).”.

24 (d) **SCHEDULING PRIORITY.**—Section 41718 is  
25 amended—

1 (1) by redesignating subsections (e) and (f) as  
2 subsections (f) and (g), respectively; and

3 (2) by inserting after subsection (d) the fol-  
4 lowing:

5 “(e) SCHEDULING PRIORITY.—Operations conducted  
6 by new entrant air carriers and limited incumbent air car-  
7 riers shall be afforded a scheduling priority over oper-  
8 ations conducted by other air carriers granted exemptions  
9 pursuant to this section, with the highest scheduling pri-  
10 ority to be afforded to beyond-perimeter operations con-  
11 ducted by new entrant air carriers and limited incumbent  
12 air carriers.”.

13 **SEC. 403. EAS CONTRACT GUIDELINES.**

14 (a) COMPENSATION GUIDELINES.—Section  
15 41737(a)(1) is amended—

16 (1) by striking “and” at the end of subpara-  
17 graph (B);

18 (2) in subparagraph (C) by striking the period  
19 at the end and inserting a semicolon; and

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

21 “(D) include provisions under which the Sec-  
22 retary may encourage an air carrier to improve air  
23 service for which compensation is being paid under  
24 this subchapter by incorporating financial incentives  
25 in an essential air service contract based on specified

1 performance goals, including goals related to improv-  
2 ing on-time performance, reducing the number of  
3 flight cancellations, establishing reasonable fares (in-  
4 cluding joint fares beyond the hub airport), estab-  
5 lishing convenient connections to flights providing  
6 service beyond hub airports, and increasing mar-  
7 keting efforts; and

8 “(E) include provisions under which the Sec-  
9 retary may execute a long-term essential air service  
10 contract to encourage an air carrier to provide air  
11 service to an eligible place if it would be in the pub-  
12 lic interest to do so.”.

13 (b) DEADLINE FOR ISSUANCE OF REVISED GUID-  
14 ANCE.—Not later than 90 days after the date of enact-  
15 ment of this Act, the Secretary of Transportation shall  
16 issue revised guidelines governing the rate of compensa-  
17 tion payable under subchapter II of chapter 417 of title  
18 49, United States Code, that incorporate the amendments  
19 made by subsection (a).

20 (c) REPORT.—Not later than 2 years after the date  
21 of issuance of revised guidelines pursuant to subsection  
22 (b), the Secretary shall submit to the Committee on  
23 Transportation and Infrastructure of the House of Rep-  
24 resentatives and the Committee on Commerce, Science,  
25 and Transportation of the Senate a report on the extent

1 to which the revised guidelines have been implemented and  
2 the impact, if any, such implementation has had on air  
3 carrier performance and community satisfaction with air  
4 service for which compensation is being paid under sub-  
5 chapter II of chapter 417 of title 49, United States Code.

6 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
8 41742(a)(2) of title 49, United States Code, is amended  
9 by striking “there is authorized to be appropriated  
10 \$77,000,000” and inserting “there is authorized to be ap-  
11 propriated out of the Airport and Airway Trust Fund  
12 \$150,000,000”.

13 (b) DISTRIBUTION OF EXCESS FUNDS.—

14 (1) IN GENERAL.—Section 41742(a) is amend-  
15 ed by adding at the end the following:

16 “(4) DISTRIBUTION OF EXCESS FUNDS.—Of  
17 the funds, if any, credited to the account established  
18 under section 45303 in a fiscal year that exceed the  
19 \$50,000,000 made available for such fiscal year  
20 under paragraph (1)—

21 “(A) one-half shall be made available im-  
22 mediately for obligation and expenditure to  
23 carry out section 41743; and

1           “(B) one-half shall be made available im-  
2           mediately for obligation and expenditure to  
3           carry out subsection (b).”.

4           (2) CONFORMING AMENDMENT.—Section  
5           41742(b) is amended—

6           (A) in the first sentence by striking “mon-  
7           eys credited” and all that follows before “shall  
8           be used” and inserting “amounts made avail-  
9           able under subsection (a)(4)(B)”; and

10          (B) in the second sentence by striking  
11          “any amounts from those fees” and inserting  
12          “any of such amounts”.

13 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

14          (a) PRIORITIES.—Section 41743(c)(5) is amended—

15           (1) by striking “and” at the end of subpara-  
16           graph (D);

17           (2) in subparagraph (E) by striking “fashion.”  
18           and inserting “fashion; and”; and

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

20           “(F) multiple communities cooperate to  
21           submit a regional or multistate application to  
22           improve air service.”.

23          (b) EXTENSION OF AUTHORIZATION.—Section  
24          41743(e)(2) is amended by striking “2009” and inserting  
25          “2012”.

1 **SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.**

2 (a) IN GENERAL.—Subtitle VII is amended by insert-  
3 ing after chapter 421 the following:

4 **“CHAPTER 423—AIR PASSENGER SERVICE**  
5 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

6 **“§ 42301. Emergency contingency plans**

7 “(a) SUBMISSION OF AIR CARRIER AND AIRPORT  
8 PLANS.—Not later than 90 days after the date of enact-  
9 ment of this section, each air carrier providing covered air  
10 transportation at a large hub airport or medium hub air-  
11 port and each operator of a large hub airport or medium  
12 hub airport shall submit to the Secretary of Transpor-  
13 tation for review and approval an emergency contingency  
14 plan in accordance with the requirements of this section.

15 “(b) COVERED AIR TRANSPORTATION DEFINED.—In  
16 this section, the term ‘covered air transportation’ means  
17 scheduled passenger air transportation provided by an air  
18 carrier using aircraft with more than 30 seats.

19 “(c) AIR CARRIER PLANS.—

20 “(1) PLANS FOR INDIVIDUAL AIRPORTS.—An  
21 air carrier shall submit an emergency contingency  
22 plan under subsection (a) for—

1           “(A) each large hub airport and medium  
2           hub airport at which the carrier provides cov-  
3           ered air transportation; and

4           “(B) each large hub airport and medium  
5           hub airport at which the carrier has flights for  
6           which it has primary responsibility for inventory  
7           control.

8           “(2) CONTENTS.—An emergency contingency  
9           plan submitted by an air carrier for an airport under  
10          subsection (a) shall contain a description of how the  
11          air carrier will—

12           “(A) provide food, water that meets the  
13           standards of the Safe Drinking Water Act (42  
14           U.S.C. 300f et seq.), restroom facilities, cabin  
15           ventilation, and access to medical treatment for  
16           passengers onboard an aircraft at the airport  
17           that is on the ground for an extended period of  
18           time without access to the terminal;

19           “(B) allow passengers to deplane following  
20           excessive delays; and

21           “(C) share facilities and make gates avail-  
22           able at the airport in an emergency.

23          “(d) AIRPORT PLANS.—An emergency contingency  
24          plan submitted by an airport operator under subsection  
25          (a) shall contain—

1           “(1) a description of how the airport operator,  
2           to the maximum extent practicable, will provide for  
3           the deplanement of passengers following excessive  
4           delays and will provide for the sharing of facilities  
5           and make gates available at the airport in an emer-  
6           gency; and

7           “(2) in the case of an airport that is used by  
8           an air carrier or foreign air carrier for flights in for-  
9           eign air transportation, a description of how the air-  
10          port operator will provide for use of the airport’s  
11          terminal, to the maximum extent practicable, for the  
12          processing of passengers arriving at the airport on  
13          such a flight in the case of an excessive tarmac  
14          delay.

15          “(e) UPDATES.—

16                 “(1) AIR CARRIERS.—An air carrier shall up-  
17                 date the emergency contingency plan submitted by  
18                 the air carrier under subsection (a) every 3 years  
19                 and submit the update to the Secretary for review  
20                 and approval.

21                 “(2) AIRPORTS.—An airport operator shall up-  
22                 date the emergency contingency plan submitted by  
23                 the airport operator under subsection (a) every 5  
24                 years and submit the update to the Secretary for re-  
25                 view and approval.

1       “(f) APPROVAL.—

2               “(1) IN GENERAL.—Not later than 9 months  
3       after the date of enactment of this section, the Sec-  
4       retary shall review and approve or require modifica-  
5       tions to emergency contingency plans submitted  
6       under subsection (a) and updates submitted under  
7       subsection (e) to ensure that the plans and updates  
8       will effectively address emergencies and provide for  
9       the health and safety of passengers.

10              “(2) CIVIL PENALTIES.—The Secretary may as-  
11       sess a civil penalty under section 46301 against an  
12       air carrier or airport that does not adhere to an  
13       emergency contingency plan approved under this  
14       subsection.

15              “(g) MINIMUM STANDARDS.—The Secretary may es-  
16       tablish, as necessary or desirable, minimum standards for  
17       elements in an emergency contingency plan required to be  
18       submitted under this section.

19              “(h) PUBLIC ACCESS.—An air carrier or airport re-  
20       quired to submit emergency contingency plans under this  
21       section shall ensure public access to such plan after its  
22       approval under this section on the Internet website of the  
23       carrier or airport or by such other means as determined  
24       by the Secretary.

1 **“§ 42302. Consumer complaints**

2 “(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE  
3 NUMBER.—The Secretary of Transportation shall estab-  
4 lish a consumer complaints hotline telephone number for  
5 the use of passengers in air transportation.

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

9 “(c) NOTICE TO PASSENGERS OF AIR CARRIERS.—  
10 An air carrier providing scheduled air transportation using  
11 aircraft with 30 or more seats shall include on the Internet  
12 Web site of the carrier and on any ticket confirmation and  
13 boarding pass issued by the air carrier—

14 “(1) the hotline telephone number established  
15 under subsection (a);

16 “(2) the email address, telephone number, and  
17 mailing address of the air carrier; and

18 “(3) the email address, telephone number, and  
19 mailing address of the Aviation Consumer Protection  
20 Division of the Department of Transportation for  
21 the submission of reports by passengers about air  
22 travel service problems.

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated such sums as may be  
25 necessary to carry out this section. Such sums shall re-  
26 main available until expended.

1 **“§ 42303. Use of insecticides in passenger aircraft**

2 “(a) INFORMATION TO BE PROVIDED ON THE INTER-  
3 NET.—The Secretary shall establish, and make available  
4 to the general public, an Internet Web site that contains  
5 a listing of countries that may require an air carrier or  
6 foreign air carrier to treat an aircraft passenger cabin  
7 with insecticides prior to a flight in foreign air transpor-  
8 tation to that country or to apply an aerosol insecticide  
9 in an aircraft cabin used for such a flight when the cabin  
10 is occupied with passengers.

11 “(b) REQUIRED DISCLOSURES.—An air carrier, for-  
12 eign air carrier, or ticket agent selling, in the United  
13 States, a ticket for a flight in foreign air transportation  
14 to a country listed on the Internet Web site established  
15 under subsection (a) shall—

16 “(1) disclose, on its own Internet Web site or  
17 through other means, that the destination country  
18 may require the air carrier or foreign air carrier to  
19 treat an aircraft passenger cabin with insecticides  
20 prior to the flight or to apply an aerosol insecticide  
21 in an aircraft cabin used for such a flight when the  
22 cabin is occupied with passengers; and

23 “(2) refer the purchaser of the ticket to the  
24 Internet Web site established under subsection (a)  
25 for additional information.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-  
2 title VII is amended by inserting after the item relating  
3 to chapter 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  
6 423,” after “chapter 421,”.

7 (d) APPLICABILITY OF REQUIREMENTS.—Except as  
8 otherwise specifically provided, the requirements of chap-  
9 ter 423 of title 49, United States Code, as added by this  
10 section, shall begin to apply 60 days after the date of en-  
11 actment of this Act.

12 **SEC. 407. 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  
17 that follows before the period.

18 **SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

19 Section 47107(s)(3) is amended by striking “April 1,  
20 2009” and inserting “September 30, 2012”.

21 **SEC. 409. CONTRACT TOWER PROGRAM.**

22 (a) COST-BENEFIT REQUIREMENT.—Section  
23 47124(b) 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.—

3           The 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  
9                   has a benefit to cost ratio of less than 1.0, the  
10                  airport sponsor or State or local government  
11                  having jurisdiction over the airport shall not be  
12                  required to pay the portion of the costs that ex-  
13                  ceeds the benefit for a period of 18 months  
14                  after such determination 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).”;

23                  (3) by striking “(2) The Secretary” and insert-  
24                  ing the following:

25                  “(2) GENERAL AUTHORITY.—The Secretary”.

1 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-  
2 SHARING PROGRAM.—

3 (1) FUNDING.—Section 47124(b)(3)(E) is  
4 amended—

5 (A) by striking “and”; and

6 (B) by inserting “, \$8,500,000 for fiscal  
7 year 2008, \$9,000,000 for fiscal year 2009,  
8 \$9,500,000 for fiscal year 2010, \$10,000,000  
9 for fiscal year 2011, and \$10,000,000 for fiscal  
10 year 2012” after “2007”.

11 (2) USE OF EXCESS FUNDS.—Section  
12 47124(b)(3) is amended—

13 (A) by redesignating subparagraph (E) (as  
14 amended by paragraph (1) of this subsection)  
15 as subparagraph (F); and

16 (B) by inserting after subparagraph (D)  
17 the following:

18 “(E) USE OF EXCESS FUNDS.—If the Sec-  
19 retary finds that all or part of an amount made  
20 available under this subparagraph is not re-  
21 quired during a fiscal year to carry out this  
22 paragraph, the Secretary may use, during such  
23 fiscal year, the amount not so required to carry  
24 out the program continued under paragraph  
25 (1).”.

1 (c) FEDERAL SHARE.—Section 47124(b)(4)(C) is  
2 amended by striking “\$1,500,000” and inserting  
3 “\$2,000,000”.

4 (d) 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 assess-  
8 ments of air traffic control towers that receive funding  
9 under this section.”.

10 **SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED**  
11 **FORCES.**

12 (a) FINDINGS.—Congress finds that—

13 (1) the Armed Forces is comprised of approxi-  
14 mately 1,400,000 members who are stationed on ac-  
15 tive duty at more than 6,000 military bases in 146  
16 different countries;

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

21 (3) military service, especially in the current  
22 war against terrorism, often requires members of the  
23 Armed Forces to be separated from their families on  
24 short notice, for long periods of time, and under  
25 very 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  
4           to visit their loved ones at home and require mem-  
5           bers of the Armed Forces to travel with heavy bags;  
6           and

7           (5) it is the patriotic duty of the people of the  
8           United States to support the members of the Armed  
9           Forces who are defending the Nation's interests  
10          around the world at great personal sacrifice.

11          (b) SENSE OF CONGRESS.—It is the sense of Con-  
12         gress that each United States air carrier should—

13                 (1) establish for all members of the Armed  
14                 Forces on active duty reduced air fares that are  
15                 comparable to the lowest airfare for ticketed flights;  
16                 and

17                 (2) offer flexible terms that allow members of  
18                 the Armed Forces on active duty to purchase, mod-  
19                 ify, or cancel tickets without time restrictions, fees,  
20                 and penalties and waive baggage fees for a minimum  
21                 of 3 bags.

1 **SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**  
2 **TICIPATION PROGRAM.**

3 (a) REPEAL.—Section 41747 of title 49, United  
4 States Code, and the item relating to such section in the  
5 analysis for chapter 417 of such title, are repealed.

6 (b) APPLICABILITY.—Title 49, United States Code,  
7 shall be applied as if section 41747 of such title had not  
8 been enacted.

9 **SEC. 412. ADJUSTMENT TO SUBSIDY CAP TO REFLECT IN-**  
10 **CREASED FUEL COSTS.**

11 (a) IN GENERAL.—The \$200 per passenger subsidy  
12 cap initially established by Public Law 103–122 (107  
13 Stat. 1198; 1201) and made permanent by section 332  
14 of Public Law 106–69 (113 Stat. 1022) shall be increased  
15 by an amount necessary to account for the increase, if any,  
16 in the cost of aviation fuel in the 24 months preceding  
17 the date of enactment of this Act, as determined by the  
18 Secretary.

19 (b) ADJUSTMENT OF CAP.—Not later than 60 days  
20 after the date of enactment of this Act, the Secretary shall  
21 publish in the Federal Register the increased subsidy cap  
22 as an interim final rule, pursuant to which public comment  
23 will be sought and a final rule issued.

24 (c) LIMITATION ON ELIGIBILITY.—A community that  
25 has been determined, pursuant to a final order issued by  
26 the Department of Transportation before the date of en-

1 actment of this Act, to be ineligible for subsidized air serv-  
2 ice under subchapter II of chapter 417 of title 49, United  
3 States Code, shall not be eligible for the increased subsidy  
4 cap established pursuant to this section.

5 **SEC. 413. NOTICE TO COMMUNITIES PRIOR TO TERMI-**  
6 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**  
7 **SENTIAL AIR SERVICE.**

8 Section 41733 of title 49, United States Code, is  
9 amended by adding at the end the following:

10 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-  
11 NATION OF ELIGIBILITY.—

12 “(1) IN GENERAL.—The Secretary shall notify  
13 each community receiving basic essential air service  
14 for which compensation is being paid under this sub-  
15 chapter on or before the 45th day before issuing any  
16 final decision to end the payment of such compensa-  
17 tion due to a determination by the Secretary that  
18 providing such service requires a rate of subsidy per  
19 passenger in excess of the subsidy cap.

20 “(2) PROCEDURES TO AVOID TERMINATION.—

21 The Secretary shall establish, by order, procedures  
22 by which each community notified of an impending  
23 loss of subsidy under paragraph (1) may work di-  
24 rectly with an air carrier to ensure that the air car-  
25 rier is able to submit a proposal to the Secretary to

1 provide essential air service to such community for  
2 an amount of compensation that would not exceed  
3 the subsidy cap.

4 “(3) ASSISTANCE PROVIDED.—The Secretary  
5 shall provide, by order, to each community notified  
6 under paragraph (1) information regarding—

7 “(A) the procedures established pursuant  
8 to paragraph (2); and

9 “(B) the maximum amount of compensa-  
10 tion that could be provided under this sub-  
11 chapter to an air carrier serving such commu-  
12 nity that would comply with the subsidy cap.

13 “(4) SUBSIDY CAP DEFINED.—In this sub-  
14 section, the term ‘subsidy cap’ means the subsidy  
15 cap established by section 332 of Public Law 106-  
16 69, including any increase to that subsidy cap estab-  
17 lished by the Secretary pursuant to the FAA Reau-  
18 thorization Act of 2009.”.

19 **SEC. 414. RESTORATION OF ELIGIBILITY TO A PLACE DE-**  
20 **TERMINED BY THE SECRETARY TO BE INELI-**  
21 **GIBLE FOR SUBSIDIZED ESSENTIAL AIR**  
22 **SERVICE.**

23 Section 41733 (as amended by section 413 of this  
24 Act) is further amended by adding at the end the fol-  
25 lowing:

1       “(g) PROPOSALS OF STATE AND LOCAL GOVERN-  
2 MENTS TO RESTORE ELIGIBILITY.—

3           “(1) IN GENERAL.—If the Secretary, after the  
4 date of enactment of this subsection, ends payment  
5 of compensation to an air carrier for providing basic  
6 essential air service to an eligible place because the  
7 Secretary has determined that providing such service  
8 requires a rate of subsidy per passenger in excess of  
9 the subsidy cap (as defined in subsection (f)), a  
10 State or local government may submit to the Sec-  
11 retary a proposal for restoring compensation for  
12 such service. Such proposal shall be a joint proposal  
13 of the State or local government and an air carrier.

14           “(2) DETERMINATION BY SECRETARY.—If a  
15 State or local government submits to the Secretary  
16 a proposal under paragraph (1) with respect to an  
17 eligible place, and the Secretary determines that—

18           “(A) the rate of subsidy per passenger  
19 under the proposal does not exceed the subsidy  
20 cap (as defined in subsection (f)); and

21           “(B) the proposal is consistent with the  
22 legal and regulatory requirements of the essen-  
23 tial air service program,

24 the Secretary shall issue an order restoring the eligi-  
25 bility of the otherwise eligible place to receive basic

1 essential air service by an air carrier for compensa-  
2 tion under subsection (c).”.

3 **SEC. 415. OFFICE OF RURAL AVIATION.**

4 (a) IN GENERAL.—Subchapter II of chapter 417 is  
5 amended by adding at the end the following:

6 **“§ 41749. Office of Rural Aviation**

7 “(a) ESTABLISHMENT.—The Secretary of Transpor-  
8 tation shall establish within the Department of Transpor-  
9 tation an office to be known as the ‘Office of Rural Avia-  
10 tion’ (in this section referred to as the ‘Office’).

11 “(b) FUNCTIONS.—The Office shall—

12 “(1) monitor the status of air service to small  
13 communities;

14 “(2) develop proposals to improve air service to  
15 small communities; and

16 “(3) carry out such other functions as the Sec-  
17 retary considers appropriate.”.

18 (b) CLERICAL AMENDMENT.—The analysis for sub-  
19 chapter II of chapter 417 is amended by adding at the  
20 end the following:

“41749. Office of Rural Aviation.”.

21 **SEC. 416. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**  
22 **CANTLY INCREASED COSTS.**

23 (a) EMERGENCY ACROSS-THE-BOARD ADJUST-  
24 MENT.—Subject to the availability of funds, the Secretary  
25 may increase the rates of compensation payable to air car-

1 riers under subchapter II of chapter 417 of title 49,  
2 United States Code, to compensate such carriers for in-  
3 creased aviation fuel costs, without regard to any agree-  
4 ment or requirement relating to the renegotiation of con-  
5 tracts or any notice requirement under section 41734 of  
6 such title.

7 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-  
8 DIVIDUAL CONTRACTS.—

9 (1) IN GENERAL.—Section 41734(d) of title 49,  
10 United States Code, is amended by striking “con-  
11 tinue to pay” and all that follows through “com-  
12 pensation sufficient—” and inserting “provide the  
13 carrier with compensation sufficient—”.

14 (2) EFFECTIVE DATE.—The amendment made  
15 by paragraph (1) shall apply to compensation to air  
16 carriers for air service provided after the 30th day  
17 following the date of enactment of this Act.

18 **SEC. 417. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**  
19 **CELLATIONS, AND ASSOCIATED CAUSES.**

20 (a) REVIEW.—The Inspector General of the Depart-  
21 ment of Transportation shall conduct a review regarding  
22 air carrier flight delays, cancellations, and associated  
23 causes to update its 2000 report numbered CR-2000-112  
24 and entitled “Audit of Air Carrier Flight Delays and Can-  
25 cellations”.

1 (b) ASSESSMENTS.—In conducting the review under  
2 subsection (a), the Inspector General shall assess—

3 (1) the need for an update on delay and can-  
4 cellation statistics, such as number of chronically de-  
5 layed flights and taxi-in and taxi-out times;

6 (2) air carriers' scheduling practices;

7 (3) the need for a re-examination of capacity  
8 benchmarks at the Nation's busiest airports; and

9 (4) the impact of flight delays and cancellations  
10 on air travelers, including recommendations for pro-  
11 grams that could be implemented to address the im-  
12 pact of flight delays on air travelers.

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

21 **SEC. 418. EUROPEAN UNION RULES FOR PASSENGER**  
22 **RIGHTS.**

23 (a) IN GENERAL.—The Comptroller General shall  
24 conduct a study to evaluate and compare the regulations  
25 of the European Union and the United States on com-

1   pensation and other consideration offered to passengers  
2   who are denied boarding or whose flights are cancelled or  
3   delayed.

4       (b) **SPECIFIC STUDY REQUIREMENTS.**—The study  
5   shall include an evaluation and comparison of the regula-  
6   tions based on costs to the air carriers, preferences of pas-  
7   sengers for compensation or other consideration, and  
8   forms of compensation. In conducting the study, the  
9   Comptroller General shall also take into account the dif-  
10   ferences in structure and size of the aviation systems of  
11   the European Union and the United States.

12       (c) **REPORT.**—Not later than one year after the date  
13   of enactment of this Act, the Comptroller General shall  
14   submit a report to Congress on the results of the study.

15   **SEC. 419. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**  
16                                   **AVIATION CONSUMER PROTECTION.**

17       (a) **IN GENERAL.**—The Secretary of Transportation  
18   shall establish an advisory committee for aviation con-  
19   sumer protection (in this section referred to as the “advi-  
20   sory committee”) to advise the Secretary in carrying out  
21   air passenger service improvements, including those re-  
22   quired by chapter 423 of title 49, United States Code.

23       (b) **MEMBERSHIP.**—The Secretary shall appoint 8  
24   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 in-  
11          terest groups who have expertise in aviation con-  
12          sumer protection matters.

13          (e) VACANCIES.—A vacancy in the advisory com-  
14          mittee shall be filled in the manner in which the original  
15          appointment 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  
23          (b), an individual to serve as chairperson of the advisory  
24          committee.

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  
10 year beginning after the date of enactment of this Act,  
11 the Secretary shall transmit to Congress a report con-  
12 taining—

13 (1) each recommendation made by the advisory  
14 committee during the preceding calendar year; and

15 (2) an explanation of how the Secretary has im-  
16 plemented each recommendation and, for each rec-  
17 ommendation not implemented, the Secretary's rea-  
18 son for not implementing the recommendation.

19 **SEC. 420. DENIED BOARDING COMPENSATION.**

20 Not later than May 19, 2010, and every 2 years  
21 thereafter, the Secretary shall evaluate the amount pro-  
22 vided for denied boarding compensation and issue a regu-  
23 lation to adjust such compensation as necessary.

1 **SEC. 421. COMPENSATION FOR DELAYED BAGGAGE.**

2 (a) **STUDY.**—The Comptroller General shall conduct  
3 a study to—

4 (1) examine delays in the delivery of checked  
5 baggage to passengers of air carriers; and

6 (2) make recommendations for establishing  
7 minimum standards to compensate a passenger in  
8 the case of an unreasonable delay in the delivery of  
9 checked baggage.

10 (b) **CONSIDERATION.**—In conducting the study, the  
11 Comptroller General shall take into account the additional  
12 fees for checked baggage that are imposed by many air  
13 carriers and how the additional fees should improve an  
14 air carrier's baggage performance.

15 (c) **REPORT.**—Not later than 180 days after the date  
16 of enactment of this Act, the Comptroller General shall  
17 transmit to Congress a report on the results of the study.

18 **SEC. 422. SCHEDULE REDUCTION.**

19 (a) **IN GENERAL.**—If the Administrator of the Fed-  
20 eral Aviation Administration determines that: (1) the air-  
21 craft operations of air carriers during any hour at an air-  
22 port exceeds the hourly maximum departure and arrival  
23 rate established by the Administrator for such operations;  
24 and (2) the operations in excess of the maximum depar-  
25 ture and arrival rate for such hour at such airport are  
26 likely to have a significant adverse effect on the national

1 or regional airspace system, the Administrator shall con-  
2 vene a conference of such carriers to reduce pursuant to  
3 section 41722, on a voluntary basis, the number of such  
4 operations to less than such maximum departure and ar-  
5 rival rate.

6 (b) NO AGREEMENT.—If the air carriers partici-  
7 pating in a conference with respect to an airport under  
8 subsection (a) are not able to agree to a reduction in the  
9 number of flights to and from the airport to less than the  
10 maximum departure and arrival rate, the Administrator  
11 shall take such action as is necessary to ensure such re-  
12 duction is implemented.

13 (c) QUARTERLY REPORTS.—Beginning 3 months  
14 after the date of enactment of this Act and every 3 months  
15 thereafter, the Administrator shall submit to Congress a  
16 report regarding scheduling at the 35 airports that have  
17 the greatest number of passenger enplanements, including  
18 each occurrence in which hourly scheduled aircraft oper-  
19 ations of air carriers at such an airport exceed the hourly  
20 maximum departure and arrival rate at any such airport.

21 **SEC. 423. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
22 **PLAINT INVESTIGATIONS.**

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

- 1 (1) flight cancellations;
- 2 (2) compliance with Federal regulations con-  
3 cerning overbooking seats on flights;
- 4 (3) lost, damaged, or delayed baggage, and dif-  
5 ficulties with related airline claims procedures;
- 6 (4) problems in obtaining refunds for unused or  
7 lost tickets or fare adjustments;
- 8 (5) incorrect or incomplete information about  
9 fares, discount fare conditions and availability, over-  
10 charges, and fare increases;
- 11 (6) the rights of passengers who hold frequent  
12 flier miles or equivalent redeemable awards earned  
13 through customer-loyalty programs; and
- 14 (7) deceptive or misleading advertising.

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

1 **SEC. 424. PROHIBITIONS AGAINST VOICE COMMUNICA-**  
2 **TIONS USING MOBILE COMMUNICATIONS DE-**  
3 **VICES ON SCHEDULED FLIGHTS.**

4 (a) IN GENERAL.—Subchapter I of chapter 417 of  
5 title 49, United States Code, is amended by adding at the  
6 end the following:

7 **“§ 41724. Prohibitions against voice communications**  
8 **using mobile communications devices on**  
9 **scheduled flights**

10 “(a) INTERSTATE AND INTRASTATE AIR TRANSPOR-  
11 TATION.—

12 “(1) IN GENERAL.—An individual may not en-  
13 gage in voice communications using a mobile com-  
14 munications device in an aircraft during a flight in  
15 scheduled passenger interstate air transportation or  
16 scheduled passenger intrastate air transportation.

17 “(2) EXCEPTIONS.—The prohibition described  
18 in paragraph (1) shall not apply to—

19 “(A) a member of the flight crew or flight  
20 attendants on an aircraft; or

21 “(B) a Federal law enforcement officer  
22 acting in an official capacity.

23 “(b) FOREIGN AIR TRANSPORTATION.—

24 “(1) IN GENERAL.—The Secretary of Transpor-  
25 tation shall require all air carriers and foreign air  
26 carriers to adopt the prohibition described in sub-

1 section (a) with respect to the operation of an air-  
2 craft in scheduled passenger foreign air transpor-  
3 tation.

4 “(2) ALTERNATE PROHIBITION.—If a foreign  
5 government objects to the application of paragraph  
6 (1) on the basis that paragraph (1) provides for an  
7 extraterritorial application of the laws of the United  
8 States, the Secretary may waive the application of  
9 paragraph (1) to a foreign air carrier licensed by  
10 that foreign government until such time as an alter-  
11 native prohibition on voice communications using a  
12 mobile communications device during flight is nego-  
13 tiated by the Secretary with such foreign govern-  
14 ment through bilateral negotiations.

15 “(c) DEFINITIONS.—In this section, the following  
16 definitions apply:

17 “(1) FLIGHT.—The term ‘flight’ means the pe-  
18 riod beginning when an aircraft takes off and ending  
19 when an aircraft lands.

20 “(2) VOICE COMMUNICATIONS USING A MOBILE  
21 COMMUNICATIONS DEVICE.—

22 “(A) INCLUSIONS.—The term ‘voice com-  
23 munications using a mobile communications de-  
24 vice’ includes voice communications using—

1                   “(i) a commercial mobile radio service  
2                   or other wireless communications device;

3                   “(ii) a broadband wireless device or  
4                   other wireless device that transmits data  
5                   packets using the Internet Protocol or  
6                   comparable technical standard; or

7                   “(iii) a device having voice override  
8                   capability.

9                   “(B) EXCLUSION.—Such term does not in-  
10                  clude voice communications using a phone in-  
11                  stalled on an aircraft.

12                  “(d) SAFETY REGULATIONS.—This section shall not  
13                  be construed to affect the authority of the Secretary to  
14                  impose limitations on voice communications using a mobile  
15                  communications device for safety reasons.

16                  “(e) REGULATIONS.—The Secretary shall prescribe  
17                  such regulations as are necessary to carry out this sec-  
18                  tion.”.

19                  (b) CLERICAL AMENDMENT.—The analysis for such  
20                  subchapter is amended by adding at the end the following:

                  “41724. Prohibitions against voice communications using mobile communica-  
                  tions devices on scheduled flights.”.

21                  **SEC. 425. ANTITRUST EXEMPTIONS.**

22                  (a) STUDY.—The Comptroller General shall conduct  
23                  a study of the legal requirements and policies followed by  
24                  the Department in deciding whether to approve inter-

1 national alliances under section 41309 of title 49, United  
2 States Code, and grant exemptions from the antitrust laws  
3 under section 41308 of such title in connection with such  
4 international alliances.

5 (b) ISSUES TO BE CONSIDERED.—In conducting the  
6 study under subsection (a), the Comptroller General, at  
7 a minimum, shall examine the following:

8 (1) Whether granting exemptions from the anti-  
9 trust laws in connection with international alliances  
10 has resulted in public benefits, including an analysis  
11 of whether such benefits could have been achieved by  
12 international alliances not receiving exemptions from  
13 the antitrust laws.

14 (2) Whether granting exemptions from the anti-  
15 trust laws in connection with international alliances  
16 has resulted in reduced competition, increased prices  
17 in markets, or other adverse effects.

18 (3) Whether international alliances that have  
19 been granted exemptions from the antitrust laws  
20 have implemented pricing or other practices with re-  
21 spect to the hub airports at which the alliances oper-  
22 ate that have resulted in increased costs for con-  
23 sumers or foreclosed competition by rival (nonalli-  
24 ance) air carriers at such airports.

1           (4) Whether increased network size resulting  
2           from additional international alliance members will  
3           adversely affect competition between international  
4           alliances.

5           (5) The areas in which immunized international  
6           alliances compete and whether there is sufficient  
7           competition among immunized international alliances  
8           to ensure that consumers will receive benefits of at  
9           least the same magnitude as those that consumers  
10          would receive if there were no immunized inter-  
11          national alliances.

12          (6) The minimum number of international alli-  
13          ances that is necessary to ensure robust competition  
14          and benefits to consumers on major international  
15          routes.

16          (7) Whether the different regulatory and anti-  
17          trust responsibilities of the Secretary and the Attor-  
18          ney General with respect to international alliances  
19          have created any significant conflicting agency rec-  
20          ommendations, such as the conditions imposed in  
21          granting exemptions from the antitrust laws.

22          (8) Whether, from an antitrust standpoint, re-  
23          quests for exemptions from the antitrust laws in  
24          connection with international alliances should be  
25          treated as mergers, and therefore be exclusively sub-

1       ject to a traditional merger analysis by the Attorney  
2       General and be subject to advance notification re-  
3       quirements and a confidential review process similar  
4       to those required under section 7A of the Clayton  
5       Act (15 U.S.C. 18a).

6           (9) Whether the Secretary should amend, mod-  
7       ify, or revoke any exemption from the antitrust laws  
8       granted by the Secretary in connection with an  
9       international alliance.

10          (10) The effect of international alliances on the  
11       number and quality of jobs for United States air  
12       carrier flight crew employees, including the share of  
13       alliance flying done by those employees.

14       (c) REPORT.—Not later than one year after the date  
15       of enactment of this Act, the Comptroller General shall  
16       submit to the Secretary of Transportation, the Committee  
17       on Transportation and Infrastructure of the House of  
18       Representatives, and the Committee on Commerce,  
19       Science, and Transportation of the Senate a report on the  
20       results of the study under subsection (a), including any  
21       recommendations of the Comptroller General as to wheth-  
22       er there should be changes in the authority of the Sec-  
23       retary under title 49, United States Code, or policy  
24       changes that the Secretary can implement administra-  
25       tively, with respect to approving international alliances

1 and granting exemptions from the antitrust laws in con-  
2 nection with such international alliances.

3 (d) ADOPTION OF RECOMMENDED POLICY  
4 CHANGES.—Not later than one year after the date of re-  
5 ceipt of the report under subsection (c), and after pro-  
6 viding notice and an opportunity for public comment, the  
7 Secretary shall issue a written determination as to wheth-  
8 er the Secretary will adopt the policy changes, if any, rec-  
9 ommended by the Comptroller General in the report or  
10 make any other policy changes with respect to approving  
11 international alliances and granting exemptions from the  
12 antitrust laws in connection with such international alli-  
13 ances.

14 (e) SUNSET PROVISION.—

15 (1) IN GENERAL.—An exemption from the anti-  
16 trust laws granted by the Secretary on or before the  
17 last day of the 3-year period beginning on the date  
18 of enactment of this Act in connection with an inter-  
19 national alliance, including an exemption granted be-  
20 fore the date of enactment of this Act, shall cease  
21 to be effective after such last day unless the exemp-  
22 tion is renewed by the Secretary.

23 (2) TIMING FOR RENEWALS.—The Secretary  
24 may not renew an exemption under paragraph (1)

1 before the date on which the Secretary issues a writ-  
2 ten determination under subsection (d).

3 (3) STANDARDS FOR RENEWALS.—The Sec-  
4 retary shall make a decision on whether to renew an  
5 exemption under paragraph (1) based on the policies  
6 of the Department in effect after the Secretary  
7 issues a written determination under subsection (d).

8 (f) DEFINITIONS.—In this section, the following defi-  
9 nitions apply:

10 (1) EXEMPTION FROM THE ANTITRUST  
11 LAWS.—The term “exemption from the antitrust  
12 laws” means an exemption from the antitrust laws  
13 granted by the Secretary under section 41308 of  
14 title 49, United States Code.

15 (2) IMMUNIZED INTERNATIONAL ALLIANCE.—  
16 The term “immunized international alliance” means  
17 an international alliance for which the Secretary has  
18 granted an exemption from the antitrust laws.

19 (3) INTERNATIONAL ALLIANCE.—The term  
20 “international alliance” means a cooperative agree-  
21 ment between an air carrier and a foreign air carrier  
22 to provide foreign air transportation subject to ap-  
23 proval or disapproval by the Secretary under section  
24 41309 of title 49, United States Code.

1 (4) DEPARTMENT.—The term “Department”  
2 means the Department of Transportation.

3 (5) SECRETARY.—The term “Secretary” means  
4 the Secretary of Transportation.

5 **TITLE V—ENVIRONMENTAL**  
6 **STEWARDSHIP AND STREAM-**  
7 **LINING**

8 **SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PRO-**  
9 **GRAM.**

10 Section 40128 is amended—

11 (1) in subsection (a)(1)(C) by inserting “or vol-  
12 untary agreement under subsection (b)(7)” before  
13 “for the park”;

14 (2) in subsection (a) by adding at the end the  
15 following:

16 “(5) EXEMPTION.—

17 “(A) IN GENERAL.—Notwithstanding para-  
18 graph (1), a national park that has 50 or fewer  
19 commercial air tour flights a year shall be ex-  
20 empt from the requirements of this section, ex-  
21 cept as provided in subparagraph (B).

22 “(B) WITHDRAWAL OF EXEMPTION.—If  
23 the Director determines that an air tour man-  
24 agement plan or voluntary agreement is nec-  
25 essary to protect park resources and values or

1 park visitor use and enjoyment, the Director  
2 shall withdraw the exemption of a park under  
3 subparagraph (A).

4 “(C) LIST OF PARKS.—The Director shall  
5 inform the Administrator, in writing, of each  
6 determination under subparagraph (B). The Di-  
7 rector and Administrator shall publish an an-  
8 nual list of national parks that are covered by  
9 the exemption provided by this paragraph.

10 “(D) ANNUAL REPORT.—A commercial air  
11 tour operator conducting commercial air tours  
12 in a national park that is exempt from the re-  
13 quirements of this section shall submit to the  
14 Administrator and the Director an annual re-  
15 port regarding the number of commercial air  
16 tour flights it conducts each year in such  
17 park.”;

18 (3) in subsection (b) by adding at the end the  
19 following:

20 “(7) VOLUNTARY AGREEMENTS.—

21 “(A) IN GENERAL.—As an alternative to  
22 an air tour management plan, the Director and  
23 the Administrator may enter into a voluntary  
24 agreement with a commercial air tour operator  
25 (including a new entrant applicant and an oper-

1           ator that has interim operating authority) that  
2           has applied to conduct air tour operations over  
3           a national park to manage commercial air tour  
4           operations over such national park.

5           “(B) PARK PROTECTION.—A voluntary  
6           agreement under this paragraph with respect to  
7           commercial air tour operations over a national  
8           park shall address the management issues nec-  
9           essary to protect the resources of such park and  
10          visitor use of such park without compromising  
11          aviation safety or the air traffic control system  
12          and may—

13                 “(i) include provisions such as those  
14                 described in subparagraphs (B) through  
15                 (E) of paragraph (3);

16                 “(ii) include provisions to ensure the  
17                 stability of, and compliance with, the vol-  
18                 untary agreement; and

19                 “(iii) provide for fees for such oper-  
20                 ations.

21          “(C) PUBLIC.—The Director and the Ad-  
22          ministrators shall provide an opportunity for  
23          public review of a proposed voluntary agree-  
24          ment under this paragraph and shall consult  
25          with any Indian tribe whose tribal lands are, or

1           may be, flown over by a commercial air tour op-  
2           erator under a voluntary agreement under this  
3           paragraph. After such opportunity for public re-  
4           view and consultation, the voluntary agreement  
5           may be implemented without further adminis-  
6           trative or environmental process beyond that  
7           described in this subsection.

8           “(D) TERMINATION.—A voluntary agree-  
9           ment under this paragraph may be terminated  
10          at any time at the discretion of the Director or  
11          the Administrator if the Director determines  
12          that the agreement is not adequately protecting  
13          park resources or visitor experiences or the Ad-  
14          ministrator determines that the agreement is  
15          adversely affecting aviation safety or the na-  
16          tional aviation system. If a voluntary agreement  
17          for a national park is terminated, the operators  
18          shall conform to the requirements for interim  
19          operating authority under subsection (c) until  
20          an air tour management plan for the park is in  
21          effect.”;

22          (4) in subsection (c) by striking paragraph  
23          (2)(I) and inserting the following:

24                 “(I) may allow for modifications of the in-  
25                 terim operating authority without further envi-

1           ronmental review beyond that described in this  
2           section if—

3                   “(i) adequate information regarding  
4                   the operator’s existing and proposed oper-  
5                   ations under the interim operating author-  
6                   ity is provided to the Administrator and  
7                   the Director;

8                   “(ii) the Administrator determines  
9                   that there would be no adverse impact on  
10                  aviation safety or the air traffic control  
11                  system; and

12                  “(iii) the Director agrees with the  
13                  modification, based on the Director’s pro-  
14                  fessional expertise regarding the protection  
15                  of the park resources and values and vis-  
16                  itor use and enjoyment.”;

17           (5) in subsection (c)(3)(A) by striking “if the  
18           Administrator determines” and all that follows  
19           through the period at the end and inserting “without  
20           further environmental process beyond that described  
21           in this paragraph if—

22                   “(i) adequate information on the oper-  
23                   ator’s proposed operations is provided to  
24                   the Administrator and the Director by the  
25                   operator making the request;

1           “(ii) the Administrator agrees that  
2           there would be no adverse impact on avia-  
3           tion safety or the air traffic control sys-  
4           tem; and

5           “(iii) the Director agrees, based on  
6           the Director’s professional expertise re-  
7           garding the protection of park resources  
8           and values and visitor use and enjoy-  
9           ment.”;

10           (6) by redesignating subsections (d), (e), and  
11           (f) as subsections (e), (f), and (g), respectively; and

12           (7) by inserting after subsection (c) the fol-  
13           lowing:

14           “(d) COMMERCIAL AIR TOUR OPERATOR RE-  
15           PORTS.—

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  
21           submit a report to the Administrator and Director  
22           regarding the number of its commercial air tour op-  
23           erations over each national park and such other in-  
24           formation as the Administrator and Director may

1 request 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 FAA Re-  
5 authorization Act of 2009, the Administrator and  
6 Director shall jointly issue an initial request for re-  
7 ports under this subsection. The reports shall be  
8 submitted to the Administrator and Director on a  
9 frequency and in a format prescribed by the Admin-  
10 istrator 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  
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and  
22 local environmental policy acts, Executive orders, agency  
23 regulations and guidance, and other Federal environ-  
24 mental requirements”.

1 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION  
2 REQUIREMENTS.—Section 47128 is amended by adding at  
3 the end the following:

4 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-  
5 TION REQUIREMENTS.—A Federal agency, other than the  
6 Federal Aviation Administration, that is responsible for  
7 issuing an approval, license, or permit to ensure compli-  
8 ance with a Federal environmental requirement applicable  
9 to a project or activity to be carried out by a State using  
10 amounts from a block grant made under this section  
11 shall—

12 “(1) coordinate and consult with the State;

13 “(2) use the environmental analysis prepared by  
14 the State for the project or activity if such analysis  
15 is adequate; and

16 “(3) supplement such analysis, as necessary, to  
17 meet applicable Federal requirements.”.

18 **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
19 **VIEWS.**

20 Section 47173(a) is amended by striking “services of  
21 consultants in order to” and all that follows through the  
22 period at the end and inserting “services of consultants—

23 “(1) to facilitate the timely processing, review,  
24 and completion of environmental activities associated  
25 with an airport development project;

1           “(2) to conduct special environmental studies  
2 related to an airport project funded with Federal  
3 funds;

4           “(3) to conduct special studies or reviews to  
5 support approved noise compatibility measures de-  
6 scribed in part 150 of title 14, Code of Federal Reg-  
7 ulations; or

8           “(4) to conduct special studies or reviews to  
9 support environmental mitigation in a record of deci-  
10 sion or finding of no significant impact by the Fed-  
11 eral Aviation Administration.”.

12 **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
13 **PROCEDURES.**

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

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

18           “(1) IN GENERAL.—In accordance with sub-  
19 section (c)(1), the Secretary may make a grant to an  
20 airport operator to assist in completing environ-  
21 mental review and assessment activities for pro-  
22 posals to implement flight procedures at such airport  
23 that have been approved as part of an airport noise  
24 compatibility program under subsection (b).

1           “(2) ADDITIONAL STAFF.—The Administrator  
2           may accept funds from an airport operator, includ-  
3           ing funds provided to the operator under paragraph  
4           (1), to hire additional staff or obtain the services of  
5           consultants in order to facilitate the timely proc-  
6           essing, review, and completion of environmental ac-  
7           tivities associated with proposals to implement flight  
8           procedures at such airport that have been approved  
9           as part of an airport noise compatibility program  
10          under subsection (b).

11          “(3) RECEIPTS CREDITED AS OFFSETTING COL-  
12          LECTIONS.—Notwithstanding section 3302 of title  
13          31, any funds accepted under this section—

14                 “(A) shall be credited as offsetting collec-  
15                 tions to the account that finances the activities  
16                 and services for which the funds are accepted;

17                 “(B) shall be available for expenditure only  
18                 to pay the costs of activities and services for  
19                 which the funds are accepted; and

20                 “(C) shall remain available until ex-  
21                 pended.”.

1 **SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLE-**  
2 **MENTATION PARTNERSHIP.**

3 (a) COOPERATIVE AGREEMENT.—Subchapter I of  
4 chapter 475 is amended by adding at the end the fol-  
5 lowing:

6 **“§ 47511. CLEEN research, development, and imple-**  
7 **mentation partnership**

8 “(a) IN GENERAL.—The Administrator of the Fed-  
9 eral Aviation Administration, in coordination with the Ad-  
10 ministrator of the National Aeronautics and Space Admin-  
11 istration, shall enter into a cooperative agreement, using  
12 a competitive process, with an institution, entity, or con-  
13 sortium to carry out a program for the development, ma-  
14 turing, and certification of CLEEN engine and airframe  
15 technology for aircraft over the next 10 years.

16 “(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY  
17 DEFINED.—In this section, the term ‘CLEEN engine and  
18 airframe technology’ means continuous lower energy,  
19 emissions, and noise engine and airframe technology.

20 “(c) PERFORMANCE OBJECTIVE.—The Adminis-  
21 trator of the Federal Aviation Administration, in coordina-  
22 tion with the Administrator of the National Aeronautics  
23 and Space Administration, shall establish the following  
24 performance objectives for the program, to be achieved by  
25 September 30, 2016:

1           “(1) Development of certifiable aircraft tech-  
2 nology that reduces fuel burn by 33 percent com-  
3 pared to current technology, reducing energy con-  
4 sumption and greenhouse gas emissions.

5           “(2) Development of certifiable engine tech-  
6 nology that reduces landing and takeoff cycle nitro-  
7 gen oxide emissions by 60 percent, at a pressure  
8 ratio of 30, over the International Civil Aviation Or-  
9 ganization standard adopted at the 6th Meeting of  
10 the Committee on Aviation Environmental Protec-  
11 tion, with commensurate reductions over the full  
12 pressure ratio range, while limiting or reducing  
13 other gaseous or particle emissions.

14           “(3) Development of certifiable aircraft tech-  
15 nology that reduces noise levels by 32 Effective Per-  
16 ceived Noise Level in Decibels cumulative, relative to  
17 Stage 4 standards.

18           “(4) Determination of the feasibility of the use  
19 of alternative fuels in aircraft systems, including  
20 successful demonstration and quantification of the  
21 benefits of such fuels.

22           “(5) Determination of the extent to which new  
23 engine and aircraft technologies may be used to ret-  
24 rofit or re-engine aircraft to increase the integration

1 of retrofitted and re-engined aircraft into the com-  
2 mercial fleet.

3 “(d) FUNDING.—Of amounts appropriated under sec-  
4 tion 48102(a), not more than the following amounts may  
5 be used to carry out this section:

6 “(1) \$20,000,000 for fiscal year 2009.

7 “(2) \$25,000,000 for fiscal year 2010.

8 “(3) \$33,000,000 for fiscal year 2011.

9 “(4) \$50,000,000 for fiscal year 2012.

10 “(e) REPORT.—Beginning in fiscal year 2010, the  
11 Administrator of the Federal Aviation Administration  
12 shall publish an annual report on the program established  
13 under this section until completion of the program.”.

14 (b) CLERICAL AMENDMENT.—The analysis for such  
15 subchapter is amended by adding at the end the following:  
“47511. CLEEN research, development, and implementation partnership.”.

16 **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**  
17 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**  
18 **PLYING WITH STAGE 3 NOISE LEVELS.**

19 (a) IN GENERAL.—Subchapter II of chapter 475 is  
20 amended by adding at the end the following:

21 **“§ 47534. Prohibition on operating certain aircraft**  
22 **weighing 75,000 pounds or less not com-**  
23 **plying with stage 3 noise levels**

24 “(a) PROHIBITION.—Except as provided in sub-  
25 section (b), (c), or (d), after December 31, 2013, a person

1 may not operate a civil subsonic jet airplane with a max-  
2 imum weight of 75,000 pounds or less, and for which an  
3 airworthiness certificate (other than an experimental cer-  
4 tificate) has been issued, to or from an airport in the  
5 United States unless the Secretary of Transportation  
6 finds that the aircraft complies with stage 3 noise levels.

7 “(b) EXCEPTION.—Subsection (a) shall not apply to  
8 aircraft operated only outside the 48 contiguous States.

9 “(c) EXCEPTIONS.—The Secretary may allow tem-  
10 porary operation of an airplane otherwise prohibited from  
11 operation under subsection (a) to or from an airport in  
12 the contiguous United States by granting a special flight  
13 authorization for one or more of the following cir-  
14 cumstances:

15 “(1) To sell, lease, or use the aircraft outside  
16 the 48 contiguous States.

17 “(2) To scrap the aircraft.

18 “(3) To obtain modifications to the aircraft to  
19 meet stage 3 noise levels.

20 “(4) To perform scheduled heavy maintenance  
21 or significant modifications on the aircraft at a  
22 maintenance facility located in the contiguous 48  
23 States.

1           “(5) To deliver the aircraft to an operator leas-  
2           ing the aircraft from the owner or return the air-  
3           craft to the lessor.

4           “(6) To prepare, park, or store the aircraft in  
5           anticipation of any of the activities described in  
6           paragraphs (1) through (5).

7           “(7) To provide transport of persons and goods  
8           in the relief of emergency situations.

9           “(8) To divert the aircraft to an alternative air  
10          port in the 48 contiguous States on account of  
11          weather, mechanical, fuel, air traffic control, or  
12          other safety reasons while conducting a flight in  
13          order to perform any of the activities described in  
14          paragraphs (1) through (7).

15          “(d) STATUTORY CONSTRUCTION.—Nothing in the  
16          section may be construed as interfering with, nullifying,  
17          or otherwise affecting determinations made by the Federal  
18          Aviation Administration, or to be made by the Administra-  
19          tion, with respect to applications under part 161 of title  
20          14, Code of Federal Regulations, that were pending on  
21          the date of enactment of this section.”.

22          (b) CONFORMING AMENDMENTS.—

23                  (1) Section 47531 is amended—

24                          (A) in the section heading by striking “**for**  
25                          **violating sections 47528–47530**”; and

1 (B) by striking “47529, or 47530” and in-  
2 serting “47529, 47530, or 47534”.

3 (2) Section 47532 is amended by inserting “or  
4 47534” after “47528–47531”.

5 (3) The analysis for chapter 475 is amended—

6 (A) by striking the item relating to section  
7 47531 and inserting the following:

“47531. Penalties.”;

8 and

9 (B) by inserting after the item relating to  
10 section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with stage 3 noise levels.”.

11 **SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

12 (a) **ESTABLISHMENT.**—The Secretary of Transpor-  
13 tation shall establish a pilot program to carry out not  
14 more than 6 environmental mitigation demonstration  
15 projects at public-use airports.

16 (b) **GRANTS.**—In implementing the program, the Sec-  
17 retary may make a grant to the sponsor of a public-use  
18 airport from funds apportioned under section  
19 47117(e)(1)(A) of title 49, United States Code, to carry  
20 out an environmental mitigation demonstration project to  
21 measurably reduce or mitigate aviation impacts on noise,  
22 air quality, or water quality in the vicinity of the airport.

1 (c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—

2 An environmental mitigation demonstration project that  
3 receives funds made available under this section may be  
4 considered an eligible airport-related project for purposes  
5 of section 40117 of such title.

6 (d) SELECTION CRITERIA.—In selecting among ap-  
7 plicants for participation in the program, the Secretary  
8 shall give priority consideration to applicants proposing to  
9 carry out environmental mitigation demonstration projects  
10 that will—

11 (1) achieve the greatest reductions in aircraft  
12 noise, airport emissions, or airport water quality im-  
13 pacts either on an absolute basis or on a per dollar  
14 of funds expended basis; and

15 (2) be implemented by an eligible consortium.

16 (e) FEDERAL SHARE.—Notwithstanding any provi-  
17 sion of subchapter I of chapter 471 of such title, the  
18 United States Government share of allowable project costs  
19 of an environmental mitigation demonstration project car-  
20 ried out under this section shall be 50 percent.

21 (f) MAXIMUM AMOUNT.—The Secretary may not  
22 make grants for a single environmental mitigation dem-  
23 onstration project under this section in a total amount  
24 that exceeds \$2,500,000.

1 (g) PUBLICATION OF INFORMATION.—The Secretary  
2 may develop and publish information on the results of en-  
3 vironmental mitigation demonstration projects carried out  
4 under this section, including information identifying best  
5 practices for reducing or mitigating aviation impacts on  
6 noise, air quality, or water quality in the vicinity of air-  
7 ports.

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

10 (1) ELIGIBLE CONSORTIUM.—The term “eligi-  
11 ble consortium” means a consortium of 2 or more of  
12 the following entities:

13 (A) A business incorporated in the United  
14 States.

15 (B) A public or private educational or re-  
16 search organization located in the United  
17 States.

18 (C) An entity of a State or local govern-  
19 ment.

20 (D) A Federal laboratory.

21 (2) ENVIRONMENTAL MITIGATION DEMONSTRA-  
22 TION PROJECT.—The term “environmental mitiga-  
23 tion demonstration project” means a project that—

24 (A) demonstrates at a public-use airport  
25 environmental mitigation techniques or tech-

1 nologies with associated benefits, which have al-  
2 ready been proven in laboratory demonstra-  
3 tions;

4 (B) utilizes methods for efficient adapta-  
5 tion or integration of innovative concepts to air-  
6 port operations; and

7 (C) demonstrates whether a technique or  
8 technology for environmental mitigation identi-  
9 fied in research is—

10 (i) practical to implement at or near  
11 multiple public-use airports; and

12 (ii) capable of reducing noise, airport  
13 emissions, greenhouse gas emissions, or  
14 water quality impacts in measurably sig-  
15 nificant amounts.

16 **SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**  
17 **PILOT PROGRAM.**

18 (a) IN GENERAL.—The Secretary of Transportation  
19 shall carry out a pilot program at not more than 5 public-  
20 use airports under which the Federal Aviation Administra-  
21 tion shall use funds made available under section 48101(a)  
22 to test air traffic flow management tools, methodologies,  
23 and procedures that will allow air traffic controllers of the  
24 Administration to better manage the flow of aircraft on

1 the ground and reduce the length of ground holds and  
2 idling time for aircraft.

3 (b) SELECTION CRITERIA.—In selecting from among  
4 airports at which to conduct the pilot program, the Sec-  
5 retary shall give priority consideration to airports at which  
6 improvements in ground control efficiencies are likely to  
7 achieve the greatest fuel savings or air quality or other  
8 environmental benefits, as measured by the amount of re-  
9 duced fuel, reduced emissions, or other environmental ben-  
10 efits per dollar of funds expended under the pilot program.

11 (c) MAXIMUM AMOUNT.—Not more than a total of  
12 \$5,000,000 may be expended under the pilot program at  
13 any single public-use airport.

14 (d) REPORT TO CONGRESS.—Not later than 3 years  
15 after the date of the enactment of this section, the Sec-  
16 retary shall submit to the Committee on Transportation  
17 and Infrastructure of the House of Representatives and  
18 the Committee on Commerce, Science, and Transportation  
19 of the Senate a report containing—

20 (1) an evaluation of the effectiveness of the  
21 pilot program, including an assessment of the tools,  
22 methodologies, and procedures that provided the  
23 greatest fuel savings and air quality and other envi-  
24 ronmental benefits, and any impacts on safety, ca-  
25 pacity, or efficiency of the air traffic control system

1 or the airports at which affected aircraft were oper-  
2 ating;

3 (2) an identification of anticipated benefits  
4 from implementation of the tools, methodologies,  
5 and procedures developed under the pilot program at  
6 other airports;

7 (3) a plan for implementing the tools, meth-  
8 odologies, and procedures developed under the pilot  
9 program at other airports or the Secretary's reasons  
10 for not implementing such measures at other air-  
11 ports; and

12 (4) such other information as the Secretary  
13 considers appropriate.

14 **SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR**  
15 **TRAFFIC CONTROL FACILITIES.**

16 (a) **IN GENERAL.**—The Administrator of the Federal  
17 Aviation Administration shall implement, to the maximum  
18 extent practicable, sustainable practices for the incorpora-  
19 tion of energy-efficient design, equipment, systems, and  
20 other measures in the construction and major renovation  
21 of air traffic control facilities of the Administration in  
22 order to reduce energy consumption and improve the envi-  
23 ronmental performance of such facilities.

24 (b) **AUTHORIZATION.**—Of amounts appropriated  
25 under section 48101(a) of title 49, United States Code,

1 such sums as may be necessary may be used to carry out  
2 this section.

3 **SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT**  
4 **ENGINE NOISE AND EMISSIONS STANDARDS.**

5 (a) INDEPENDENT REVIEW.—The Administrator of  
6 the FAA shall make appropriate arrangements for the Na-  
7 tional Academy of Public Administration or another quali-  
8 fied independent entity to review, in consultation with the  
9 FAA and the EPA, whether it is desirable to locate the  
10 regulatory responsibility for the establishment of engine  
11 noise and emissions standards for civil aircraft within one  
12 of the agencies.

13 (b) CONSIDERATIONS.—The review shall be con-  
14 ducted so as to take into account—

15 (1) the interrelationships between aircraft en-  
16 gine noise and emissions;

17 (2) the need for aircraft engine noise and emis-  
18 sions to be evaluated and addressed in an integrated  
19 and comprehensive manner;

20 (3) the scientific expertise of the FAA and the  
21 EPA to evaluate aircraft engine emissions and noise  
22 impacts on the environment;

23 (4) expertise to interface environmental per-  
24 formance with ensuring the highest safe and reliable  
25 engine performance of aircraft in flight;

1 (5) consistency of the regulatory responsibility  
2 with other missions of the FAA and the EPA;

3 (6) past effectiveness of the FAA and the EPA  
4 in carrying out the aviation environmental respon-  
5 sibilities assigned to the agency; and

6 (7) the international responsibility to represent  
7 the United States with respect to both engine noise  
8 and emissions standards for civil aircraft.

9 (c) REPORT TO CONGRESS.—Not later than 6  
10 months after the date of enactment of this Act, the Ad-  
11 ministrator of the FAA shall submit to Congress a report  
12 on the results of the review. The report shall include any  
13 recommendations developed as a result of the review and,  
14 if a transfer of responsibilities is recommended, a descrip-  
15 tion of the steps and timeline for implementation of the  
16 transfer.

17 (d) DEFINITIONS.—In this section, the following defi-  
18 nitions apply:

19 (1) EPA.—The term “EPA” means the Envi-  
20 ronmental Protection Agency.

21 (2) FAA.—The term “FAA” means the Fed-  
22 eral Aviation Administration.

23 **SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.**

24 The Administrator of the Federal Aviation Adminis-  
25 tration shall complete the air quality studies and analysis

1 started pursuant to section 815 of the Vision 100—Cen-  
2 tury of Aviation Reauthorization Act (49 U.S.C. 40101  
3 note; 117 Stat. 2592), including the collection of samples  
4 of the air onboard passenger aircraft by flight attendants  
5 and the testing and analyzation of such samples for con-  
6 taminants.

7 **SEC. 512. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the proposed European Union directive ex-  
10 tending the European Union’s emissions trading  
11 proposal to international civil aviation without work-  
12 ing through the International Civil Aviation Organi-  
13 zation (in this section referred to as the “ICAO”) in  
14 a consensus-based fashion is inconsistent with the  
15 Convention on International Civil Aviation, done at  
16 Chicago on December 7, 1944 (TIAS 1591; com-  
17 monly known as “Chicago Convention”), and other  
18 relevant air services agreements and antithetical to  
19 building international cooperation to address effec-  
20 tively the problem of greenhouse gas emissions by  
21 aircraft engaged in international civil aviation; and

22 (2) the European Union and its member states  
23 should instead work with other contracting states of  
24 the ICAO to develop a consensual approach to ad-



1 **TITLE VI—FAA EMPLOYEES AND**  
2 **ORGANIZATION**

3 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-**  
4 **SONNEL MANAGEMENT SYSTEM.**

5 (a) DISPUTE RESOLUTION.—Section 40122(a) is  
6 amended—

7 (1) by redesignating paragraphs (3) and (4) as  
8 paragraphs (5) and (6), respectively; and

9 (2) by striking paragraph (2) and inserting the  
10 following:

11 “(2) DISPUTE RESOLUTION.—

12 “(A) MEDIATION.—If the Administrator  
13 does not reach an agreement under paragraph  
14 (1) or the provisions referred to in subsection  
15 (g)(2)(C) with the exclusive bargaining rep-  
16 resentative of the employees, the Administrator  
17 and the bargaining representative—

18 “(i) shall use the services of the Fed-  
19 eral Mediation and Conciliation Service to  
20 attempt to reach such agreement in ac-  
21 cordance with part 1425 of title 29, Code  
22 of Federal Regulations (as in effect on the  
23 date of enactment of the FAA Reauthor-  
24 ization Act of 2009); or

1           “(ii) may by mutual agreement adopt  
2           alternative procedures for the resolution of  
3           disputes or impasses arising in the negotia-  
4           tion of the collective-bargaining agreement.

5           “(B) BINDING ARBITRATION.—

6           “(i) ASSISTANCE FROM FEDERAL  
7           SERVICE IMPASSES PANEL.—If the services  
8           of the Federal Mediation and Conciliation  
9           Service under subparagraph (A)(i) do not  
10          lead to an agreement, the Administrator  
11          and the exclusive bargaining representative  
12          of the employees (in this subparagraph re-  
13          ferred to as the ‘parties’) shall submit  
14          their issues in controversy to the Federal  
15          Service Impasses Panel. The Panel shall  
16          assist the parties in resolving the impasse  
17          by asserting jurisdiction and ordering bind-  
18          ing arbitration by a private arbitration  
19          board consisting of 3 members.

20          “(ii) APPOINTMENT OF ARBITRATION  
21          BOARD.—The Executive Director of the  
22          Panel shall provide for the appointment of  
23          the 3 members of a private arbitration  
24          board under clause (i) by requesting the  
25          Director of the Federal Mediation and

1 Conciliation Service to prepare a list of not  
2 less than 15 names of arbitrators with  
3 Federal sector experience and by providing  
4 the list to the parties. Within 10 days of  
5 receiving the list, the parties shall each se-  
6 lect one person from the list. The 2 arbi-  
7 trators selected by the parties shall then  
8 select a third person from the list within 7  
9 days. If either of the parties fails to select  
10 a person or if the 2 arbitrators are unable  
11 to agree on the third person within 7 days,  
12 the parties shall make the selection by al-  
13 ternately striking names on the list until  
14 one arbitrator remains.

15 “(iii) FRAMING ISSUES IN CON-  
16 TROVERSY.—If the parties do not agree on  
17 the framing of the issues to be submitted  
18 for arbitration, the arbitration board shall  
19 frame the issues.

20 “(iv) HEARINGS.—The arbitration  
21 board shall give the parties a full and fair  
22 hearing, including an opportunity to  
23 present evidence in support of their claims  
24 and an opportunity to present their case in

1 person, by counsel, or by other representa-  
2 tive as they may elect.

3 “(v) DECISIONS.—The arbitration  
4 board shall render its decision within 90  
5 days after the date of its appointment. De-  
6 cisions of the arbitration board shall be  
7 conclusive and binding upon the parties.

8 “(vi) COSTS.—The parties shall share  
9 costs of the arbitration equally.

10 “(3) RATIFICATION OF AGREEMENTS.—Upon  
11 reaching a voluntary agreement or at the conclusion  
12 of the binding arbitration under paragraph (2)(B),  
13 the final agreement, except for those matters de-  
14 cided by an arbitration board, shall be subject to  
15 ratification by the exclusive bargaining representa-  
16 tive of the employees, if so requested by the bar-  
17 gaining representative, and approval by the head of  
18 the agency in accordance with the provisions re-  
19 ferred to in subsection (g)(2)(C).

20 “(4) ENFORCEMENT.—

21 “(A) ENFORCEMENT ACTIONS IN UNITED  
22 STATES COURTS.—Each United States district  
23 court and each United States court of a place  
24 subject to the jurisdiction of the United States  
25 shall have jurisdiction of enforcement actions

1 brought under this section. Such an action may  
2 be brought in any judicial district in the State  
3 in which the violation of this section is alleged  
4 to have been committed, the judicial district in  
5 which the Federal Aviation Administration has  
6 its principal office, or the District of Columbia.

7 “(B) ATTORNEY FEES.—The court may  
8 assess against the Federal Aviation Administra-  
9 tion reasonable attorney fees and other litiga-  
10 tion costs reasonably incurred in any case  
11 under this section in which the complainant has  
12 substantially prevailed.”.

13 (b) APPLICATION.—On and after the date of enact-  
14 ment of this Act, any changes implemented by the Admin-  
15 istrator of the Federal Aviation Administration on and  
16 after July 10, 2005, under section 40122(a) of title 49,  
17 United States Code (as in effect on the day before such  
18 date of enactment), without the agreement of the exclusive  
19 bargaining representative of the employees of the Adminis-  
20 tration certified under section 7111 of title 5, United  
21 States Code, shall be null and void and the parties shall  
22 be governed by their last mutual agreement before the im-  
23 plementation of such changes. The Administrator and the  
24 bargaining representative shall resume negotiations  
25 promptly, and, subject to subsection (c), their last mutual

1 agreement shall be in effect until a new contract is adopt-  
2 ed by the Administrator and the bargaining representa-  
3 tive. If an agreement is not reached within 45 days after  
4 the date on which negotiations resume, the Administrator  
5 and the bargaining representative shall submit their issues  
6 in controversy to the Federal Service Impasses Panel in  
7 accordance with section 7119 of title 5, United States  
8 Code, for binding arbitration in accordance with para-  
9 graphs (2)(B), (3), and (4) of section 40122(a) of title  
10 49, United States Code (as amended by subsection (a) of  
11 this section).

12 (c) SAVINGS CLAUSE.—All cost of living adjustments  
13 and other pay increases, lump sum payments to employ-  
14 ees, and leave and other benefit accruals implemented as  
15 part of the changes referred to in subsection (b) may not  
16 be reversed unless such reversal is part of the calculation  
17 of back pay under subsection (d). The Administrator shall  
18 waive any overpayment paid to, and not collect any funds  
19 for such overpayment, from former employees of the Ad-  
20 ministration who received lump sum payments prior to  
21 their separation from the Administration.

22 (d) BACK PAY.—

23 (1) IN GENERAL.—Employees subject to  
24 changes referred to in subsection (b) that are deter-  
25 mined to be null and void under subsection (b) shall

1 be eligible for pay that the employees would have re-  
2 ceived under the last mutual agreement between the  
3 Administrator and the exclusive bargaining rep-  
4 resentative of such employees before the date of en-  
5 actment of this Act and any changes were imple-  
6 mented without agreement of the bargaining rep-  
7 resentative. The Administrator shall pay the employ-  
8 ees such pay subject to the availability of amounts  
9 appropriated to carry out this subsection. If the ap-  
10 propriated funds do not cover all claims of the em-  
11 ployees for such pay, the Administrator and the bar-  
12 gaining representative, pursuant to negotiations con-  
13 ducted in accordance with section 40122(a) of title  
14 49, United States Code (as amended by subsection  
15 (a) of this section), shall determine the allocation of  
16 the appropriated funds among the employees on a  
17 pro rata basis.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—  
19 There is authorized to be appropriated \$20,000,000  
20 to carry out this subsection.

21 (e) INTERIM AGREEMENT.—If the Administrator and  
22 the exclusive bargaining representative of the employees  
23 subject to the changes referred to in subsection (b) reach  
24 a final and binding agreement with respect to such  
25 changes before the date of enactment of this Act, such

1 agreement shall supersede any changes implemented by  
2 the Administrator under section 40122(a) of title 49,  
3 United States Code (as in effect on the day before such  
4 date of enactment), without the agreement of the bar-  
5 gaining representative, and subsections (b) and (c) shall  
6 not take effect.

7 **SEC. 602. APPLICABILITY OF BACK PAY REQUIREMENTS.**

8 (a) **APPLICABILITY OF BACK PAY REQUIREMENTS.—**

9 Section 40122(g)(2) is amended—

10 (1) by striking “and” at the end of subpara-  
11 graph (G);

12 (2) by striking the period at the end of sub-  
13 paragraph (H) and inserting “; and”; and

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

15 “(I) section 5596, relating to back pay.”.

16 (b) **APPLICABILITY.—**

17 (1) **IN GENERAL.—**The amendment made by  
18 subsection (a) shall apply to—

19 (A) all proceedings pending on, or com-  
20 menced after, the date of enactment of this Act  
21 in which an employee of the Federal Aviation  
22 Administration is seeking relief under section  
23 5596 of title 5, United States Code, that was  
24 available as of March 31, 1996; and

1 (B) subject to paragraph (2), personnel ac-  
2 tions of the Federal Aviation Administration  
3 under section 5596 of such title occurring be-  
4 fore the date of enactment of this Act.

5 (2) SPECIAL RULE.—The authority of the Merit  
6 Systems Protection Board to provide a remedy  
7 under section 5596 of such title, with respect to a  
8 personnel action of the Federal Aviation Administra-  
9 tion occurring before the date of enactment of this  
10 Act, shall be limited to cases in which—

11 (A) the Board, before such date of enact-  
12 ment, found that the Federal Aviation Adminis-  
13 tration committed an unjustified or unwar-  
14 ranted personnel action but ruled that the  
15 Board did not have the authority to provide a  
16 remedy for the personnel action under section  
17 5596 of such title; and

18 (B) a petition for review is filed with the  
19 clerk of the Board not later than 6 months  
20 after such date of enactment.

21 **SEC. 603. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-**  
22 **EES.**

23 Section 40122(g)(3) of title 49, United States Code,  
24 is amended by adding at the end the following: “Notwith-  
25 standing any other provision of law, retroactive to April

1 1, 1996, the Board shall have the same remedial authority  
2 over such employee appeals that it had as of March 31,  
3 1996.”.

4 **SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Comptroller General  
7 shall conduct a study on the training of the airway  
8 transportation systems specialists of the Federal  
9 Aviation Administration (in this section referred to  
10 as “FAA systems specialists”).

11 (2) CONTENTS.—The study shall—

12 (A) include an analysis of the type of  
13 training provided to FAA systems specialists;

14 (B) include an analysis of the type of  
15 training that FAA systems specialists need to  
16 be proficient on the maintenance of latest tech-  
17 nologies;

18 (C) include a description of actions that  
19 the Administration has undertaken to ensure  
20 that FAA systems specialists receive up-to-date  
21 training on the latest technologies;

22 (D) identify the amount and cost of FAA  
23 systems specialists training provided by ven-  
24 dors;

1 (E) identify the amount and cost of FAA  
2 systems specialists training provided by the Ad-  
3 ministration after developing courses for the  
4 training of such specialists;

5 (F) identify the amount and cost of travel  
6 that is required of FAA systems specialists in  
7 receiving training; and

8 (G) include a recommendation regarding  
9 the most cost-effective approach to providing  
10 FAA systems specialists training.

11 (3) REPORT.—Not later than 1 year after the  
12 date of enactment of this Act, the Comptroller Gen-  
13 eral shall submit to the Committee on Transpor-  
14 tation and Infrastructure of the House of Represent-  
15 atives and the Committee on Commerce, Science,  
16 and Transportation of the Senate a report on the re-  
17 sults of the study.

18 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

19 (1) STUDY BY NATIONAL ACADEMY OF  
20 SCIENCES.—Not later than 90 days after the date of  
21 enactment of this Act, the Administrator of the Fed-  
22 eral Aviation Administration shall make appropriate  
23 arrangements for the National Academy of Sciences  
24 to conduct a study of the assumptions and methods  
25 used by the Federal Aviation Administration to esti-

1       mate staffing needs for FAA systems specialists to  
2       ensure proper maintenance and certification of the  
3       national airspace system.

4           (2) CONTENTS.—The study shall be conducted  
5       so as to provide the following:

6           (A) A suggested method of modifying FAA  
7       systems specialists staffing models for applica-  
8       tion to current local conditions or applying  
9       some other approach to developing an objective  
10      staffing standard.

11          (B) The approximate cost and length of  
12      time for developing such models.

13          (3) CONSULTATION.—In conducting the study,  
14      the National Academy of Sciences shall consult with  
15      the exclusive bargaining representative of employees  
16      of the Federal Aviation Administration certified  
17      under section 7111 of title 5, United States Code,  
18      and the Administrator of the Federal Aviation Ad-  
19      ministration.

20          (4) REPORT.—Not later than one year after the  
21      initiation of the arrangements under subsection (a),  
22      the National Academy of Sciences shall submit to  
23      Congress a report on the results of the study.

1 **SEC. 605. DESIGNEE PROGRAM.**

2 (a) REPORT.—Not later than 18 months after the  
3 date of enactment of this Act, the Comptroller General  
4 shall submit to the Committee on Transportation and In-  
5 frastructure of the House of Representatives and the Com-  
6 mittee on Commerce, Science, and Transportation of the  
7 Senate a report on the status of recommendations made  
8 by the Government Accountability Office in its October  
9 2004 report, “Aviation Safety: FAA Needs to Strengthen  
10 Management of Its Designee Programs” (GAO–05–40).

11 (b) CONTENTS.—The report shall include—

12 (1) an assessment of the extent to which the  
13 Federal Aviation Administration has responded to  
14 recommendations of the Government Accountability  
15 Office referred to in subsection (a);

16 (2) an identification of improvements, if any,  
17 that have been made to the designee programs re-  
18 ferred to in the report of the Office as a result of  
19 such recommendations;

20 (3) an identification of further action that is  
21 needed to implement such recommendations, im-  
22 prove the Administration’s management control of  
23 the designee programs, and increase assurance that  
24 designees meet the Administration’s performance  
25 standards; and

1           (4) an assessment of the Administration's orga-  
2           nizational delegation and designee programs and a  
3           determination as to whether the Administration has  
4           sufficient monitoring and surveillance programs in  
5           place to properly oversee these programs.

6   **SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPEC-**  
7                                   **TORS.**

8           (a) IN GENERAL.—Not later than October 31, 2009,  
9           the Administrator of the Federal Aviation Administration  
10          shall develop a staffing model for aviation safety inspec-  
11          tors. In developing the model, the Administrator shall fol-  
12          low the recommendations outlined in the 2007 study re-  
13          leased by the National Academy of Sciences entitled  
14          “Staffing Standards for Aviation Safety Inspectors” and  
15          consult with interested persons, including the exclusive  
16          collective bargaining representative of the aviation safety  
17          inspectors.

18          (b) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated such sums as may be  
20          necessary to carry out this section.

21   **SEC. 607. SAFETY CRITICAL STAFFING.**

22          (a) SAFETY INSPECTORS.—The Administrator of the  
23          Federal Aviation Administration shall increase the number  
24          of safety critical positions in the Flight Standards Service  
25          and Aircraft Certification Service for a fiscal year com-

1 mensurate with the funding levels provided in subsection  
2 (b) for the fiscal year. Such increases shall be measured  
3 relative to the number of persons serving in safety critical  
4 positions as of September 30, 2008.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
6 tion to amounts authorized by section 106(k) of title 49,  
7 United States Code, there is authorized to be appropriated  
8 to carry out subsection (a)—

- 9 (1) \$45,000,000 for fiscal year 2010;  
10 (2) \$138,000,000 for fiscal year 2011; and  
11 (3) \$235,000,000 for fiscal year 2012.

12 Such sums shall remain available until expended.

13 (c) IMPLEMENTATION OF STAFFING STANDARDS.—  
14 Notwithstanding any other provision of this section, upon  
15 completion of the flight standards service staffing model  
16 under section 605 of this Act, and validation of the model  
17 by the Administrator, there are authorized to be appro-  
18 priated such sums as may be necessary to support the  
19 number of aviation safety inspectors, safety technical spe-  
20 cialists, and operation support positions that such model  
21 determines are required to meet the responsibilities of the  
22 Flight Standards Service.

23 (d) SAFETY CRITICAL POSITIONS DEFINED.—In this  
24 section, the term “safety critical positions” means—

1           (1) aviation safety inspectors, safety technical  
2           specialists, and operations support positions in the  
3           Flight Standards Service (as such terms are used in  
4           the Administration's fiscal year 2009 congressional  
5           budget justification); and

6           (2) manufacturing safety inspectors, pilots, en-  
7           gineers, Chief Scientist Technical Advisors, safety  
8           technical specialists, and operational support posi-  
9           tions in the Aircraft Certification Service (as such  
10          terms are used in the Administration's fiscal year  
11          2009 congressional budget justification).

12 **SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.**

13          (a) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—  
14          Not later than 90 days after the date of enactment of this  
15          Act, the Administrator of the Federal Aviation Adminis-  
16          tration shall enter into appropriate arrangements with the  
17          National Academy of Sciences to conduct a study of the  
18          assumptions and methods used by the Federal Aviation  
19          Administration (in this section referred to as the "FAA")  
20          to estimate staffing needs for FAA air traffic controllers  
21          to ensure the safe operation of the national airspace sys-  
22          tem.

23          (b) **CONSULTATION.**—In conducting the study, the  
24          National Academy of Sciences shall consult with the exclu-  
25          sive bargaining representative of employees of the FAA

1 certified under section 7111 of title 5, United States Code,  
2 the Administrator of the Federal Aviation Administration,  
3 and representatives of the Civil Aeronautical Medical In-  
4 stitute.

5 (c) CONTENTS.—The study shall include an examina-  
6 tion of representative information on human factors, traf-  
7 fic activity, and the technology and equipment used in air  
8 traffic control.

9 (d) RECOMMENDATIONS AND ESTIMATES.—In con-  
10 ducting the study, the National Academy of Sciences shall  
11 develop—

12 (1) recommendations for the development by  
13 the FAA of objective staffing standards to maintain  
14 the safety and efficiency of the national airspace sys-  
15 tem with current and future projected air traffic lev-  
16 els; and

17 (2) estimates of cost and schedule for the devel-  
18 opment of such standards by the FAA or its con-  
19 tractors.

20 (e) REPORT.—Not later than 18 months after the  
21 date of enactment of this Act, the National Academy of  
22 Sciences shall submit to the Committee on Transportation  
23 and Infrastructure of the House of Representatives and  
24 the Committee on Commerce, Science, and Transportation  
25 of the Senate a report on the results of the study.

1 **SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**  
2 **TRAFFIC CONTROLLERS.**

3 (a) **STUDY.**—The Administrator of the Federal Avia-  
4 tion Administration shall conduct a study to assess the  
5 adequacy of training programs for air traffic controllers.

6 (b) **CONTENTS.**—The study shall include—

7 (1) a review of the current training system for  
8 air traffic controllers;

9 (2) an analysis of the competencies required of  
10 air traffic controllers for successful performance in  
11 the current air traffic control environment;

12 (3) an analysis of competencies required of air  
13 traffic controllers as the Federal Aviation Adminis-  
14 tration transitions to the Next Generation Air  
15 Transportation System; and

16 (4) an analysis of various training approaches  
17 available to satisfy the controller competencies iden-  
18 tified under paragraphs (2) and (3).

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

1 **SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.**

2 (a) STUDY.—The Administrator of the Federal Avia-  
3 tion Administration shall conduct a study on training op-  
4 tions for graduates of the Collegiate Training Initiative  
5 program conducted under section 44506(c) of title 49  
6 United States Code. The study shall analyze the impact  
7 of providing as an alternative to the current training pro-  
8 vided at the Mike Monroney Aeronautical Center of the  
9 Administration a new controller orientation session for  
10 graduates of such programs at the Mike Monroney Aero-  
11 nautical Center followed by on-the-job training for newly  
12 hired air traffic controllers who are graduates of such pro-  
13 gram and shall include—

14 (1) the cost effectiveness of such an alternative  
15 training approach; and

16 (2) the effect that such an alternative training  
17 approach would have on the overall quality of train-  
18 ing received by graduates of such programs.

19 (b) REPORT.—Not later than 180 days after the date  
20 of enactment of this Act, the Administrator shall submit  
21 to the Committee on Transportation and Infrastructure  
22 of the House of Representatives and to the Committee on  
23 Commerce, Science, and Transportation of the Senate a  
24 report on the results of the study.

1 **SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
2 **CILITY CONDITIONS.**

3 (a) **ESTABLISHMENT.**—The Administrator of the  
4 Federal Aviation Administration shall establish a special  
5 task force to be known as the “FAA Task Force on Air  
6 Traffic Control Facility Conditions” (in this section re-  
7 ferred to as the “Task Force”).

8 (b) **MEMBERSHIP.**—

9 (1) **COMPOSITION.**—The Task Force shall be  
10 composed of 12 members of whom—

11 (A) 8 members shall be appointed by the  
12 Administrator; and

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

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

19 (A) 4 members shall be specialists on toxic  
20 mold abatement, “sick building syndrome,” and  
21 other hazardous building conditions that can  
22 lead to employee health concerns and shall be  
23 appointed by the Administrator in consultation  
24 with the Director of the National Institute for  
25 Occupational Safety and Health; and

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

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

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

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

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

17 (d) TASK FORCE PERSONNEL MATTERS.—

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

21 (2) STAFF OF FEDERAL AGENCIES.—Upon re-  
22 quest of the Chairperson of the Task Force, the  
23 head of any department or agency of the United  
24 States may detail, on a reimbursable basis, any of  
25 the personnel of that department or agency to the

1 Task Force to assist it in carrying out its duties  
2 under this section.

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

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

19 (f) DUTIES.—

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

22 (A) the conditions of all air traffic control  
23 facilities across the Nation, including towers,  
24 centers, and terminal radar air control;

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

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

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

14 (E) whether employees of the Administra-  
15 tion who report facility-related illnesses are  
16 treated fairly;

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

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

23 (2) FACILITY CONDITION INDICIES (FCI).—The  
24 Task Force shall review the facility condition  
25 indicies of the Administration (in this section re-

1       ferred to as the “FCI”) for inclusion in the rec-  
2       ommendations under subsection (g).

3       (g) RECOMMENDATIONS.—Based on the results of  
4 the study and review of the FCI under subsection (f), the  
5 Task Force shall make recommendations as it considers  
6 necessary to—

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

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

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

16       (h) REPORT.—Not later than 6 months after the date  
17 on which initial appointments of members to the Task  
18 Force are completed, the Task Force shall submit to the  
19 Administrator, the Committee on Transportation and In-  
20 frastructure of the House of Representatives, and the  
21 Committee on Commerce, Science, and Transportation of  
22 the Senate a report on the activities of the Task Force,  
23 including the recommendations of the Task Force under  
24 subsection (g).

1 (i) IMPLEMENTATION.—Within 30 days of the receipt  
2 of the Task Force report under subsection (h), the Admin-  
3 istrator shall submit to the Committee on Transportation  
4 and Infrastructure of the House of Representatives and  
5 the Committee on Commerce, Science, and Transportation  
6 of the Senate a report that includes a plan and timeline  
7 to implement the recommendations of the Task Force and  
8 to align future budgets and priorities of the Administra-  
9 tion accordingly.

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

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

16 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to the Secretary of  
18 Transportation \$250,000 to carry out this section.

## 19 **TITLE VII—AVIATION**

### 20 **INSURANCE**

#### 21 **SEC. 701. GENERAL AUTHORITY.**

22 (a) EXTENSION OF POLICIES.—Section 44302(f)(1)  
23 is amended—

24 (1) by striking “March 31, 2009” and inserting  
25 “September 30, 2012”; and

1           (2) by striking “May 31, 2009” and inserting  
2           “December 31, 2019”.

3           (b) SUCCESSOR PROGRAM.—Section 44302(f) is  
4 amended by adding at the end the following:

5           “(3) SUCCESSOR PROGRAM.—

6                   “(A) IN GENERAL.—After December 31,  
7                   2019, coverage for the risks specified in a policy  
8                   that has been extended under paragraph (1)  
9                   shall be provided in an airline industry spon-  
10                   sored risk retention or other risk-sharing ar-  
11                   rangement approved by the Secretary.

12                   “(B) TRANSFER OF PREMIUMS.—

13                           “(i) IN GENERAL.—On December 31,  
14                           2019, and except as provided in clause (ii),  
15                           premiums that are collected by the Sec-  
16                           retary from the airline industry after Sep-  
17                           tember 22, 2001, for any policy under this  
18                           subsection, and interest earned thereon, as  
19                           determined by the Secretary, shall be  
20                           transferred to an airline industry spon-  
21                           sored risk retention or other risk-sharing  
22                           arrangement approved by the Secretary.

23                           “(ii) DETERMINATION OF AMOUNT  
24                           TRANSFERRED.—The amount transferred  
25                           pursuant to clause (i) shall be less—

1                   “(I) the amount of any claims  
2                   paid out on such policies from Sep-  
3                   tember 22, 2001, through December  
4                   31, 2019;

5                   “(II) the amount of any claims  
6                   pending under such policies as of De-  
7                   cember 31, 2019; and

8                   “(III) the cost, as determined by  
9                   the Secretary, of administering the  
10                  provision of insurance policies under  
11                  this chapter from September 22,  
12                  2001, through December 31, 2019.”.

13 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD**  
14                   **PARTY LIABILITY OF AIR CARRIERS ARISING**  
15                   **OUT OF ACTS OF TERRORISM.**

16                  Section 44303(b) is amended by striking “May 31,  
17                  2009” and inserting “December 31, 2012”.

18 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

19                  Section 44304 is amended in the second sentence by  
20                  striking “the carrier” and inserting “any insurance car-  
21                  rier”.

22 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

23                  Section 44308(c)(1) is amended in the second sen-  
24                  tence by striking “agent” and inserting “agent, or a

1 claims adjuster who is independent of the underwriting  
2 agent,”.

3 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

4 Section 44310 is amended by striking “December 31,  
5 2013” and inserting “December 31, 2019”.

6 **TITLE VIII—MISCELLANEOUS**

7 **SEC. 801. AIR CARRIER CITIZENSHIP.**

8 Section 40102(a)(15) is amended by adding at the  
9 end the following:

10 “For purposes of subparagraph (C), an air carrier  
11 shall not be deemed to be under the actual control  
12 of citizens of the United States unless citizens of the  
13 United States control all matters pertaining to the  
14 business and structure of the air carrier, including  
15 operational matters such as marketing, branding,  
16 fleet composition, route selection, pricing, and labor  
17 relations.”.

18 **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**  
19 **INTEREST OF NATIONAL SECURITY.**

20 Section 40119(b) is amended by adding at the end  
21 the following:

22 “(3) LIMITATION ON APPLICABILITY OF FREE-  
23 DOM OF INFORMATION ACT.—Section 552a of title 5,  
24 United States Code, shall not apply to disclosures  
25 that the Administrator of the Federal Aviation Ad-

1       ministration may make from the systems of records  
2       of the Administration to any Federal law enforce-  
3       ment, intelligence, protective service, immigration, or  
4       national security official in order to assist the offi-  
5       cial receiving the information in the performance of  
6       official duties.”.

7       **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**  
8                                   **AND DATABASE SYSTEMS.**

9       (a) IN GENERAL.—Chapter 401 is amended by add-  
10      ing at the end the following:

11      **“§40130. FAA access to criminal history records or**  
12                                   **databases systems**

13      “(a) ACCESS TO RECORDS OR DATABASES SYS-  
14      TEMS.—

15              “(1) ACCESS TO INFORMATION.—Notwith-  
16      standing section 534 of title 28, and regulations  
17      issued to implement such section, the Administrator  
18      of the Federal Aviation Administration may access a  
19      system of documented criminal justice information  
20      maintained by the Department of Justice or by a  
21      State but may do so only for the purpose of carrying  
22      out civil and administrative responsibilities of the  
23      Administration to protect the safety and security of  
24      the national airspace system or to support the mis-  
25      sions of the Department of Justice, the Department

1 of Homeland Security, and other law enforcement  
2 agencies.

3 “(2) RELEASE OF INFORMATION.—In accessing  
4 a system referred to in paragraph (1), the Adminis-  
5 trator shall be subject to the same conditions and  
6 procedures established by the Department of Justice  
7 or the State for other governmental agencies with  
8 access to the system.

9 “(3) LIMITATION.—The Administrator may not  
10 use the access authorized under paragraph (1) to  
11 conduct criminal investigations.

12 “(b) DESIGNATED EMPLOYEES.—The Administrator  
13 shall designate, by order, employees of the Administration  
14 who shall carry out the authority described in subsection  
15 (a). The designated employees may—

16 “(1) have access to and receive criminal history,  
17 driver, vehicle, and other law enforcement informa-  
18 tion contained in the law enforcement databases of  
19 the Department of Justice, or any jurisdiction of a  
20 State, in the same manner as a police officer em-  
21 ployed by a State or local authority of that State  
22 who is certified or commissioned under the laws of  
23 that State;

24 “(2) use any radio, data link, or warning sys-  
25 tem of the Federal Government, and of any jurisdic-

1       tion in a State, that provides information about  
2       wanted persons, be-on-the-lookout notices, warrant  
3       status, or other officer safety information to which  
4       a police officer employed by a State or local author-  
5       ity in that State who is certified or commission  
6       under the laws of that State has access and in the  
7       same manner as such police officer; or

8           “(3) receive Federal, State, or local government  
9       communications with a police officer employed by a  
10      State or local authority in that State in the same  
11      manner as a police officer employed by a State or  
12      local authority in that State who is commissioned  
13      under the laws of that State.

14      “(e) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE  
15      INFORMATION DEFINED.—In this section, the term ‘sys-  
16      tem of documented criminal justice information’ means  
17      any law enforcement database, system, or communication  
18      containing information concerning identification, criminal  
19      history, arrests, convictions, arrest warrants, wanted or  
20      missing persons, including the National Crime Informa-  
21      tion Center and its incorporated criminal history data-  
22      bases and the National Law Enforcement Telecommuni-  
23      cations System.”.

24      (b) CLERICAL AMENDMENT.—The analysis for chap-  
25      ter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records or databases systems.”.

1 **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

2 (a) IN GENERAL.—Section 47129 is amended—

3 (1) in the section heading by striking “**air**  
4 **carrier**” and inserting “**carrier**”;

5 (2) in subsection (a) by striking “(as defined in  
6 section 40102 of this title)” and inserting “(as such  
7 terms are defined in section 40102)”;

8 (3) in the heading for subsection (d) by striking  
9 “AIR CARRIER” and inserting “AIR CARRIER AND  
10 FOREIGN AIR CARRIER”;

11 (4) in the heading for paragraph (2) of sub-  
12 section (d) by striking “AIR CARRIER” and inserting  
13 “AIR CARRIER AND FOREIGN AIR CARRIER”;

14 (5) by striking “air carriers” each place it ap-  
15 pears and inserting “air carriers or foreign air car-  
16 riers”;

17 (6) by striking “air carrier” each place it ap-  
18 pears and inserting “air carrier or foreign air car-  
19 rier”; and

20 (7) by striking “air carrier’s” each place it ap-  
21 pears and inserting “air carrier’s or foreign air car-  
22 rier’s”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-  
24 ter 471 is amended by striking the item relating to section  
25 47129 and inserting the following:

“47129. Resolution of airport-carrier disputes concerning airport fees.”.

1 **SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**  
2 **PORT SYSTEMS.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary of Transpor-  
5 tation shall initiate a study to evaluate the formulation  
6 of the National Plan of Integrated Airport Systems (in  
7 this section referred to as the “plan”) under section 47103  
8 of title 49, United States Code.

9 (b) CONTENTS OF STUDY.—The study shall include  
10 a review of the following:

11 (1) The criteria used for including airports in  
12 the plan and the application of such criteria in the  
13 most recently published version of the plan.

14 (2) The changes in airport capital needs be-  
15 tween fiscal years 2003 and 2008, as reported in the  
16 plan, as compared with the amounts apportioned or  
17 otherwise made available to individual airports over  
18 the same period of time.

19 (3) A comparison of the amounts received by  
20 airports under the airport improvement program in  
21 airport apportionments, State apportionments, and  
22 discretionary grants during such fiscal years with  
23 capital needs as reported in the plan.

24 (4) The effect of transfers of airport apportion-  
25 ments under title 49, United States Code.

1           (5) Any other matters pertaining to the plan  
2 that the Secretary determines appropriate.

3           (c) REPORT TO CONGRESS.—

4           (1) SUBMISSION.—Not later than 36 months  
5 after the date of initiation of the study, the Sec-  
6 retary shall submit to the Committee on Transpor-  
7 tation and Infrastructure of the House of Represent-  
8 atives and the Committee on Commerce, Science,  
9 and Transportation of the Senate a report on the re-  
10 sults of the study.

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

12                   (A) the findings of the Secretary on each  
13 of the subjects listed in subsection (b);

14                   (B) recommendations for any changes to  
15 policies and procedures for formulating the  
16 plan; and

17                   (C) recommendations for any changes to  
18 the methods of determining the amounts to be  
19 apportioned or otherwise made available to indi-  
20 vidual airports.

21 **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

22           (a) IN GENERAL.—Section 201 of the Railway Labor  
23 Act (45 U.S.C. 181) is amended—

24                   (1) by striking “All” and inserting “(a) IN  
25 GENERAL.—All”;

1           (2) by inserting “and every express carrier”  
2           after “common carrier by air”; and

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

4           “(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

5           “(1) IN GENERAL.—An employee of an express  
6           carrier shall be covered by this Act only if that em-  
7           ployee is in a position that is eligible for certification  
8           under part 61, 63, or 65 of title 14, Code of Federal  
9           Regulations, and only if that employee performs du-  
10          ties for the express carrier that are eligible for such  
11          certification. All other employees of an express car-  
12          rier shall be covered by the provisions of the Na-  
13          tional Labor Relations Act (29 U.S.C. 151 et seq.).

14          “(2) AIR CARRIER STATUS.—Any person that is  
15          an express carrier shall be governed by paragraph  
16          (1) notwithstanding any finding that the person is  
17          also a common carrier by air.

18          “(3) EXPRESS CARRIER DEFINED.—In this sec-  
19          tion, the term ‘express carrier’ means any person (or  
20          persons affiliated through common control or owner-  
21          ship) whose primary business is the express ship-  
22          ment of freight or packages through an integrated  
23          network of air and surface transportation.”.

24          (b) CONFORMING AMENDMENT.—Section 1 of such  
25          Act (45 U.S.C. 151) is amended in the first paragraph

1 by striking “, any express company that would have been  
2 subject to subtitle IV of title 49, United States Code, as  
3 of December 31, 1995,”.

4 **SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FA-**  
5 **CILITIES.**

6 (a) ESTABLISHMENT OF WORKING GROUP.—Not  
7 later than 9 months after the date of enactment of this  
8 Act, the Secretary of Transportation shall establish within  
9 the Federal Aviation Administration (in this section re-  
10 ferred to as the “FAA”) a working group to develop cri-  
11 teria and make recommendations for the realignment of  
12 services and facilities (including regional offices) of the  
13 FAA to assist in the transition to next generation facilities  
14 and to help reduce capital, operating, maintenance, and  
15 administrative costs in instances in which cost reductions  
16 can be implemented without adversely affecting safety.

17 (b) MEMBERSHIP.—The working group shall be com-  
18 posed of—

- 19 (1) the Administrator of the FAA;
- 20 (2) 2 representatives of air carriers;
- 21 (3) 2 representatives of the general aviation  
22 community;
- 23 (4) 2 representatives of labor unions rep-  
24 resenting employees who work at regional or field fa-  
25 cilities of the FAA; and

1           (5) 2 representatives of the airport community.

2           (e) REPORT TO CONGRESS CONTAINING REC-  
3 OMMENDATIONS OF THE WORKING GROUP.—

4           (1) SUBMISSION.—Not later than 6 months  
5 after convening the working group, the Adminis-  
6 trator shall submit to the Committee on Transpor-  
7 tation and Infrastructure of the House of Represent-  
8 atives and the Committee on Commerce, Science,  
9 and Transportation of the Senate a report con-  
10 taining the criteria and recommendations developed  
11 by the working group under this section.

12           (2) CONTENTS.—The report shall include a jus-  
13 tification for each recommendation to consolidate or  
14 realign a service or facility (including a regional of-  
15 fice) and a description of the costs and savings asso-  
16 ciated with the consolidation or realignment.

17           (d) PUBLIC NOTICE AND COMMENT.—The Adminis-  
18 trator shall publish the report submitted under subsection  
19 (c) in the Federal Register and allow 45 days for the sub-  
20 mission of public comments. In addition, the Adminis-  
21 trator upon request shall hold a public hearing in a com-  
22 munity that would be affected by a recommendation in the  
23 report.

1 (e) OBJECTIONS.—Any interested person may file  
2 with the Administrator a written objection to a rec-  
3 ommendation of the working group.

4 (f) REPORT TO CONGRESS CONTAINING REC-  
5 OMMENDATIONS OF THE ADMINISTRATOR.—Not later  
6 than 60 days after the last day of the period for public  
7 comment under subsection (d), the Administrator shall  
8 submit to the committees referred to in subsection (c)(1)  
9 a report containing the recommendations of the Adminis-  
10 trator on realignment of services and facilities (including  
11 regional offices) of the FAA and copies of any public com-  
12 ments and objections received by the Administrator under  
13 this section.

14 (g) LIMITATION ON IMPLEMENTATION OF REALIGN-  
15 MENTS AND CONSOLIDATIONS.—The Administrator may  
16 not realign or consolidate any services or facilities (includ-  
17 ing regional offices) of the FAA before the Administrator  
18 has submitted the report under subsection (f).

19 (h) FAA DEFINED.—In this section, the term  
20 “FAA” means the Federal Aviation Administration.

21 **SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT IN-**  
22 **SURANCE FOR NATIONAL TRANSPORTATION**  
23 **SAFETY BOARD EMPLOYEES.**

24 Section 1113 is amended by adding at the end the  
25 following:

1       “(i) ACCIDENTAL DEATH AND DISMEMBERMENT IN-  
2 SURANCE.—

3           “(1) AUTHORITY TO PROVIDE INSURANCE.—  
4       The Board may procure accidental death and dis-  
5 memberment insurance for an employee of the  
6 Board who travels for an accident investigation or  
7 other activity of the Board outside the United States  
8 or inside the United States under hazardous cir-  
9 cumstances, as defined by the Board.

10          “(2) CREDITING OF INSURANCE BENEFITS TO  
11 OFFSET UNITED STATES TORT LIABILITY.—Any  
12 amounts paid to a person under insurance coverage  
13 procured under this subsection shall be credited as  
14 offsetting any liability of the United States to pay  
15 damages to that person under section 1346(b) of  
16 title 28, chapter 171 of title 28, chapter 163 of title  
17 10, or any other provision of law authorizing recov-  
18 ery based upon tort liability of the United States in  
19 connection with the injury or death resulting in the  
20 insurance payment.

21          “(3) TREATMENT OF INSURANCE BENEFITS.—  
22 Any amounts paid under insurance coverage pro-  
23 cured under this subsection shall not—

24               “(A) be considered additional pay or allow-  
25               ances for purposes of section 5536 of title 5; or

1           “(B) offset any benefits an employee may  
2           have as a result of government service, includ-  
3           ing compensation under chapter 81 of title 5.

4           “(4) ENTITLEMENT TO OTHER INSURANCE.—  
5           Nothing in this subsection shall be construed as af-  
6           fecting the entitlement of an employee to insurance  
7           under section 8704(b) of title 5.”.

8   **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE IN-**  
9                           **DUSTRY IN INTERNATIONAL CHILD ABDUC-**  
10                          **TION CASES.**

11       (a) STUDY.—The Comptroller General shall conduct  
12 a study to help determine how the Federal Aviation Ad-  
13 ministration (in this section referred to as the “FAA”)  
14 could better ensure the collaboration and cooperation of  
15 air carriers and foreign air carriers providing air transpor-  
16 tation and relevant Federal agencies to develop and en-  
17 force child safety control for adults traveling internation-  
18 ally with children.

19       (b) CONTENTS.—In conducting the study, the Comp-  
20 troller General shall examine—

21           (1) the nature and scope of exit policies and  
22           procedures of the FAA, air carriers, and foreign air  
23           carriers and how the enforcement of such policies  
24           and procedures is monitored, including ticketing and  
25           boarding procedures;

1           (2) the extent to which air carriers and foreign  
2 air carriers cooperate in the investigations of inter-  
3 national child abduction cases, including cooperation  
4 with the National Center for Missing and Exploited  
5 Children and relevant Federal, State, and local  
6 agencies;

7           (3) any effective practices, procedures, or les-  
8 sons learned from the assessment of current prac-  
9 tices and procedures of air carriers, foreign air car-  
10 riers, and operators of other transportation modes  
11 that could improve the ability of the aviation com-  
12 munity to ensure the safety of children traveling  
13 internationally with adults and, as appropriate, en-  
14 hance the capability of air carriers and foreign air  
15 carriers to cooperate in the investigations of inter-  
16 national child abduction cases; and

17           (4) any liability issues associated with providing  
18 assistance in such investigations.

19           (c) REPORT.—Not later than one year after the date  
20 of the enactment of this Act, the Comptroller General shall  
21 submit to Congress a report on the results of the study.

22 **SEC. 810. LOST NATION AIRPORT, OHIO.**

23           (a) APPROVAL OF SALE.—The Secretary of Trans-  
24 portation may approve the sale of Lost Nation Airport

1 from the city of Willoughby, Ohio, to Lake County, Ohio,  
2 if—

3 (1) Lake County meets all applicable require-  
4 ments for sponsorship of the airport; and

5 (2) Lake County agrees to assume the obliga-  
6 tions and assurances of the grant agreements relat-  
7 ing to the airport executed by the city of Willoughby  
8 under chapter 471 of title 49, United States Code,  
9 and to operate and maintain the airport in accord-  
10 ance with such obligations and assurances.

11 (b) GRANTS.—

12 (1) IN GENERAL.—The Secretary may make a  
13 grant, from funds made available under section  
14 48103 of title 49, United States Code, to Lake  
15 County to assist in Lake County's purchase of the  
16 Lost Nation Airport under subsection (a).

17 (2) FEDERAL SHARE.—The Federal share of  
18 the grant under this subsection shall be for 90 per-  
19 cent of the cost of Lake County's purchase of the  
20 Lost Nation Airport, but in no event may the Fed-  
21 eral share of the grant exceed \$1,220,000.

22 (3) APPROVAL.—The Secretary may make a  
23 grant under this subsection only if the Secretary re-  
24 ceives such written assurances as the Secretary may  
25 require under section 47107 of title 49, United

1 States Code, with respect to the grant and Lost Na-  
2 tion Airport.

3 (c) TREATMENT OF PROCEEDS FROM SALE.—The  
4 Secretary may grant to the city of Willoughby an exemp-  
5 tion from the provisions of sections 47107 and 47133 of  
6 such title, any grant obligations of the city of Willoughby,  
7 and regulations and policies of the Federal Aviation Ad-  
8 ministration to the extent necessary to allow the city of  
9 Willoughby to use the proceeds from the sale approved  
10 under subsection (a) for any purpose authorized by the  
11 city of Willoughby.

12 **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

13 (a) FINDINGS.—Congress finds that—

14 (1) Pollock Municipal Airport located in Pol-  
15 lock, Louisiana (in this section referred to as the  
16 “airport”), has never been included in the National  
17 Plan of Integrated Airport Systems pursuant to sec-  
18 tion 47103 of title 49, United States Code, and is  
19 therefore not considered necessary to meet the cur-  
20 rent or future needs of the national aviation system;  
21 and

22 (2) closing the airport will not adversely affect  
23 aviation safety, aviation capacity, or air commerce.

24 (b) REQUEST FOR CLOSURE.—

1           (1) APPROVAL.—Notwithstanding any other  
2           provision of law, requirement, or agreement and sub-  
3           ject to the requirements of this section, the Adminis-  
4           trator of the Federal Aviation Administration  
5           shall—

6                   (A) approve a request from the town of  
7                   Pollock, Louisiana, to close the airport as a  
8                   public airport; and

9                   (B) release the town from any term, condi-  
10                  tion, reservation, or restriction contained in a  
11                  surplus property conveyance or transfer docu-  
12                  ment, and from any order or finding by the De-  
13                  partment of Transportation on the use and re-  
14                  payment of airport revenue applicable to the  
15                  airport, that would otherwise prevent the clo-  
16                  sure of the airport and redevelopment of the fa-  
17                  cilities to nonaeronautical uses.

18           (2) CONTINUED AIRPORT OPERATION PRIOR TO  
19           APPROVAL.—The town of Pollock shall continue to  
20           operate and maintain the airport until the Adminis-  
21           trator grants the town's request for closure of the  
22           airport.

23           (3) USE OF PROCEEDS FROM SALE OF AIR-  
24           PORT.—Upon the approval of the request to close  
25           the airport, the town of Pollock shall obtain fair

1 market value for the sale of the airport property and  
2 shall immediately upon receipt transfer all such pro-  
3 ceeds from the sale of the airport property to the  
4 sponsor of a public airport designated by the Admin-  
5 istrator to be used for the development or improve-  
6 ment of such airport.

7 (4) **RELOCATION OF AIRCRAFT.**—Before closure  
8 of the airport, the town of Pollock shall provide ade-  
9 quate time for any airport-based aircraft to relocate.

10 **SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY**  
11 **PROGRAM.**

12 (a) **IN GENERAL.**—Not later than 6 months after the  
13 date of enactment of this Act, the Administrator of the  
14 Federal Aviation Administration shall develop a human  
15 intervention and motivation study program for flight crew-  
16 members involved in air carrier operations in the United  
17 States under part 121 of title 14, Code of Federal Regula-  
18 tions.

19 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There  
20 are authorized to be appropriated to carry out this section  
21 such sums as may be necessary for each of fiscal years  
22 2009 through 2012. Such sums shall remain available  
23 until expended.

1 **SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION**  
2 **ZONE.**

3 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later  
4 than 90 days after the date of enactment of this Act, the  
5 Administrator of the Federal Aviation Administration, in  
6 consultation with Secretary of Homeland Security and  
7 Secretary of Defense, shall submit to the Committee on  
8 Transportation and Infrastructure and Committee on  
9 Homeland Security of the House of Representatives and  
10 the Committee on Commerce, Science, and Transportation  
11 of the Senate a plan for the Washington, DC, Air Defense  
12 Identification Zone.

13 (b) CONTENTS OF PLAN.—The plan shall outline spe-  
14 cific changes to the Washington, DC, Air Defense Identi-  
15 fication Zone that will decrease operational impacts and  
16 improve general aviation access to airports in the National  
17 Capital Region that are currently impacted by the zone.

18 **SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

19 (a) IN GENERAL.—Notwithstanding any other provi-  
20 sion of law, including the Federal Airport Act (as in effect  
21 on August 8, 1958), the United States releases, without  
22 monetary consideration, all restrictions, conditions, and  
23 limitations on the use, encumbrance, or conveyance of cer-  
24 tain land located in the municipality of Anchorage, Alaska,  
25 more particularly described as Tracts 22 and 24 of the  
26 Fourth Addition to the Town Site of Anchorage, Alaska,

1 as shown on the plat of U.S. Survey No. 1456, accepted  
2 June 13, 1923, on file in the Bureau of Land Manage-  
3 ment, Department of Interior.

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

13 **SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.**  
14 **HOBBY AIRPORT, HOUSTON, TEXAS.**

15 It is the sense of Congress that the Nation—

16 (1) supports the goals and ideals of the 1940  
17 Air Terminal Museum located at William P. Hobby  
18 Airport in the city of Houston, Texas;

19 (2) congratulates the city of Houston and the  
20 1940 Air Terminal Museum on the 80-year history  
21 of William P. Hobby Airport and the vital role of the  
22 airport in Houston's and the Nation's transportation  
23 infrastructure; and

24 (3) recognizes the 1940 Air Terminal Museum  
25 for its importance to the Nation in the preservation

1 and presentation of civil aviation heritage and recog-  
2 nizes the importance of civil aviation to the Nation's  
3 history and economy.

4 **SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**  
5 **APPLICABLE TO FLIGHT CREWMEMBERS.**

6 Not later than 180 days after the date of enactment  
7 of this Act, the Administrator of the Federal Aviation Ad-  
8 ministration shall initiate a rulemaking proceeding for the  
9 following purposes:

10 (1) To require a flight crewmember who is em-  
11 ployed by an air carrier conducting operations under  
12 part 121 of title 14, Code of Federal Regulations,  
13 and who accepts an additional assignment for flying  
14 under part 91 of such title from the air carrier or  
15 from any other air carrier conducting operations  
16 under part 121 or 135 of such title, to apply the pe-  
17 riod of the additional assignment (regardless of  
18 whether the assignment is performed by the flight  
19 crewmember before or after an assignment to fly  
20 under part 121 of such title) toward any limitation  
21 applicable to the flight crewmember relating to duty  
22 periods or flight times under part 121 of such title.

23 (2) To require a flight crewmember who is em-  
24 ployed by an air carrier conducting operations under  
25 part 135 of title 14, Code of Federal Regulations,

1 and who accepts an additional assignment for flying  
2 under part 91 of such title from the air carrier or  
3 any other air carrier conducting operations under  
4 part 121 or 135 of such title, to apply the period of  
5 the additional assignment (regardless of whether the  
6 assignment is performed by the flight crewmember  
7 before or after an assignment to fly under part 135  
8 of such title) toward any limitation applicable to the  
9 flight crewmember relating to duty periods or flight  
10 times under part 135 of such title.

11 **SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
12 **PORT PROPERTIES.**

13 (a) IN GENERAL.—Not later than one year after the  
14 date of enactment of this Act, the Administrator of the  
15 Federal Aviation Administration shall establish a pilot  
16 program at up to 4 public-use airports (as defined in sec-  
17 tion 47102 of title 49, United States Code) that have a  
18 noise compatibility program approved by the Adminis-  
19 trator under section 47504 of such title.

20 (b) GRANTS.—Under the pilot program, the Adminis-  
21 trator may make a grant in a fiscal year, from funds made  
22 available under section 47117(e)(1)(A) of such title, to the  
23 operator of an airport participating in the pilot program—

24 (1) to support joint planning (including plan-  
25 ning described in section 47504(a)(2)(F) of such

1 title), engineering design, and environmental permit-  
2 ting for the assembly and redevelopment of real  
3 property purchased with noise mitigation funds  
4 made available under section 48103 or passenger fa-  
5 cility revenues collected for the airport under section  
6 40117 of such title; and

7 (2) to encourage compatible land uses with the  
8 airport and generate economic benefits to the airport  
9 operator and an affected local jurisdiction.

10 (c) GRANT REQUIREMENTS.—The Administrator  
11 may not make a grant under this section unless the grant  
12 is made—

13 (1) to enable the airport operator and an af-  
14 fected local jurisdiction to expedite their noise miti-  
15 gation redevelopment efforts with respect to real  
16 property described in subsection (b)(1);

17 (2) subject to a requirement that the affected  
18 local jurisdiction has adopted zoning regulations that  
19 permit compatible redevelopment of real property de-  
20 scribed in subsection (b)(1); and

21 (3) subject to a requirement that funds made  
22 available under section 47117(e)(1)(A) with respect  
23 to real property assembled and redeveloped under  
24 subsection (b)(1) plus the amount of any grants  
25 made for acquisition of such property under section

1       47504 of such title are repaid to the Administrator  
2       upon the sale of such property.

3       (d) COOPERATION WITH LOCAL AFFECTED JURIS-  
4       DICTION.—An airport operator may use funds granted  
5       under this section for a purpose described in subsection  
6       (b) only in cooperation with an affected local jurisdiction.

7       (e) UNITED STATES GOVERNMENT SHARE.—

8           (1) IN GENERAL.—The United States Govern-  
9       ment share of the allowable costs of a project carried  
10      out under the pilot program shall be 80 percent.

11          (2) DETERMINATION.—In determining the al-  
12      lowable project costs of a project carried out under  
13      the pilot program for purposes of this subsection,  
14      the Administrator shall deduct from the total costs  
15      of the project that portion of the total costs of the  
16      project that are incurred with respect to real prop-  
17      erty that is not owned or to be acquired by the air-  
18      port operator pursuant to the noise compatibility  
19      program for the airport or that is not owned by an  
20      affected local jurisdiction or other public entity.

21          (3) MAXIMUM AMOUNT.—Not more than  
22      \$5,000,000 in funds made available under section  
23      47117(e) of title 49, United States Code, may be ex-  
24      pended under this pilot program at any single pub-  
25      lic-use airport.

1 (f) SPECIAL RULES FOR REPAID FUNDS.—The  
2 amounts repaid to the Administrator with respect to an  
3 airport under subsection (c)(3)—

4 (1) shall be available to the Administrator for  
5 the following actions giving preference to such ac-  
6 tions in descending order:

7 (A) reinvestment in an approved noise  
8 compatibility project at the airport;

9 (B) reinvestment in another project at the  
10 airport that is available for funding under sec-  
11 tion 47117(e) of title 49, United States Code;

12 (C) reinvestment in an approved airport  
13 development project at the airport that is eligi-  
14 ble for funding under section 47114, 47115, or  
15 47117 of such title;

16 (D) reinvestment in approved noise com-  
17 patibility project at any other public airport;  
18 and

19 (E) deposit in the Airport and Airway  
20 Trust Fund established under section 9502 of  
21 the Internal Revenue Code of 1986 (26 U.S.C.  
22 9502);

23 (2) shall be in addition to amounts authorized  
24 under section 48103 of title 49, United States Code;  
25 and

1           (3) shall remain available until expended.

2           (g) USE OF PASSENGER FACILITY REVENUE.—An  
3 operator of an airport participating in the pilot program  
4 may use passenger facility revenue collected for the airport  
5 under section 40117 of title 49, United States Code, to  
6 pay the portion of the total cost of a project carried out  
7 by the operator under the pilot program that are not al-  
8 lowable under subsection (e)(2).

9           (h) SUNSET.—The Administrator may not make a  
10 grant under the pilot program after September 30, 2012.

11          (i) REPORT TO CONGRESS.—Not later than the last  
12 day of the 30th month following the date on which the  
13 first grant is made under this section, the Administrator  
14 shall report to Congress on the effectiveness of the pilot  
15 program on returning real property purchased with noise  
16 mitigation funds made available under section  
17 47117(e)(1)(A) or 47505 or passenger facility revenues to  
18 productive use.

19          (j) NOISE COMPATIBILITY MEASURES.—Section  
20 47504(a)(2) is amended—

21           (1) by striking “and” at the end of subpara-  
22 graph (D);

23           (2) by striking the period at the end of sub-  
24 paragraph (E) and inserting “; and”; and

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

1           “(F) joint comprehensive land use plan-  
2           ning, including master plans, traffic studies, en-  
3           vironmental evaluation and economic and feasi-  
4           bility studies, with neighboring local jurisdic-  
5           tions undertaking community redevelopment in  
6           the area where any land or other property in-  
7           terest acquired by the airport operator under  
8           this subsection is located, to encourage and en-  
9           hance redevelopment opportunities that reflect  
10          zoning and uses that will prevent the introduc-  
11          tion of additional incompatible uses and en-  
12          hance redevelopment potential.”.

13 **SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND**  
14 **AND STATEN ISLAND, NEW YORK.**

15          (a) **STUDY.**—The Administrator of the Federal Avia-  
16          tion Administration shall conduct a study on helicopter op-  
17          erations over Long Island and Staten Island, New York.

18          (b) **CONTENTS.**—In conducting the study, the Ad-  
19          ministrators shall examine, at a minimum, the following:

20                 (1) The effect of helicopter operations on resi-  
21                 dential areas, including—

22                         (A) safety issues relating to helicopter op-  
23                         erations;

24                         (B) noise levels relating to helicopter oper-  
25                         ations and ways to abate the noise levels; and

1 (C) any other issue relating to helicopter  
2 operations on residential areas.

3 (2) The feasibility of diverting helicopters from  
4 residential areas.

5 (3) The feasibility of creating specific air lanes  
6 for helicopter operations.

7 (4) The feasibility of establishing altitude limits  
8 for helicopter operations.

9 (c) EXCEPTIONS.—Any determination under this sec-  
10 tion on the feasibility of establishing limitations or restric-  
11 tions for helicopter operations over Long Island and Stat-  
12 en Island, New York, shall not apply to helicopters per-  
13 forming operations for news organizations, the military,  
14 law enforcement, or providers of emergency services.

15 (d) LIMITATION ON STATUTORY CONSTRUCTION.—  
16 Nothing in this section shall be construed to interfere with  
17 the Federal Aviation Administration's authority to ensure  
18 the safe and efficient use of the national airspace system.

19 (e) REPORT.—Not later than 6 months after the date  
20 of the enactment of this Act, the Administrator shall sub-  
21 mit to Congress a report on the results of the study, in-  
22 cluding information and recommendations concerning the  
23 issues examined under subsection (b).

1 **SEC. 819. CABIN TEMPERATURE STANDARDS STUDY.**

2 (a) STUDY.—Not later than 6 months after the date  
3 of enactment of this Act, the Administrator of the Federal  
4 Aviation Administration shall conduct a study to deter-  
5 mine whether onboard temperature standards are nec-  
6 essary to protect cabin and cockpit crew members and pas-  
7 sengers on an aircraft of an air carrier used to provide  
8 air transportation from excessive heat onboard such air-  
9 craft during standard operations or during an excessive  
10 flight delay.

11 (b) TEMPERATURE REVIEW.—In conducting the  
12 study under subsection (a), the Administrator shall—

13 (1) survey onboard cabin and cockpit tempera-  
14 tures of a representative sampling of different air-  
15 craft types and operations;

16 (2) address the appropriate placement of tem-  
17 perature monitoring devices onboard the aircraft to  
18 determine the most accurate measurement of on-  
19 board temperature and develop a system for the re-  
20 porting of excessive temperature onboard passenger  
21 aircraft by cockpit and cabin crew members; and

22 (3) review the impact of implementing such on-  
23 board temperature standards on the environment,  
24 fuel economy, and avionics and determine the costs  
25 associated with such implementation and the feasi-

1 bility of using ground equipment or other mitigation  
2 measures to offset any such costs.

3 (c) REPORT TO CONGRESS.—Not later than 18  
4 months after the date of enactment of this Act, the Ad-  
5 ministrator shall submit to Congress a report on the find-  
6 ings of the study.

7 **SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

8 Section 46301 is amended—

9 (1) in subsection (a)(1)(A) by inserting “chap-  
10 ter 451,” before “section 47107(b)”;

11 (2) in subsection (a)(5)(A)(i)—

12 (A) by striking “or chapter 449” and in-  
13 serting “chapter 449”; and

14 (B) by inserting after “44909)” the fol-  
15 lowing: “, or chapter 451”; and

16 (3) in subsection (d)(2)—

17 (A) by inserting after “44723)” the fol-  
18 lowing: “, chapter 451 (except section 45107)”;

19 and

20 (B) by inserting after “44909),” the fol-  
21 lowing: “section 45107 or”.

22 **SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGES-**  
23 **TION.**

24 Not later than 18 months after the date of enactment  
25 of this Act, the Comptroller General shall conduct a study

1 and submit a report to Congress regarding effective strat-  
2 egies to alleviate congestion in the national airspace at air-  
3 ports during peak travel times, by evaluating the effective-  
4 ness of reducing flight schedules and staggering flights,  
5 developing incentives for airlines to reduce the number of  
6 flights offered, and instituting slots and quotas at air-  
7 ports. In addition, the Comptroller General shall compare  
8 the efficiency of implementing the strategies in the pre-  
9 ceding sentence with redesigning airspace and evaluate  
10 any legal obstacles to implementing such strategies.

11 **SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.**

12 Not later than one year after the date of enactment  
13 of this Act, the Secretary of Transportation shall issue  
14 regulations under chapter 447 of title 49, United States  
15 Code, that require air carriers to provide initial and an-  
16 nual recurring training for flight attendants and gate at-  
17 tendants regarding serving alcohol, dealing with disruptive  
18 passengers, and recognizing intoxicated persons. The  
19 training shall include situational training on methods of  
20 handling an intoxicated person who is belligerent.

1 **SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**  
2 **PUBLIC INTERNET WEB-BASED SEARCH EN-**  
3 **GINE ON WIND TURBINE INSTALLATION OB-**  
4 **STRUCTION.**

5 (a) **STUDY.**—The Administrator of the Federal Avia-  
6 tion Administration shall carry out a study on the feasi-  
7 bility of developing a publicly searchable, Internet Web-  
8 based resource that provides information regarding the ac-  
9 ceptable height and distance that wind turbines may be  
10 installed in relation to aviation sites and the level of ob-  
11 struction such turbines may present to such sites.

12 (b) **CONSIDERATIONS.**—In conducting the study, the  
13 Administrator shall consult, if appropriate, with the Secre-  
14 taries of the Army, Navy and Air Force, Homeland Secu-  
15 rity, Agriculture, and Energy to coordinate the require-  
16 ments of each agency for future air space needs, determine  
17 what the acceptable risks are to existing infrastructure of  
18 each agency, and define the different levels of risk for such  
19 infrastructure.

20 (c) **IMPACT OF WIND TURBINES ON RADAR SIG-**  
21 **NALS.**—In conducting the study, the Administrator shall  
22 consider the impact of the operation of wind turbines, indi-  
23 vidualy and in collections, on radar signals and evaluate  
24 the feasibility of providing quantifiable measures of num-  
25 bers of turbines and distance from radars that are accept-  
26 able.

1 (d) REPORT.—Not later than one year after the date  
2 of enactment of this Act, the Secretary shall submit a re-  
3 port on the results of the study to the Committee on  
4 Transportation and Infrastructure, Committee on Home-  
5 land Security, Committee on Armed Services, Committee  
6 on Agriculture, and Committee on Science and Technology  
7 of the House of Representatives and the Committee on  
8 Commerce, Science, and Transportation, Committee on  
9 Homeland Security and Governmental Affairs, Committee  
10 on Agriculture, Nutrition, and Forestry, and Committee on  
11 Armed Services of the Senate.

12 **SEC. 824. WIND TURBINE LIGHTING.**

13 (a) STUDY.—The Administrator of the Federal Avia-  
14 tion Administration shall conduct a study on wind turbine  
15 lighting systems.

16 (b) CONTENTS.—In conducting the study, the Ad-  
17 ministrator shall examine the following:

18 (1) The effect of wind turbine lighting on resi-  
19 dential areas.

20 (2) The safety issues associated with alternative  
21 lighting strategies, technologies, and regulations.

22 (3) Potential energy savings associated with al-  
23 ternative lighting strategies, technologies, and regu-  
24 lations.

1           (4) The feasibility of implementing alternative  
2           lighting strategies or technologies.

3           (5) Any other issue relating to wind turbine  
4           lighting.

5           (c) REPORT.—Not later than 180 days after the date  
6 of enactment of this Act, the Administrator shall submit  
7 to Congress a report on the results of the study, including  
8 information and recommendations concerning the issues  
9 examined under subsection (b).

10 **SEC. 825. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**  
11 **CARGO AIRCRAFT.**

12           (a) STUDY.—Not later than 180 days after the date  
13 of enactment of this Act, the Administrator of the Federal  
14 Aviation Administration, in consultation with appropriate  
15 air carriers, aircraft manufacturers, and air carrier labor  
16 representatives, shall conduct a study to identify a phys-  
17 ical means, or a combination of physical and procedural  
18 means, of limiting access to the flight decks of all-cargo  
19 aircraft to authorized flight crew members.

20           (b) REPORT.—Not later than one year after the date  
21 of enactment of this Act, the Administrator shall submit  
22 to Congress a report on the results of the study.

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 2009”.

6     **SEC. 902. DEFINITIONS.**

7         As used in this title, the following definition apply:

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

11            (2) FAA.—The term “FAA” means the Fed-  
12 eral Aviation Administration.

13            (3) NASA.—The term “NASA” means the Na-  
14 tional Aeronautics and Space Administration.

15            (4) NATIONAL RESEARCH COUNCIL.—The term  
16 “National Research Council” means the National  
17 Research Council of the National Academies of  
18 Science and Engineering.

19            (5) NOAA.—The term “NOAA” means the Na-  
20 tional Oceanic and Atmospheric Administration.

21            (6) NSF.—The term “NSF” means the Na-  
22 tional Science Foundation.

23            (7) SECRETARY.—The term “Secretary” means  
24 the Secretary of Transportation.

1 **SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IM-**  
2 **PACT OF AVIATION ON THE CLIMATE.**

3 (a) **IN GENERAL.**—The Administrator, in coordina-  
4 tion with NASA and the United States Climate Change  
5 Science Program, shall carry out a research initiative to  
6 assess the impact of aviation on the climate and, if war-  
7 ranted, to evaluate approaches to mitigate that impact.

8 (b) **RESEARCH PLAN.**—Not later than one year after  
9 the date of enactment of this Act, the participating Fed-  
10 eral entities shall jointly develop a plan for the research  
11 program that contains the objectives, proposed tasks, mile-  
12 stones, and 5-year budgetary profile.

13 **SEC. 904. RESEARCH PROGRAM ON RUNWAYS.**

14 (a) **RESEARCH PROGRAM.**—The Administrator shall  
15 maintain a program of research grants to universities and  
16 nonprofit research foundations for research and tech-  
17 nology demonstrations related to—

- 18 (1) improved runway surfaces; and  
19 (2) engineered material restraining systems for  
20 runways at both general aviation airports and air-  
21 ports with commercial air carrier operations.

22 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
23 authorized to be appropriated such sums as may be nec-  
24 essary for each of the fiscal years 2009 through 2012 to  
25 carry out this section.

1 **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

2 (a) ESTABLISHMENT OF PROGRAM.—Not later than  
3 6 months after the date of enactment of this Act, the  
4 FAA, in consultation with other agencies as appropriate,  
5 shall establish a research program on methods to improve  
6 both confidence in and the timeliness of certification of  
7 new technologies for their introduction into the national  
8 airspace system.

9 (b) RESEARCH PLAN.—Not later than 1 year after  
10 the date of enactment of this Act, as part of the activity  
11 described in subsection (a), the FAA shall develop a plan  
12 for the research program that contains the objectives, pro-  
13 posed tasks, milestones, and five-year budgetary profile.

14 (c) REVIEW.—The Administrator shall have the Na-  
15 tional Research Council conduct an independent review of  
16 the research program plan and provide the results of that  
17 review to the Committee on Science and Technology and  
18 the Committee on Transportation and Infrastructure of  
19 the House of Representatives and the Committee on Com-  
20 merce, Science, and Transportation of the Senate not later  
21 than 18 months after the date of enactment of this Act.

22 **SEC. 906. CENTERS OF EXCELLENCE.**

23 (a) GOVERNMENT'S SHARE OF COSTS.—Section  
24 44513(f) is amended to read as follows:

25 “(f) GOVERNMENT'S SHARE OF COSTS.—The United  
26 States Government's share of establishing and operating

1 the center and all related research activities that grant  
2 recipients carry out shall not exceed 75 percent of the  
3 costs. The United States Government's share of an indi-  
4 vidual grant under this section shall not exceed 90 percent  
5 of the costs.”.

6 (b) ANNUAL REPORT.—The Administrator shall  
7 transmit annually to the Committee on Science and Tech-  
8 nology and the Committee on Transportation and Infra-  
9 structure of the House of Representatives and the Com-  
10 mittee on Commerce, Science, and Transportation of the  
11 Senate at the time of the President's budget request a re-  
12 port that lists—

13 (1) the research projects that have been initi-  
14 ated by each Center of Excellence in the preceding  
15 year;

16 (2) the amount of funding for each research  
17 project and the funding source;

18 (3) the institutions participating in each project  
19 and their shares of the overall funding for each re-  
20 search project; and

21 (4) the level of cost-sharing for each research  
22 project.

23 **SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

24 Section 44511(f) is amended—

1 (1) in paragraph (1) by striking “establish a 4-  
2 year pilot” and inserting “maintain an”; and

3 (2) in paragraph (4)—

4 (A) by striking “expiration of the pro-  
5 gram” and inserting “expiration of the pilot  
6 program”; and

7 (B) by striking “program, including rec-  
8 ommendations as to the need for establishing a  
9 permanent airport cooperative research pro-  
10 gram” and inserting “program”.

11 **SEC. 908. UNMANNED AIRCRAFT SYSTEMS.**

12 (a) RESEARCH INITIATIVE.—Section 44504(b) is  
13 amended—

14 (1) in paragraph (6) by striking “and” after  
15 the semicolon;

16 (2) in paragraph (7) by striking the period at  
17 the end and inserting “; and”; and

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

19 “(8) in conjunction with other Federal agencies,  
20 as appropriate, to develop technologies and methods  
21 to assess the risk of and prevent defects, failures,  
22 and malfunctions of products, parts, and processes,  
23 for use in all classes of unmanned aircraft systems  
24 that could result in a catastrophic failure of the un-

1       manned aircraft that would endanger other aircraft  
2       in the national airspace system.”.

3       (b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-  
4 VICES.—Section 44505(b) is amended—

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

7           (2) in paragraph (5)(C) by striking the period  
8       at the end and inserting a semicolon; and

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

10          “(6) to develop a better understanding of the  
11       relationship between human factors and unmanned  
12       aircraft systems safety; and

13          “(7) to develop dynamic simulation models for  
14       integrating all classes of unmanned aircraft systems  
15       into the national airspace system without any deg-  
16       radation of existing levels of safety for all national  
17       airspace system users.”.

18 **SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UN-**  
19 **DERGRADUATE STUDENTS.**

20       (a) IN GENERAL.—The Administrator shall establish  
21 a program to utilize colleges and universities, including  
22 Historically Black Colleges and Universities, Hispanic  
23 serving institutions, tribally controlled colleges and univer-  
24 sities, and Alaska Native and Native Hawaiian serving in-  
25 stitutions in conducting research by undergraduate stu-

1 dents on subjects of relevance to the FAA. Grants may  
2 be awarded under this section for—

3 (1) research projects to be carried out primarily  
4 by undergraduate students;

5 (2) research projects that combine under-  
6 graduate research with other research supported by  
7 the FAA;

8 (3) research on future training requirements re-  
9 lated to projected changes in regulatory require-  
10 ments for aircraft maintenance and power plant li-  
11 censees; and

12 (4) research on the impact of new technologies  
13 and procedures, particularly those related to aircraft  
14 flight deck and air traffic management functions,  
15 and on training requirements for pilots and air traf-  
16 fic controllers.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$5,000,000 for each of the  
19 fiscal years 2009 through 2012, for research grants under  
20 this section.

21 **SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT**  
22 **PROGRAM.**

23 (a) CONTINUATION OF PROGRAM.—The Adminis-  
24 trator, in coordination with the NASA Administrator,  
25 shall continue research and development activities into

1 technologies for modification of existing general aviation  
2 piston engines to enable their safe operation using un-  
3 leaded aviation fuel.

4 (b) ROADMAP.—Not later than 120 days after the  
5 date of enactment of this Act, the Administrator shall de-  
6 velop a research and development roadmap for the pro-  
7 gram continued in subsection (a), containing the specific  
8 research and development objectives and the anticipated  
9 timetable for achieving the objectives.

10 (c) REPORT.—Not later than 130 days after the date  
11 of enactment of this Act, the Administrator shall provide  
12 the roadmap specified in subsection (b) to the Committee  
13 on Science and Technology of the House of Representa-  
14 tives and the Committee on Commerce, Science, and  
15 Transportation of the Senate.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated \$750,000 for each of the  
18 fiscal years 2009 through 2012 to carry out this section.

19 **SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-**  
20 **RELATED RESEARCH PROGRAMS.**

21 (a) STUDY.—The Administrator shall enter into an  
22 arrangement with the National Research Council for a re-  
23 view of the FAA's energy- and environment-related re-  
24 search programs. The review shall assess whether—

1 (1) the programs have well-defined, prioritized,  
2 and appropriate research objectives;

3 (2) the programs are properly coordinated with  
4 the energy- and environment-related research pro-  
5 grams of NASA, NOAA, and other relevant agen-  
6 cies;

7 (3) the programs have allocated appropriate re-  
8 sources to each of the research objectives; and

9 (4) there exist suitable mechanisms for  
10 transitioning the research results into the FAA's  
11 operational technologies and procedures and certifi-  
12 cation activities.

13 (b) REPORT.—A report containing the results of the  
14 review shall be provided to the Committee on Science and  
15 Technology of the House of Representatives and the Com-  
16 mittee on Commerce, Science, and Transportation of the  
17 Senate within 18 months of the enactment of this Act.

18 **SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**  
19 **SEARCH PROGRAMS.**

20 (a) REVIEW.—The Administrator shall enter into an  
21 arrangement with the National Research Council for an  
22 independent review of the FAA's aviation safety-related  
23 research programs. The review shall assess whether—

24 (1) the programs have well-defined, prioritized,  
25 and appropriate research objectives;

1           (2) the programs are properly coordinated with  
2           the safety research programs of NASA and other  
3           relevant Federal agencies;

4           (3) the programs have allocated appropriate re-  
5           sources to each of the research objectives; and

6           (4) there exist suitable mechanisms for  
7           transitioning the research results from the programs  
8           into the FAA's operational technologies and proce-  
9           dures and certification activities in a timely manner.

10          (b) AVIATION SAFETY-RELATED RESEARCH PRO-  
11          GRAMS TO BE ASSESSED.—The FAA aviation safety-re-  
12          lated research programs to be assessed under the review  
13          shall include, at a minimum, the following:

14               (1) Air traffic control/technical operations  
15               human factors.

16               (2) Runway incursion reduction.

17               (3) Flightdeck/maintenance system integration  
18               human factors.

19               (4) Airports technology research—safety.

20               (5) Airport cooperative research program—safe-  
21               ty.

22               (6) Weather program.

23               (7) Atmospheric hazards/digital system safety.

24               (8) Fire research and safety.

25               (9) Propulsion and fuel systems.

- 1 (10) Advanced materials/structural safety.  
2 (11) Aging aircraft.  
3 (12) Aircraft catastrophic failure prevention re-  
4 search.  
5 (13) Aeromedical research.  
6 (14) Aviation safety risk analysis.  
7 (15) Unmanned aircraft systems research.

8 (c) REPORT.—Not later than 14 months after the  
9 date of enactment of this Act, the Administrator shall sub-  
10 mit to Congress a report on the results of the review.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
12 tion to amounts authorized to be appropriated by the  
13 amendments made by this Act, there is authorized to be  
14 appropriated \$700,000 for fiscal year 2009 to carry out  
15 this section.

16 **SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET**  
17 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

18 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
19 Using amounts made available under section 48102(a) of  
20 title 49, United States Code, the Secretary of Transpor-  
21 tation shall conduct a research program related to devel-  
22 oping jet fuel from alternative sources (such as coal, nat-  
23 ural gas, biomass, ethanol, butanol, and hydrogen)  
24 through grants or other measures authorized under sec-

1 tion 106(l)(6) of such title, including reimbursable agree-  
2 ments with other Federal agencies.

3 (b) PARTICIPATION BY EDUCATIONAL AND RE-  
4 SEARCH INSTITUTIONS.—In conducting the program, the  
5 Secretary shall provide for participation by educational  
6 and research institutions that have existing facilities and  
7 experience in the development and deployment of tech-  
8 nology for alternative jet fuels.

9 (c) DESIGNATION OF INSTITUTE AS A CENTER OF  
10 EXCELLENCE.—Not later than 6 months after the date  
11 of enactment of this Act, the Administrator of the Federal  
12 Aviation Administration shall designate an institution de-  
13 scribed in subsection (a) as a Center of Excellence for Al-  
14 ternative Jet Fuel Research.

15 **SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**  
16 **MENT.**

17 (a) ESTABLISHMENT.—The Administrator shall es-  
18 tablish a Center for Excellence in Aviation Employment  
19 (in this section referred to as the “Center”).

20 (b) APPLIED RESEARCH AND TRAINING.—The Cen-  
21 ter shall conduct applied research and training on—

22 (1) human performance in the air transpor-  
23 tation environment;

24 (2) air transportation personnel, including air  
25 traffic controllers, pilots, and technicians; and

1           (3) any other aviation human resource issues  
2           pertinent to developing and maintaining a safe and  
3           efficient air transportation system.

4           (e) DUTIES.—The Center shall—

5           (1) in conjunction with the Collegiate Training  
6           Initiative and other air traffic controller training  
7           programs, develop, implement, and evaluate a com-  
8           prehensive, best-practices based training program  
9           for air traffic controllers;

10          (2) work with the Office of Human Resource  
11          Management of the FAA as that office develops and  
12          implements a strategic recruitment and marketing  
13          program to help the FAA compete for the best quali-  
14          fied employees and incorporate an employee value  
15          proposition process that results in attracting a  
16          broad-based and diverse aviation workforce in mis-  
17          sion critical positions, including air traffic controller,  
18          aviation safety inspector, airway transportation safe-  
19          ty specialist, and engineer;

20          (3) through industry surveys and other research  
21          methodologies and in partnership with the  
22          “Taskforce on the Future of the Aerospace Work-  
23          force” and the Secretary of Labor, establish a base-  
24          line of general aviation employment statistics for  
25          purposes of projecting and anticipating future work-

1 force needs and demonstrating the economic impact  
2 of general aviation employment;

3 (4) conduct a comprehensive analysis of the air-  
4 frame and powerplant technician certification pro-  
5 cess and employment trends for maintenance repair  
6 organization facilities, certificated repair stations,  
7 and general aviation maintenance organizations;

8 (5) establish a best practices model in aviation  
9 maintenance technician school environments; and

10 (6) establish a workforce retraining program to  
11 allow for transition of recently unemployed and high-  
12 ly skilled mechanics into aviation employment.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Administrator  
15 such sums as may be necessary to carry out this section.  
16 Such sums shall remain available until expended.

