TEXT OF AMENDMENT TO BE MADE IN ORDER

AMENDMENT TO THE SENATE AMENDMENT TO

H.R. 1586

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

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

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

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

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

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.
Sec. 112. PFC eligibility for bicycle storage.
Sec. 113. Award of architectural and engineering contracts for airside projects.
Sec. 114. Intermodal ground access project pilot program.
Sec. 115. Participation of disadvantaged business enterprises in contracts, subcontracts, and business opportunities funded using passenger facility revenues and in airport concessions.
Sec. 116. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

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

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.
Sec. 132. Solid waste recycling plans.
Sec. 133. Amendments to grant assurances.
Sec. 134. Government share of project costs.
Sec. 135. Amendments to allowable costs.
Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.
Sec. 137. Airport disadvantaged business enterprise program.
Sec. 138. Training program for certification of disadvantaged business enterprises.
Sec. 139. Calculation of State apportionment fund.
Sec. 140. Reducing apportionments.
Sec. 141. Minimum amount for discretionary fund.
Sec. 142. Marshall Islands, Micronesia, and Palau.
Sec. 143. Use of apportioned amounts.
Sec. 144. Sale of private airport to public sponsor.
Sec. 145. Airport privatization pilot program.
Sec. 146. Airport security program.
Sec. 147. Sunset of pilot program for purchase of airport development rights.
Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.
Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.
Sec. 150. Midway Island Airport.
Sec. 151. Puerto Rico minimum guarantee.
Sec. 152. Miscellaneous amendments.
Sec. 153. Airport Master Plans.

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

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

Sec. 217. Flight service stations.
Sec. 218. NextGen Research and Development Center of Excellence.
Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Judicial review of denial of airman certificates.
Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 303. Inspection of foreign repair stations.
Sec. 304. Runway safety.
Sec. 305. Improved pilot licenses.
Sec. 306. Flight crew fatigue.
Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.
Sec. 308. Aircraft surveillance in mountainous areas.
Sec. 309. Off-airport, low-altitude aircraft weather observation technology.
Sec. 310. Noncertificated maintenance providers.
Sec. 311. Aircraft rescue and firefighting standards.
Sec. 312. Cockpit smoke.
Sec. 313. Safety of helicopter air ambulance operations.
Sec. 314. Feasibility of requiring helicopter pilots to use night vision goggles.
Sec. 315. Study of helicopter and fixed wing air ambulance services.

Subtitle B—Unmanned Aircraft Systems

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

Subtitle C—Safety and Protections

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

Subtitle D—Airline Safety and Pilot Training Improvement

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. FAA Task Force on Air Carrier Safety and Pilot Training.
Sec. 344. Implementation of NTSB flight crewmember training recommendations.
Sec. 345. Secretary of Transportation responses to safety recommendations.
Sec. 346. FAA pilot records database.
Sec. 347. FAA rulemaking on training programs.
Sec. 348. Aviation safety inspectors and operational research analysts.
Sec. 349. Flight crewmember mentoring, professional development, and leadership.
Sec. 350. Flight crewmember screening and qualifications.
Sec. 351. Airline transport pilot certification.

Sec. 352. Flight schools, flight education, and pilot academic training.
Sec. 353. Voluntary safety programs.
Sec. 354. ASAP and FOQA implementation plan.
Sec. 355. Safety management systems.
Sec. 356. Disclosure of air carriers operating flights for tickets sold for air transportation.
Sec. 357. Pilot fatigue.
Sec. 358. Flight crewmember pairing and crew resource management techniques.

TITLE IV—AIR SERVICE IMPROVEMENTS

Sec. 401. Smoking prohibition.
Sec. 402. Monthly air carrier reports.
Sec. 403. Flight operations at Reagan National Airport.
Sec. 404. EAS contract guidelines.
Sec. 405. Essential air service reform.
Sec. 406. Small community air service.
Sec. 407. Air passenger service improvements.
Sec. 408. Contents of competition plans.
Sec. 409. Extension of competitive access reports.
Sec. 410. Contract tower program.
Sec. 411. Airfares for members of the Armed Forces.
Sec. 412. Repeal of essential air service local participation program.
Sec. 413. Adjustment to subsidy cap to reflect increased fuel costs.
Sec. 414. Notice to communities prior to termination of eligibility for subsidized essential air service.
Sec. 415. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.
Sec. 416. Office of Rural Aviation.
Sec. 417. Adjustments to compensation for significantly increased costs.
Sec. 418. Review of air carrier flight delays, cancellations, and associated causes.
Sec. 419. European Union rules for passenger rights.
Sec. 420. Establishment of advisory committee for aviation consumer protection.
Sec. 421. Denied boarding compensation.
Sec. 422. Compensation for delayed baggage.
Sec. 423. Schedule reduction.
Sec. 424. Expansion of DOT airline consumer complaint investigations.
Sec. 425. Prohibitions against voice communications using mobile communications devices on scheduled flights.
Sec. 426. Antitrust exemptions.
Sec. 427. Musical instruments.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

Sec. 501. Amendments to air tour management program.
Sec. 502. State block grant program.
Sec. 503. Airport funding of special studies or reviews.
Sec. 504. Grant eligibility for assessment of flight procedures.
Sec. 505. Determination of fair market value of residential properties.
Sec. 506. Soundproofing of residences.
Sec. 507. CLEEN research, development, and implementation partnership.
Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.

Sec. 509. Environmental mitigation pilot program.
Sec. 510. Aircraft departure queue management pilot program.
Sec. 511. High performance and sustainable air traffic control facilities.
Sec. 512. Regulatory responsibility for aircraft engine noise and emissions standards.
Sec. 513. Cabin air quality technology.
Sec. 514. Sense of Congress.
Sec. 515. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
Sec. 516. GAO study on compliance with FAA record of decision.
Sec. 517. Westchester County Airport, New York.
Sec. 518. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

Sec. 601. Federal Aviation Administration personnel management system.
Sec. 602. Merit system principles and prohibited personnel practices.
Sec. 603. Applicability of back pay requirements.
Sec. 604. FAA technical training and staffing.
Sec. 605. Designee program.
Sec. 606. Staffing model for aviation safety inspectors.
Sec. 607. Safety critical staffing.
Sec. 608. FAA air traffic controller staffing.
Sec. 609. Assessment of training programs for air traffic controllers.
Sec. 610. Collegiate training initiative study.
Sec. 611. FAA Task Force on Air Traffic Control Facility Conditions.

TITLE VII—AVIATION INSURANCE

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

TITLE VIII—MISCELLANEOUS

Sec. 801. Air carrier citizenship.
Sec. 802. Disclosure of data to Federal agencies in interest of national security.
Sec. 803. FAA access to criminal history records and database systems.
Sec. 804. Clarification of air carrier fee disputes.
Sec. 805. Study on national plan of integrated airport systems.
Sec. 806. Express carrier employee protection.
Sec. 807. Consolidation and realignment of FAA facilities.
Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.
Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
Sec. 810. Lost Nation Airport, Ohio.
Sec. 811. Pollock Municipal Airport, Louisiana.
Sec. 812. Human intervention and motivation study program.
Sec. 813. Washington, DC, Air Defense Identification Zone.
Sec. 814. Merrill Field Airport, Anchorage, Alaska.
Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.

Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.
Sec. 817. Pilot program for redevelopment of airport properties.
Sec. 818. Helicopter operations over Long Island and Staten Island, New York.
Sec. 819. Cabin temperature and humidity standards study.
Sec. 820. Civil penalties technical amendments.
Sec. 821. Study and report on alleviating congestion.
Sec. 822. Airline personnel training enhancement.
Sec. 823. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.
Sec. 824. FAA radar signal locations.
Sec. 825. Wind turbine lighting.
Sec. 826. Prohibition on use of certain funds.
Sec. 827. Limiting access to flight decks of all-cargo aircraft.
Sec. 828. Whistleblowers at FAA.
Sec. 829. College Point Marine Transfer Station, New York.
Sec. 830. Pilot training and certification.
Sec. 831. St. George, Utah.
Sec. 832. Replacement of terminal radar approach control at Palm Beach International Airport.
Sec. 833. Santa Monica Airport, California.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

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

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

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

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

Sec. 1101. Compliance provision.

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

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

SEC. 3. EFFECTIVE DATE.

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

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking "September 30, 2003" and inserting "September 30, 2008"; and

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

"(1) $4,000,000,000 for fiscal year 2010;

"(2) $4,100,000,000 for fiscal year 2011; and

"(3) $4,200,000,000 for fiscal year 2012.".

1 (b) ALLOCATIONS OF FUNDS.—Section 48103 is
2 amended—
3 (1) by striking "The total amounts" and insert-
4 ing "(a) AVAILABILITY OF AMOUNTS.—The total
5 amounts"; and
6 (2) by adding at the end the following:
7 "(b) AIRPORT COOPERATIVE RESEARCH PRO-
8 GRAM.—Of the amounts made available under subsection
9 (a), $15,000,000 for each of fiscal years 2010 through
10 2012 may be used for carrying out the Airport Coopera-
11 tive Research Program.
12 "(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the
13 amounts made available under subsection (a),
14 $19,348,000 for each of fiscal years 2010 through 2012
15 may be used for carrying out airports technology re-
16 search.".
17 (c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is
18 amended by striking "September 30, 2009" and inserting
19 "September 30, 2012".
20 (d) RESCISSION OF UNOBLIGATED BALANCES.—Of
21 the amounts authorized under sections 48103 and 48112
22 of title 49, United States Code, for fiscal year 2009,
23 $305,500,000 are hereby rescinded. Of the unobligated
24 balances from funds available under such sections for fis-

1 cal years prior to fiscal year 2009, $102,000,000 are here-
2 by rescinded.

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

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

7 "(1) $3,259,000,000 for fiscal year 2010.

8 "(2) $3,353,000,000 for fiscal year 2011.

9 "(3) $3,506,000,000 for fiscal year 2012.".

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

13 "(c) WAKE VORTEX MITIGATION.—Of amounts ap-
14 propriated under subsection (a), such sums as may be nec-
15 essary for each of fiscal years 2010 through 2012 may
16 be used for the development and analysis of wake vortex
17 mitigation, including advisory systems.

18 "(d) WEATHER HAZARDS.—

19 "(1) IN GENERAL.—Of amounts appropriated
20 under subsection (a), such sums as may be nec-
21 essary for each of fiscal years 2010 through 2012
22 may be used for the development of in-flight and
23 ground-based weather threat mitigation systems, in-
24 cluding ground de-icing and anti-icing systems and
25 other systems for predicting, detecting, and miti-

1 gating the effects of certain weather conditions on
2 both airframes and engines.
3 "(2) SPECIFIC HAZARDS.—Weather conditions
4 referred to in paragraph (1) include—
5 "(A) ground-based icing threats such as
6 ice pellets and freezing drizzle;
7 "(B) oceanic weather, including convective
8 weather, and other hazards associated with oce-
9 anic operations (where commercial traffic is
10 high and only rudimentary satellite sensing is
11 available) to reduce the hazards presented to
12 commercial aviation, including convective
13 weather ice crystal ingestion threats; and
14 "(C) en route turbulence prediction.
15 "(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts
16 appropriated under subsection (a) and section 106(k)(1),
17 such sums as may be necessary for each of fiscal years
18 2010 through 2012 may be used to advance the develop-
19 ment and implementation of safety management systems.
20 "(f) RUNWAY INCURSION REDUCTION PROGRAMS.—
21 Of amounts appropriated under subsection (a),
22 $12,000,000 for fiscal year 2010, $12,000,000 for fiscal
23 year 2011, and $12,000,000 for fiscal year 2012 may be
24 used for the development and implementation of runway
25 incursion reduction programs.

1 "(g) RUNWAY STATUS LIGHTS.—Of amounts appro-
2 priated under subsection (a), $125,000,000 for fiscal year
3 2010, $100,000,000 for 2011, and $50,000,000 for fiscal
4 year 2012 may be used for the acquisition and installation
5 of runway status lights.

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

12 "(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of
13 amounts appropriated under subsection (a), $30,000,000
14 for fiscal year 2010, $30,000,000 for fiscal year 2011, and
15 $30,000,000 for fiscal year 2012 may be used for dem-
16 onstration activities associated with NextGen.

17 "(j) CENTER FOR ADVANCED AVIATION SYSTEM DE-
18 VELOPMENT.—Of amounts appropriated under subsection
19 (a), $79,000,000 for fiscal year 2010, $79,000,000 for fis-
20 cal year 2011, and $80,800,000 for fiscal year 2012 may
21 be used for the Center for Advanced Aviation System De-
22 velopment.

23 "(k) ADDITIONAL PROGRAMS.—Of amounts appro-
24 priated under subsection (a), $22,500,000 for fiscal year

1 2010, $22,500,000 for fiscal year 2011, and $22,500,000
2 for fiscal year 2012 may be used for—
3 "(1) system capacity, planning, and improve-
4 ment;
5 "(2) operations concept validation;
6 "(3) NAS weather requirements; and
7 "(4) Airspace Management Lab.".
8 **SEC. 103. FAA OPERATIONS.**
9 (a) IN GENERAL.—Section 106(k)(1) is amended by
10 striking subparagraphs (A) through (E) and inserting the
11 following:
12 "(A) $9,531,272,000 for fiscal year 2010;
13 "(B) $9,936,259,000 for fiscal year 2011;
14 and
15 "(C) $10,350,155,000 for fiscal year
16 2012.".
17 (b) AUTHORIZED EXPENDITURES.—Section
18 106(k)(2) is amended—
19 (1) by striking subparagraph (A) and inserting
20 the following:
21 "(A) Such sums as may be necessary for
22 fiscal years 2010 through 2012 to support de-
23 velopment and maintenance of helicopter ap-
24 proach procedures, including certification and
25 recertification of instrument flight rule, global

1 positioning system, and point-in-space ap-
2 proaches to heliports necessary to support all
3 weather, emergency services.";
4 (2) by striking subparagraphs (B), (C), and
5 (D);
6 (3) by redesignating subparagraphs (E), (F),
7 and (G) as subparagraphs (B), (C), and (D), respec-
8 tively; and
9 (4) in subparagraphs (B), (C), and (D) (as so
10 redesignated) by striking "2004 through 2007" and
11 inserting "2010 through 2012".
12 (c) AIRLINE DATA AND ANALYSIS.—There is author-
13 ized to be appropriated to the Secretary of Transportation
14 out of the Airport and Airway Trust Fund established by
15 section 9502 of the Internal Revenue Code of 1986 (26
16 U.S.C. 9502) to fund airline data collection and analysis
17 by the Bureau of Transportation Statistics in the Re-
18 search and Innovative Technology Administration of the
19 Department of Transportation $6,000,000 for each of fis-
20 cal years 2010, 2011, and 2012.
21 **SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.**
22 Section 48102(a) is amended—
23 (1) in paragraph (11)—
24 (A) in subparagraph (K) by inserting
25 "and" at the end; and

1 (B) in subparagraph (L) by striking "and"
2 at the end;
3 (2) in paragraph (12)(L) by striking "and" at
4 the end; and
5 (3) by striking paragraph (13) and inserting
6 the following:
7 "(13) for fiscal year 2010, $214,587,000, in-
8 cluding—
9 "(A) $8,546,000 for fire research and safe-
10 ty;
11 "(B) $4,075,000 for propulsion and fuel
12 systems;
13 "(C) $2,965,000 for advanced materials
14 and structural safety;
15 "(D) $4,921,000 for atmospheric hazards
16 and digital system safety;
17 "(E) $14,688,000 for aging aircraft;
18 "(F) $2,153,000 for aircraft catastrophic
19 failure prevention research;
20 "(G) $11,000,000 for flightdeck mainte-
21 nance, system integration, and human factors;
22 "(H) $12,589,000 for aviation safety risk
23 analysis;
24 "(I) $15,471,000 for air traffic control,
25 technical operations, and human factors;

1 "(J) $8,699,000 for aeromedical research;
2 "(K) $23,286,000 for weather program;
3 "(L) $6,236,000 for unmanned aircraft
4 systems research;
5 "(M) $18,100,000 for the Next Generation
6 Air Transportation System Joint Planning and
7 Development Office;
8 "(N) $10,412,000 for wake turbulence;
9 "(O) $10,400,000 for NextGen—Air
10 ground integration;
11 "(P) $8,000,000 for NextGen—Self sepa-
12 ration;
13 "(Q) $7,567,000 for NextGen—Weather
14 technology in the cockpit;
15 "(R) $20,278,000 for environment and en-
16 ergy;
17 "(S) $19,700,000 for NextGen—Environ-
18 mental research—Aircraft technologies, fuels,
19 and metrics;
20 "(T) $1,827,000 for system planning and
21 resource management; and
22 "(U) $3,674,000 for the William J.
23 Hughes Technical Center Laboratory Facility;
24 "(14) for fiscal year 2011, $225,993,000, in-
25 cluding—

1 "(A) $8,815,000 for fire research and safe-
2 ty;
3 "(B) $4,150,000 for propulsion and fuel
4 systems;
5 "(C) $2,975,000 for advanced materials
6 and structural safety;
7 "(D) $4,949,000 for atmospheric hazards
8 and digital system safety;
9 "(E) $14,903,000 for aging aircraft;
10 "(F) $2,181,000 for aircraft catastrophic
11 failure prevention research;
12 "(G) $12,000,000 for flightdeck mainte-
13 nance, system integration, and human factors;
14 "(H) $12,497,000 for aviation safety risk
15 analysis;
16 "(I) $15,715,000 for air traffic control,
17 technical operations, and human factors;
18 "(J) $8,976,000 for aeromedical research;
19 "(K) $23,638,000 for weather program;
20 "(L) $6,295,000 for unmanned aircraft
21 systems research;
22 "(M) $18,100,000 for the Next Generation
23 Air Transportation System Joint Planning and
24 Development Office;
25 "(N) $10,471,000 for wake turbulence;

1 "(O) $10,600,000 for NextGen—Air
2 ground integration;
3 "(P) $8,300,000 for NextGen—Self sepa-
4 ration;
5 "(Q) $8,345,000 for NextGen—Weather
6 technology in the cockpit;
7 "(R) $27,075,000 for environment and en-
8 ergy;
9 "(S) $20,368,000 for NextGen—Environ-
10 mental research—Aircraft technologies, fuels,
11 and metrics;
12 "(T) $1,836,000 for system planning and
13 resource management; and
14 "(U) $3,804,000 for the William J.
15 Hughes Technical Center Laboratory Facility;
16 and
17 "(15) for fiscal year 2012, $244,860,000, in-
18 cluding—
19 "(A) $8,957,000 for fire research and safe-
20 ty;
21 "(B) $4,201,000 for propulsion and fuel
22 systems;
23 "(C) $2,986,000 for advanced materials
24 and structural safety;

1 "(D) $4,979,000 for atmospheric hazards
2 and digital system safety;
3 "(E) $15,013,000 for aging aircraft;
4 "(F) $2,192,000 for aircraft catastrophic
5 failure prevention research;
6 "(G) $12,000,000 for flightdeck mainte-
7 nance, system integration, and human factors;
8 "(H) $12,401,000 for aviation safety risk
9 analysis;
10 "(I) $16,000,000 for air traffic control,
11 technical operations, and human factors;
12 "(J) $9,267,000 for aeromedical research;
13 "(K) $23,800,000 for weather program;
14 "(L) $6,400,000 for unmanned aircraft
15 systems research;
16 "(M) $18,100,000 for the Next Generation
17 Air Transportation System Joint Planning and
18 Development Office;
19 "(N) $10,471,000 for wake turbulence;
20 "(O) $10,800,000 for NextGen—Air
21 ground integration;
22 "(P) $8,500,000 for NextGen—Self sepa-
23 ration;
24 "(Q) $8,569,000 for NextGen—Weather
25 technology in the cockpit;

"(R) $44,409,000 for environment and energy;

"(S) $20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

"(T) $1,840,000 for system planning and resource management; and

"(U) $3,941,000 for the William J. Hughes Technical Center Laboratory Facility.".

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

"(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

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

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

1 "(I) 90 percent of the estimated
2 level of receipts plus interest credited
3 to the Airport and Airway Trust
4 Fund for that fiscal year; and
5 "(II) the actual level of receipts
6 plus interest credited to the Airport
7 and Airway Trust Fund for the sec-
8 ond preceding fiscal year minus the
9 total amount made available for obli-
10 gation from the Airport and Airway
11 Trust Fund for the second preceding
12 fiscal year.
13 Such amounts may be used only for aviation in-
14 vestment programs listed in subsection (b).".
15 (b) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-
16 TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)
17 is amended by striking "2007" and inserting "2012".
18 (c) ESTIMATED LEVEL OF RECEIPTS PLUS INTER-
19 EST DEFINED.—Section 48114(b)(2) is amended—
20 (1) in the paragraph heading by striking
21 "LEVEL" and inserting "ESTIMATED LEVEL"; and
22 (2) by striking "level of receipts plus interest"
23 and inserting "estimated level of receipts plus inter-
24 est".

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking "2007" and inserting "2012".

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

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

"(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.".

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking "$4.00 or $4.50" and inserting "$4.00, $4.50, $5.00, $6.00, or $7.00".

(c) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking "**fees**" and inserting "**charges**";

1 (B) in the heading for subsection (e) by
2 striking "FEES" and inserting "CHARGES";
3 (C) in the heading for subsection (l) by
4 striking "FEE" and inserting "CHARGE";
5 (D) in the heading for paragraph (5) of
6 subsection (l) by striking "FEE" and inserting
7 "CHARGE";
8 (E) in the heading for subsection (m) by
9 striking "FEES" and inserting "CHARGES";
10 (F) in the heading for paragraph (1) of
11 subsection (m) by striking "FEES" and insert-
12 ing "CHARGES";
13 (G) by striking "fee" each place it appears
14 (other than the second sentence of subsection
15 (g)(4)) and inserting "charge"; and
16 (H) by striking "fees" each place it ap-
17 pears and inserting "charges".
18 (2) OTHER REFERENCES.—Subtitle VII is
19 amended by striking "fee" and inserting "charge"
20 each place it appears in each of the following sec-
21 tions:
22 (A) Section 47106(f)(1).
23 (B) Section 47110(e)(5).
24 (C) Section 47114(f).
25 (D) Section 47134(g)(1).

1 (E) Section 47139(b).

2 (F) Section 47524(e).

3 (G) Section 47526(2).

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

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

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

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

17 **SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING**
18 **CONTRACTS FOR AIRSIDE PROJECTS.**

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

20 (1) by striking "and" at the end of paragraph
21 (3);

22 (2) by striking the period at the end of para-
23 graph (4) and inserting "; and"; and

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

"(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.".

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

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

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

"(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

"(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

"(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

"(3) ELIGIBLE COSTS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

"(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

"(ii) the total number of the individuals projected to use the facility.

"(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

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

"(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).".

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

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

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

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

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

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

1 taged business enterprises that would be ex-
2 pected in the absence of discrimination;
3 "(B) provision for an assurance that re-
4 quires that an eligible agency will not discrimi-
5 nate on the basis of race, color, national origin,
6 or sex in the award and performance of any
7 contract funded using passenger facility reve-
8 nues; and
9 "(C) a requirement that an eligible agency
10 will take all necessary and reasonable steps to
11 ensure nondiscrimination in the award and ad-
12 ministration of contracts funded using pas-
13 senger facility revenues.
14 "(3) EFFECTIVE DATE.—Paragraph (1) shall
15 take effect on the day following the date on which
16 the Secretary issues final regulations under para-
17 graph (2).
18 "(4) DEFINITIONS.—In this subsection, the fol-
19 lowing definitions apply:
20 "(A) AIRPORT CONCESSIONS DISADVAN-
21 TAGED BUSINESS ENTERPRISE.—The term 'air-
22 port concessions disadvantaged business enter-
23 prise' has the meaning given that term in part
24 23 of title 49, Code of Federal Regulations (or
25 a successor regulation).

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

6 **SEC. 116. IMPACTS ON AIRPORTS OF ACCOMMODATING**
7 **CONNECTING PASSENGERS.**

8 (a) STUDY.—Not later than 90 days after the date
9 of enactment of this Act, the Secretary of Transportation
10 shall initiate a study to evaluate—
11 (1) the impacts on airports of accommodating
12 connecting passengers; and
13 (2) the treatment of airports at which the ma-
14 jority of passengers are connecting passengers under
15 the passenger facility charge program authorized by
16 section 40117 of title 49, United States Code.
17 (b) CONTENTS OF STUDY.—In conducting the study,
18 the Secretary shall review, at a minimum, the following:
19 (1) the differences in facility needs, and the
20 costs for constructing, maintaining, and operating
21 those facilities, for airports at which the majority of
22 passengers are connecting passengers as compared
23 to airports at which the majority of passengers are
24 originating and destination passengers;

1 (2) whether the costs to an airport of accommo-
2 dating additional connecting passengers differs from
3 the cost of accommodating additional originating
4 and destination passengers;
5 (3) for each airport charging a passenger facil-
6 ity charge, the percentage of passenger facility
7 charge revenue attributable to connecting passengers
8 and the percentage of such revenue attributable to
9 originating and destination passengers;
10 (4) the potential effects on airport revenues of
11 requiring airports to charge different levels of pas-
12 senger facility charges on connecting passengers and
13 originating and destination passengers; and
14 (5) the added costs to air carriers of collecting
15 passenger facility charges under a system in which
16 different levels of passenger facility charges are im-
17 posed on connecting passengers and originating and
18 destination passengers.
19 (c) REPORT TO CONGRESS.—
20 (1) IN GENERAL.—Not later than one year
21 after the date of initiation of the study, the Sec-
22 retary shall submit to Congress a report on the re-
23 sults of the study.
24 (2) CONTENTS.—The report shall include—

1 (A) the findings of the Secretary on each
2 of the subjects listed in subsection (b); and
3 (B) recommendations, if any, of the Sec-
4 retary based on the results of the study for any
5 changes to the passenger facility charge pro-
6 gram, including recommendations as to whether
7 different levels of passenger facility charges
8 should be imposed on connecting passengers
9 and originating and destination passengers.

10 Subtitle C—Fees for FAA Services

11 **SEC. 121. UPDATE ON OVERFLIGHTS.**

12 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—
13 Section 45301(b) is amended to read as follows:
14 "(b) ESTABLISHMENT AND ADJUSTMENT OF
15 FEES.—
16 "(1) IN GENERAL.—In establishing and adjust-
17 ing fees under subsection (a), the Administrator
18 shall ensure that the fees are reasonably related to
19 the Administration's costs, as determined by the Ad-
20 ministrator, of providing the services rendered. Serv-
21 ices for which costs may be recovered include the
22 costs of air traffic control, navigation, weather serv-
23 ices, training, and emergency services which are
24 available to facilitate safe transportation over the
25 United States and the costs of other services pro-

1 vided by the Administrator, or by programs financed
2 by the Administrator, to flights that neither take off
3 nor land in the United States. The determination of
4 such costs by the Administrator, and the allocation
5 of such costs by the Administrator to services pro-
6 vided, are not subject to judicial review.

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

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

23 "(4) COSTS DEFINED.—In this subsection, the
24 term 'costs' includes those costs associated with the
25 operation, maintenance, leasing costs, and overhead

1 expenses of the services provided and the facilities
2 and equipment used in such services, including the
3 projected costs for the period during which the serv-
4 ices will be provided.

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

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

14 "(e) ADJUSTMENTS.—In addition to adjustments
15 under subsection (b), the Administrator may periodically
16 adjust the fees established under this section.".

17 **SEC. 122. REGISTRATION FEES.**

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

20 **"§ 45305. Registration, certification, and related fees**

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

25 "(1) $130 for registering an aircraft.

1 "(2) $45 for replacing an aircraft registration.
2 "(3) $130 for issuing an original dealer's air-
3 craft certificate.
4 "(4) $105 for issuing an aircraft certificate
5 (other than an original dealer's aircraft certificate).
6 "(5) $80 for issuing a special registration num-
7 ber.
8 "(6) $50 for issuing a renewal of a special reg-
9 istration number.
10 "(7) $130 for recording a security interest in
11 an aircraft or aircraft part.
12 "(8) $50 for issuing an airman certificate.
13 "(9) $25 for issuing a replacement airman cer-
14 tificate.
15 "(10) $42 for issuing an airman medical certifi-
16 cate.
17 "(11) $100 for providing a legal opinion per-
18 taining to aircraft registration or recordation.
19 "(b) LIMITATION ON COLLECTION.—No fee may be
20 collected under this section unless the expenditure of the
21 fee to pay the costs of activities and services for which
22 the fee is imposed is provided for in advance in an appro-
23 priations Act.
24 "(c) FEES CREDITED AS OFFSETTING COLLEC-
25 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.

"(N) terminal development under section 47119(a).

"(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.".

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: ", developing an environmental management system".

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

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

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

(3) by inserting after paragraph (7) the following:

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 that
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

from an airport passenger terminal building; and

"(iii) walkways that lead directly to or from an airport passenger terminal building; and

"(B) the cost of a vehicle described in section 47119(a)(1)(B).".

SEC. 132. SOLID WASTE RECYCLING PLANS.

(a) AIRPORT PLANNING.—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the following: ", and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws".

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

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid 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).

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

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

"(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.".

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

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking "provided in subsection (b) or subsection (c) of this section" and inserting "otherwise specifically provided in this section"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government'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. PREFERENCE FOR SMALL BUSINESS CONCERNS**
10 **OWNED AND CONTROLLED BY DISABLED**
11 **VETERANS.**

12 Section 47112(c) is amended by adding at the end
13 the following:
14 "(3) A contract involving labor for carrying out an
15 airport development project under a grant agreement
16 under this subchapter must require that a preference be
17 given to the use of small business concerns (as defined
18 in section 3 of the Small Business Act (15 U.S.C. 632))
19 owned and controlled by disabled veterans.".

20 **SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTER-**
21 **PRISE PROGRAM.**

22 (a) PURPOSE.—It is the purpose of the airport dis-
23 advantaged business program to ensure that minority- and
24 women-owned businesses have a full and fair opportunity
25 to compete in federally assisted airport contracts and con-

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

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

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

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

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

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

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

1 (B) the availability of bonding and insur-
2 ance;
3 (C) the ability to obtain licensing and cer-
4 tification;
5 (D) public and private bidding and quoting
6 procedures;
7 (E) the pricing of supplies and services;
8 (F) business training, education, and ap-
9 prenticeship programs; and
10 (G) professional support organizations and
11 informal networks through which business op-
12 portunities are often established.
13 (5) Congress has received voluminous evidence
14 of discrimination against minority and women busi-
15 ness owners in airport-related industries, includ-
16 ing—
17 (A) statistical analyses demonstrating sig-
18 nificant disparities in the utilization of
19 minority- and women-owned businesses in fed-
20 erally and locally funded airport related con-
21 tracting;
22 (B) statistical analyses of private sector
23 disparities in business success by minority- and
24 women-owned businesses in airport related in-
25 dustries;

1 (C) research compiling anecdotal reports of
2 discrimination by individual minority and
3 women business owners;
4 (D) individual reports of discrimination by
5 minority and women business owners and the
6 organizations and individuals who represent mi-
7 nority and women business owners;
8 (E) analyses demonstrating significant re-
9 ductions in the participation of minority and
10 women businesses in jurisdictions that have re-
11 duced or eliminated their minority- and women-
12 owned business programs;
13 (F) statistical analyses showing significant
14 disparities in the credit available to minority-
15 and women-owned businesses;
16 (G) research and statistical analyses dem-
17 onstrating how discrimination negatively im-
18 pacts firm formation, growth, and success;
19 (H) experience of airports and other local-
20 ities demonstrating that race- and gender-neu-
21 tral efforts alone are insufficient to remedy dis-
22 crimination; and
23 (I) other qualitative and quantitative evi-
24 dence of discrimination against minority- and

1 women-owned businesses in airport-related in-
2 dustries.
3 (6) All of this evidence provides a strong basis
4 for the continuation of the airport disadvantaged
5 business enterprise program and the airport conces-
6 sions disadvantaged business enterprise program.
7 (7) Congress has received and reviewed recent
8 comprehensive and compelling evidence of discrimi-
9 nation from many different sources, including con-
10 gressional hearings and roundtables, scientific re-
11 ports, reports issued by public and private agencies,
12 news stories, reports of discrimination by organiza-
13 tions and individuals, and discrimination lawsuits.
14 (c) DISADVANTAGED BUSINESS ENTERPRISE PER-
15 SONAL NET WORTH CAP; BONDING REQUIREMENTS.—
16 Section 47113 is amended by adding at the end the fol-
17 lowing:
18 "(e) PERSONAL NET WORTH CAP.—
19 "(1) REGULATIONS.—Not later than 180 days
20 after the date of enactment of this subsection, the
21 Secretary shall issue final regulations to adjust the
22 personal net worth cap used in determining whether
23 an individual is economically disadvantaged for pur-
24 poses of qualifying under the definition contained in
25 subsection (a)(2) and under section 47107(e). The

1 regulations shall correct for the impact of inflation
2 since the Small Business Administration established
3 the personal net worth cap at $750,000 in 1989.
4 "(2) ANNUAL ADJUSTMENT.—Following the ini-
5 tial adjustment under paragraph (1), the Secretary
6 shall adjust, on June 30 of each year thereafter, the
7 personal net worth cap to account for changes, oc-
8 curring in the preceding 12-month period, in the
9 Consumer Price Index of All Urban Consumers
10 (United States city average, all items) published by
11 the Secretary of Labor.
12 "(f) EXCLUSION OF RETIREMENT BENEFITS.—
13 "(1) IN GENERAL.—In calculating a business
14 owner's personal net worth, any funds held in a
15 qualified retirement account owned by the business
16 owner shall be excluded, subject to regulations to be
17 issued by the Secretary.
18 "(2) REGULATIONS.—Not later than one year
19 after the date of enactment of this subsection, the
20 Secretary shall issue final regulations to implement
21 paragraph (1), including consideration of appro-
22 priate safeguards, such as a limit on the amount of
23 such accounts, to prevent circumvention of personal
24 net worth requirements.

1 "(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-
2 TORY BONDING REQUIREMENTS.—
3 "(1) IN GENERAL.—The Secretary shall estab-
4 lish a program to eliminate barriers to small busi-
5 ness participation in airport-related contracts and
6 concessions by prohibiting excessive, unreasonable,
7 or discriminatory bonding requirements for any
8 project funded under this chapter or using passenger
9 facility revenues under section 40117.
10 "(2) REGULATIONS.—Not later than one year
11 after the date of enactment of this subsection, the
12 Secretary shall issue a final rule to establish the pro-
13 gram under paragraph (1).".

14 **SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DIS-**
15 **ADVANTAGED BUSINESS ENTERPRISES.**

16 (a) MANDATORY TRAINING PROGRAM.—Section
17 47113 (as amended by this Act) is further amended—
18 (1) in subsection (b) by striking "Secretary"
19 and inserting "Secretary of Transportation"; and
20 (2) by adding at the end the following:
21 "(h) MANDATORY TRAINING PROGRAM.—
22 "(1) IN GENERAL.—Not later than one year
23 after the date of enactment of this subsection, the
24 Secretary shall establish a mandatory training pro-
25 gram for persons described in paragraph (3) on cer-

1 tifying whether a small business concern qualifies as
2 a small business concern owned and controlled by
3 socially and economically disadvantaged individuals
4 under this section and section 47107(e).

5 "(2) IMPLEMENTATION.—The training program
6 may be implemented by one or more private entities
7 approved by the Secretary.

8 "(3) PARTICIPANTS.—A person referred to in
9 paragraph (1) is an official or agent of an airport
10 sponsor—

11 "(A) who is required to provide a written
12 assurance under this section or section
13 47107(e) that the airport owner or operator will
14 meet the percentage goal of subsection (b) or
15 section 47107(e)(1); or

16 "(B) who is responsible for determining
17 whether or not a small business concern quali-
18 fies as a small business concern owned and con-
19 trolled by socially and economically disadvan-
20 taged individuals under this section or section
21 47107(e).

22 "(4) AUTHORIZATION OF APPROPRIATIONS.—
23 Out of amounts appropriated under section 106(k),
24 not less than $2,000,000 for each of fiscal years
25 2010, 2011, and 2012 shall be used to carry out this

1 subsection and to support other programs and activi-
2 ties of the Secretary related to the participation of
3 small business concerns owned and controlled by so-
4 cially and economically disadvantaged individuals in
5 airport related contracts or concessions.".

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

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

15 Section 47114(d) is amended—

16 (1) in paragraph (2)—

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

20 (B) by striking "18.5 percent" and insert-
21 ing "10 percent"; and

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

24 "(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) ⅕ 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 2009," and inserting "fiscal years 2010
25 through 2012,".

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

2 Section 47117(e)(1)(A) is amended—

3 (1) in the first sentence—

4 (A) by striking "35 percent" and inserting

5 "$300,000,000";

6 (B) by striking "and" after "47141,"; and

7 (C) by inserting before the period at the

8 end the following: ", and for water quality miti-

9 gation projects to comply with the Federal

10 Water Pollution Control Act (33 U.S.C. 1251 et

11 seq.) as approved in an environmental record of

12 decision for an airport development project

13 under this title"; and

14 (2) in the second sentence by striking "such 35

15 percent requirement is" and inserting "the require-

16 ments of the preceding sentence are".

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

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

19 (1) by striking "Subsection (a) shall not apply

20 if" and inserting the following:

21 "(1) PRIOR LAWS AND AGREEMENTS.—Sub-

22 section (a) shall not apply if"; and

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

24 "(2) SALE OF PRIVATE AIRPORT TO PUBLIC

25 SPONSOR.—In the case of a privately owned airport,

1 subsection (a) shall not apply to the proceeds from
2 the sale of the airport to a public sponsor if—
3 "(A) the sale is approved by the Secretary;
4 "(B) funding is provided under this sub-
5 title for any portion of the public sponsor's ac-
6 quisition of airport land; and
7 "(C) an amount equal to the remaining
8 unamortized portion of any airport improve-
9 ment grant made to that airport for purposes
10 other than land acquisition, amortized over a
11 20-year period, plus an amount equal to the
12 Federal share of the current fair market value
13 of any land acquired with an airport improve-
14 ment grant made to that airport on or after Oc-
15 tober 1, 1996, is repaid to the Secretary by the
16 private owner.
17 "(3) TREATMENT OF REPAYMENTS.—Repay-
18 ments referred to in paragraph (2)(C) shall be treat-
19 ed as a recovery of prior year obligations.".
20 (b) APPLICABILITY TO GRANTS.—The amendments
21 made by subsection (a) shall apply to grants issued on
22 or after October 1, 1996.
23 **SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.**
24 (a) APPROVAL REQUIREMENTS.—Section 47134 is
25 amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii),

1 (c)(4)(A), and (c)(4)(B) by striking "65 percent" each
2 place it appears and inserting "75 percent".
3 (b) PROHIBITION ON RECEIPT OF FUNDS.—
4 (1) SECTION 47134.—Section 47134 is amended
5 by adding at the end the following:
6 "(n) PROHIBITION ON RECEIPT OF CERTAIN
7 FUNDS.—An airport receiving an exemption under sub-
8 section (b) shall be prohibited from receiving apportion-
9 ments under section 47114 or discretionary funds under
10 section 47115.".
11 (2) CONFORMING AMENDMENTS.—Section
12 47134(g) is amended—
13 (A) in the subsection heading by striking
14 "APPORTIONMENTS;";
15 (B) in paragraph (1) by striking the semi-
16 colon at the end and inserting "; or";
17 (C) by striking paragraph (2); and
18 (D) by redesignating paragraph (3) as
19 paragraph (2).
20 (c) FEDERAL SHARE OF PROJECT COSTS.—Section
21 47109(a) is amended—
22 (1) by striking the semicolon at the end of
23 paragraph (3) and inserting "; and";
24 (2) by striking paragraph (4); and

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

3 **SEC. 146. AIRPORT SECURITY PROGRAM.**

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

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

9 "(b) IMPLEMENTATION.—

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

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

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

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

22 "(A) evaluate and test the benefits of inno-
23 vative aviation security systems or related tech-
24 nology, including explosives detection systems,
25 for the purpose of improving aviation and air-

1 craft physical security, access control, and pas-
2 senger and baggage screening; and
3 "(B) provide testing and evaluation of air-
4 port security systems and technology in an
5 operational, testbed environment.".
6 (c) MATCHING SHARE.—Section 47137(c) is amend-
7 ed by inserting after "section 47109" the following: "or
8 any other provision of law".
9 (d) ADMINISTRATION.—Section 47137(e) is amended
10 by adding at the end the following: "The Secretary may
11 enter into an agreement in accordance with section
12 106(m) to provide for the administration of any project
13 under the program.".
14 (e) ELIGIBLE SPONSOR.—Section 47137 is amended
15 by striking subsection (f) and redesignating subsection (g)
16 as subsection (f).
17 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
18 47137(f) (as so redesignated) is amended by striking
19 "$5,000,000" and inserting "$8,500,000".

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

22 Section 47138 is amended by adding at the end the
23 following:
24 "(f) SUNSET.—This section shall not be in effect
25 after September 30, 2008.".

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

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

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

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

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

11 Section 186(d) of the Vision 100—Century of Avia-
12 tion Reauthorization Act (117 Stat. 2518) is amended by
13 striking "October 1, 2009," and inserting "October 1,
14 2012,".

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

16 Section 47114(e) is amended—
17 (1) in the subsection heading by inserting "AND
18 PUERTO RICO" after "ALASKA"; and
19 (2) by adding at the end the following:
20 "(5) PUERTO RICO MINIMUM GUARANTEE.—In
21 any fiscal year in which the total amount appor-
22 tioned to airports in Puerto Rico under subsections
23 (c) and (d) is less than 1.5 percent of the total
24 amount apportioned to all airports under subsections
25 (c) and (d), the Secretary shall apportion to the
26 Puerto Rico Ports Authority for airport development

1 projects in such fiscal year an amount equal to the
2 difference between 1.5 percent of the total amounts
3 apportioned under subsections (c) and (d) in such
4 fiscal year and the amount otherwise apportioned
5 under subsections (c) and (d) to airports in Puerto
6 Rico in such fiscal year.".

7 **SEC. 152. MISCELLANEOUS AMENDMENTS.**

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

11 (1) in subsection (a)—

12 (A) by striking "each airport to—" and in-
13 serting "the airport system to—";

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

18 (C) in paragraph (2) by striking "; and"
19 and inserting a period; and

20 (D) by striking paragraph (3);

21 (2) in subsection (b)—

22 (A) in paragraph (1) by striking the semi-
23 colon and inserting "; and";

24 (B) by striking paragraph (2) and redesig-
25 nating paragraph (3) as paragraph (2); and

1 (C) in paragraph (2) (as so redesignated)
2 by striking ", Short Takeoff and Landing/Very
3 Short Takeoff and Landing aircraft oper-
4 ations,"; and
5 (3) in subsection (d) by striking "status of
6 the".
7 (b) UPDATE VETERANS PREFERENCE DEFINI-
8 TION.—Section 47112(c) is amended—
9 (1) in paragraph (1)—
10 (A) in subparagraph (B) by striking "sepa-
11 rated from" and inserting "discharged or re-
12 leased from active duty in"; and
13 (B) by adding at the end the following:
14 "(C) 'Afghanistan-Iraq war veteran' means an
15 individual who served on active duty (as defined by
16 section 101 of title 38) in the Armed Forces for a
17 period of more than 180 consecutive days, any part
18 of which occurred during the period beginning on
19 September 11, 2001, and ending on the date pre-
20 scribed by presidential proclamation or by law as the
21 last date of Operation Iraqi Freedom, and who was
22 separated from the Armed Forces under honorable
23 conditions."; and

1 (2) in paragraph (2) by striking "veterans and"
2 and inserting "veterans, Afghanistan-Iraq war vet-
3 erans, and".
4 (c) CONSOLIDATION OF TERMINAL DEVELOPMENT
5 PROVISIONS.—Section 47119 is amended—
6 (1) by redesignating subsections (a), (b), (c),
7 and (d) as subsections (b), (c), (d), and (e), respec-
8 tively; and
9 (2) by inserting before subsection (b) (as so re-
10 designated) the following:
11 "(a) TERMINAL DEVELOPMENT PROJECTS.—
12 "(1) IN GENERAL.—The Secretary may approve
13 a project for terminal development (including
14 multimodal terminal development) in a nonrevenue-
15 producing public-use area of a commercial service
16 airport—
17 "(A) if the sponsor certifies that the air-
18 port, on the date the grant application is sub-
19 mitted to the Secretary, has—
20 "(i) all the safety equipment required
21 for certification of the airport under sec-
22 tion 44706;
23 "(ii) all the security equipment re-
24 quired by regulation; and

1 "(iii) provided for access by pas-
2 sengers to the area of the airport for
3 boarding or exiting aircraft that are not
4 air carrier aircraft;
5 "(B) if the cost is directly related to mov-
6 ing passengers and baggage in air commerce
7 within the airport, including vehicles for moving
8 passengers between terminal facilities and be-
9 tween terminal facilities and aircraft; and
10 "(C) under terms necessary to protect the
11 interests of the Government.
12 "(2) PROJECT IN REVENUE-PRODUCING AREAS
13 AND NONREVENUE-PRODUCING PARKING LOTS.—In
14 making a decision under paragraph (1), the Sec-
15 retary may approve as allowable costs the expenses
16 of terminal development in a revenue-producing area
17 and construction, reconstruction, repair, and im-
18 provement in a nonrevenue-producing parking lot
19 if—
20 "(A) except as provided in section
21 47108(e)(3), the airport does not have more
22 than .05 percent of the total annual passenger
23 boardings in the United States; and
24 "(B) the sponsor certifies that any needed
25 airport development project affecting safety, se-

1 curity, or capacity will not be deferred because
2 of the Secretary's approval.";
3 (3) in paragraphs (3) and (4)(A) of subsection
4 (b) (as redesignated by paragraph (1) of this sub-
5 section) by striking "section 47110(d)" and insert-
6 ing "subsection (a)";
7 (4) in paragraph (5) of subsection (b) (as re-
8 designated by paragraph (1) of this subsection) by
9 striking "subsection (b)(1) and (2)" and inserting
10 "subsections (c)(1) and (c)(2)";
11 (5) in paragraphs (2)(A), (3), and (4) of sub-
12 section (c) (as redesignated by paragraph (1) of this
13 subsection) by striking "section 47110(d) of this
14 title" and inserting "subsection (a)";
15 (6) in paragraph (2)(B) of subsection (c) (as
16 redesignated by paragraph (1) of this subsection) by
17 striking "section 47110(d)" and inserting "sub-
18 section (a)";
19 (7) in subsection (c)(5) (as redesignated by
20 paragraph (1) of this subsection) by striking "sec-
21 tion 47110(d)" and inserting "subsection (a)"; and
22 (8) by adding at the end the following:
23 "(f) LIMITATION ON DISCRETIONARY FUNDS.—The
24 Secretary may distribute not more than $20,000,000 from
25 the discretionary fund established under section 47115 for

1 terminal development projects at a nonhub airport or a
2 small hub airport that is eligible to receive discretionary
3 funds under section 47108(e)(3).".

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

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

8 (2) by striking paragraphs (1), (2), (3), and (4)
9 and inserting the following:

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

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

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

15 "(4) the allocation of appropriations; and".

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

18 (1) in subsection (a) by striking
19 "47102(3)(F),"; and

20 (2) in subsection (b)—

21 (A) by striking "47102(3)(F),"; and

22 (B) by striking "47103(3)(F),".

23 (f) CONFORMING AMENDMENT TO CIVIL PENALTY
24 ASSESSMENT AUTHORITY.—Section 46301(d)(2) is
25 amended by inserting "46319," after "46318,".

1 (g) OTHER CONFORMING AMENDMENTS.—

2 (1) Sections 40117(a)(3)(B) is amended by
3 striking "section 47110(d)" and inserting "section
4 47119(a)".

5 (2) Section 47108(e)(3) is amended—

6 (A) by striking "section 47110(d)(2)" and
7 inserting "section 47119(a)"; and

8 (B) by striking "section 47110(d)" and in-
9 serting "section 47119(a)".

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

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

20 **SEC. 153. AIRPORT MASTER PLANS.**

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

23 "(i) ADDITIONAL GOALS FOR AIRPORT MASTER
24 PLANS.—In addition to the goals set forth in subsection
25 (g)(2), the Secretary shall encourage airport sponsors and

1 State and local officials, through Federal Aviation Admin-
2 istration advisory circulars, to consider customer conven-
3 ience, airport ground access, and access to airport facili-
4 ties in airport master plans.".

5 TITLE II—NEXT GENERATION 6 AIR TRANSPORTATION SYS- 7 TEM AND AIR TRAFFIC CON- 8 TROL MODERNIZATION

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

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

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

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

23 (3) The aviation industry accounts for more
24 than 11,000,000 jobs in the United States and con-

1 tributes approximately $741,000,000,000 annually
2 to the United States gross domestic product.
3 (4) The United States air transportation sys-
4 tem continues to drive economic growth in the
5 United States and will continue to be a major eco-
6 nomic driver as air traffic triples over the next 20
7 years.
8 (5) The Next Generation Air Transportation
9 System (in this section referred to as the "NextGen
10 System") is the system for achieving long-term
11 transformation of the United States air transpor-
12 tation system that focuses on developing and imple-
13 menting new technologies and that will set the stage
14 for the long-term development of a scalable and
15 more flexible air transportation system without com-
16 promising the unprecedented safety record of United
17 States aviation.
18 (6) The benefits of the NextGen System, in
19 terms of promoting economic growth and develop-
20 ment, are enormous.
21 (7) The NextGen System will guide the path of
22 the United States air transportation system in the
23 challenging years ahead.
24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) modernizing the air transportation system
2 is a national priority and the United States must
3 make a commitment to revitalizing this essential
4 component of the Nation's transportation infrastruc-
5 ture;
6 (2) one fundamental requirement for the suc-
7 cess of the NextGen System is strong leadership and
8 sufficient resources;
9 (3) the Joint Planning and Development Office
10 of the Federal Aviation Administration and the Next
11 Generation Air Transportation System Senior Policy
12 Committee, each established by Congress in 2003,
13 will lead and facilitate this important national mis-
14 sion to ensure that the programs and capabilities of
15 the NextGen System are carefully integrated and
16 aligned;
17 (4) Government agencies and industry must
18 work together, carefully integrating and aligning
19 their work to meet the needs of the NextGen System
20 in the development of budgets, programs, planning,
21 and research;
22 (5) the Department of Transportation, the Fed-
23 eral Aviation Administration, the Department of De-
24 fense, the Department of Homeland Security, the
25 Department of Commerce, and the National Aero-

1 nautics and Space Administration must work in co-
2 operation and make transformational improvements
3 to the United States air transportation infrastruc-
4 ture a priority; and
5 (6) due to the critical importance of the
6 NextGen System to the economic and national secu-
7 rity of the United States, partner departments and
8 agencies must be provided with the resources re-
9 quired to complete the implementation of the
10 NextGen System.

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

14 (a) ESTABLISHMENT.—
15 (1) ASSOCIATE ADMINISTRATOR FOR THE NEXT
16 GENERATION AIR TRANSPORTATION SYSTEM.—Sec-
17 tion 709(a) of Vision 100—Century of Aviation Re-
18 authorization Act (49 U.S.C. 40101 note; 117 Stat.
19 2582) is amended—
20 (A) by redesignating paragraphs (2), (3),
21 and (4) as paragraphs (3), (4), and (5), respec-
22 tively; and
23 (B) by inserting after paragraph (1) the
24 following:

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

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

9 (A) in subparagraph (G) by striking ";
10 and" and inserting a semicolon;

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

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

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

"(J) working to ensure global interoperability of the Next Generation Air Transportation System;

"(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

"(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

"(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.".

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking "(4)" and inserting "(4)(A)"; and

(B) by adding at the end the following:

1 "(B) The Secretary of Defense, the Administrator of
2 the National Aeronautics and Space Administration, the
3 Secretary of Commerce, the Secretary of Homeland Secu-
4 rity, and the head of any other Federal agency from which
5 the Secretary of Transportation requests assistance under
6 subparagraph (A) shall designate a senior official in the
7 agency to be responsible for—
8 "(i) carrying out the activities of the agency re-
9 lating to the Next Generation Air Transportation
10 System in coordination with the Office, including the
11 execution of all aspects of the work of the agency in
12 developing and implementing the integrated work
13 plan described in subsection (b)(5);
14 "(ii) serving as a liaison for the agency in ac-
15 tivities of the agency relating to the Next Generation
16 Air Transportation System and coordinating with
17 other Federal agencies involved in activities relating
18 to the System; and
19 "(iii) ensuring that the agency meets its obliga-
20 tions as set forth in any memorandum of under-
21 standing executed by or on behalf of the agency re-
22 lating to the Next Generation Air Transportation
23 System.
24 "(C) The head of a Federal agency referred to in sub-
25 paragraph (B) shall ensure that—

1 "(i) the responsibilities of the agency relating to
2 the Next Generation Air Transportation System are
3 clearly communicated to the senior official of the
4 agency designated under subparagraph (B); and
5 "(ii) the performance of the senior official in
6 carrying out the responsibilities of the agency relat-
7 ing to the Next Generation Air Transportation Sys-
8 tem is reflected in the official's annual performance
9 evaluations and compensation.
10 "(D) The head of a Federal agency referred to in
11 subparagraph (B) shall—
12 "(i) establish or designate an office within the
13 agency to carry out its responsibilities under the
14 memorandum of understanding under the super-
15 vision of the designated official; and
16 "(ii) ensure that the designated official has suf-
17 ficient budgetary authority and staff resources to
18 carry out the agency's Next Generation Air Trans-
19 portation System responsibilities as set forth in the
20 integrated plan under subsection (b).
21 "(E) Not later than 6 months after the date of enact-
22 ment of this subparagraph, the head of each Federal agen-
23 cy that has responsibility for carrying out any activity
24 under the integrated plan under subsection (b) shall exe-

1 cute a memorandum of understanding with the Office obli-
2 gating that agency to carry out the activity.".
3 (4) COORDINATION WITH OMB.—Section 709(a)
4 of such Act (117 Stat. 2582) is further amended by
5 adding at the end the following:
6 "(6)(A) The Office shall work with the Director of
7 the Office of Management and Budget to develop a process
8 whereby the Director will identify projects related to the
9 Next Generation Air Transportation System across the
10 agencies referred to in paragraph (4)(A) and consider the
11 Next Generation Air Transportation System as a unified,
12 cross-agency program.
13 "(B) The Director, to the maximum extent prac-
14 ticable, shall—
15 "(i) ensure that—
16 "(I) each Federal agency covered by the
17 plan has sufficient funds requested in the Presi-
18 dent's budget, as submitted under section
19 1105(a) of title 31, United States Code, for
20 each fiscal year covered by the plan to carry out
21 its responsibilities under the plan; and
22 "(II) the development and implementation
23 of the Next Generation Air Transportation Sys-
24 tem remains on schedule;

1 "(ii) include, in the President's budget, a state-
2 ment of the portion of the estimated budget of each
3 Federal agency covered by the plan that relates to
4 the activities of the agency under the Next Genera-
5 tion Air Transportation System initiative; and
6 "(iii) identify and justify as part of the Presi-
7 dent's budget submission any inconsistencies be-
8 tween the plan and amounts requested in the budg-
9 et.
10 "(7) The Associate Administrator of the Next Gen-
11 eration Air Transportation System shall be a voting mem-
12 ber of the Joint Resources Council of the Federal Aviation
13 Administration.".
14 (b) INTEGRATED PLAN.—Section 709(b) of such Act
15 (117 Stat. 2583) is amended—
16 (1) in the matter preceding paragraph (1)—
17 (A) by striking "meets air" and inserting
18 "meets anticipated future air"; and
19 (B) by striking "beyond those currently in-
20 cluded in the Federal Aviation Administration's
21 operational evolution plan";
22 (2) by striking "and" at the end of paragraph
23 (3);
24 (3) by striking the period at the end of para-
25 graph (4) and inserting "; and"; and

1 (4) by adding at the end the following:
2 "(5) a multiagency integrated work plan for the
3 Next Generation Air Transportation System that in-
4 cludes—
5 "(A) an outline of the activities required to
6 achieve the end-state architecture, as expressed
7 in the concept of operations and enterprise ar-
8 chitecture documents, that identifies each Fed-
9 eral agency or other entity responsible for each
10 activity in the outline;
11 "(B) details on a year-by-year basis of spe-
12 cific accomplishments, activities, research re-
13 quirements, rulemakings, policy decisions, and
14 other milestones of progress for each Federal
15 agency or entity conducting activities relating to
16 the Next Generation Air Transportation Sys-
17 tem;
18 "(C) for each element of the Next Genera-
19 tion Air Transportation System, an outline, on
20 a year-by-year basis, of what is to be accom-
21 plished in that year toward meeting the Next
22 Generation Air Transportation System's end-
23 state architecture, as expressed in the concept
24 of operations and enterprise architecture docu-
25 ments, as well as identifying each Federal agen-

1 cy or other entity that will be responsible for
2 each component of any research, development,
3 or implementation program;
4 "(D) an estimate of all necessary expendi-
5 tures on a year-by-year basis, including a state-
6 ment of each Federal agency or entity's respon-
7 sibility for costs and available resources, for
8 each stage of development from the basic re-
9 search stage through the demonstration and im-
10 plementation phase;
11 "(E) a clear explanation of how each step
12 in the development of the Next Generation Air
13 Transportation System will lead to the following
14 step and of the implications of not successfully
15 completing a step in the time period described
16 in the integrated work plan;
17 "(F) a transition plan for the implementa-
18 tion of the Next Generation Air Transportation
19 System that includes date-specific milestones
20 for the implementation of new capabilities into
21 the national airspace system;
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 ministrator 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 ministrator 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;

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

"(C) a detailed description of—

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

"(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

"(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

"(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.".

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(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;
13 (C) a description of possible options for ex-
14 panding surveillance coverage beyond the
15 ground stations currently under contract, in-
16 cluding enhanced ground signal coverage at air-
17 ports; and
18 (D) a detailed description of the protec-
19 tions that the Administration will require as
20 part of any contract or program in the event of
21 a contractor's default, bankruptcy, acquisition
22 by another entity, or any other event jeopard-
23 izing the uninterrupted provision of ADS-B
24 services.

1 (3) SUBMISSION TO CONGRESS.—Not later than
2 90 days after the date of enactment of this Act, the
3 Administrator shall submit to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate the report
7 prepared under paragraph (1).
8 (b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-
9 B SERVICES.—Any contract entered into by the Adminis-
10 trator with an entity to acquire ADS-B services shall con-
11 tain terms and conditions that—
12 (1) require approval by the Administrator be-
13 fore the contract may be assigned to or assumed by
14 another entity, including any successor entity, sub-
15 sidiary of the contractor, or other corporate entity;
16 (2) provide that the assets, equipment, hard-
17 ware, and software used in the performance of the
18 contract be designated as critical national infrastruc-
19 ture for national security and related purposes;
20 (3) require the contractor to provide continued
21 broadcast services for a reasonable period, as deter-
22 mined by the Administrator, until the provision of
23 such services can be transferred to another vendor
24 or to the Government in the event of a termination
25 of the contract;

1 (4) require the contractor to provide continued
2 broadcast services for a reasonable period, as deter-
3 mined by the Administrator, until the provision of
4 such services can be transferred to another vendor
5 or to the Government in the event of material non-
6 performance, as determined by the Administrator;
7 and
8 (5) permit the Government to acquire or utilize
9 for a reasonable period, as determined by the Ad-
10 ministrator, the assets, equipment, hardware, and
11 software necessary to ensure the continued and un-
12 interrupted provision of ADS-B services and to have
13 ready access to such assets, equipment, hardware,
14 and software through its own personnel, agents, or
15 others, if the Administrator provides reasonable
16 compensation for such acquisition or utilization.
17 (c) REVIEW BY DOT INSPECTOR GENERAL.—
18 (1) IN GENERAL.—The Inspector General of
19 the Department of Transportation shall conduct a
20 review concerning the Federal Aviation Administra-
21 tion's award and oversight of any contract entered
22 into by the Administration to provide ADS-B serv-
23 ices for the national airspace system.
24 (2) CONTENTS.—The review shall include, at a
25 minimum—

1 (A) an examination of how program risks
2 are being managed;
3 (B) an assessment of expected benefits at-
4 tributable to the deployment of ADS-B services,
5 including the implementation of advanced oper-
6 ational procedures and air-to-air applications as
7 well as to the extent to which ground radar will
8 be retained;
9 (C) a determination of whether the Admin-
10 istration has established sufficient mechanisms
11 to ensure that all design, acquisition, operation,
12 and maintenance requirements have been met
13 by the contractor;
14 (D) an assessment of whether the Admin-
15 istration and any contractors are meeting cost,
16 schedule, and performance milestones, as meas-
17 ured against the original baseline of the Admin-
18 istration's program for providing ADS-B serv-
19 ices;
20 (E) an assessment of whether security
21 issues are being adequately addressed in the
22 overall design and implementation of the ADS-
23 B system; and
24 (F) any other matters or aspects relating
25 to contract implementation and oversight that

1 the Inspector General determines merit atten-
2 tion.
3 (3) REPORTS TO CONGRESS.—The Inspector
4 General shall periodically, on at least an annual
5 basis, submit to the Committee on Transportation
6 and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and
8 Transportation of the Senate a report on the results
9 of the review conducted under this subsection.

10 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**
11 **CONTROL MODERNIZATION PROJECTS.**

12 (a) IN GENERAL.—The Administrator of the Federal
13 Aviation Administration shall establish a process for in-
14 cluding in the planning, development, and deployment of
15 air traffic control modernization projects (including the
16 Next Generation Air Transportation System) and collabo-
17 rating with qualified employees selected by each exclusive
18 collective bargaining representative of employees of the
19 Administration who are likely to be impacted by such plan-
20 ning, development, and deployment.
21 (b) PARTICIPATION.—
22 (1) BARGAINING OBLIGATIONS AND RIGHTS.—
23 Participation in the process described in subsection
24 (a) shall not be construed as a waiver of any bar-
25 gaining obligations or rights under section

1 40122(a)(1) or 40122(g)(2)(C) of title 49, United
2 States Code.
3 (2) CAPACITY AND COMPENSATION.—Exclusive
4 collective bargaining representatives and selected
5 employees participating in the process described in
6 subsection (a) shall—
7 (A) serve in a collaborative and advisory
8 capacity; and
9 (B) receive appropriate travel and per
10 diem expenses in accordance with the travel
11 policies of the Administration in addition to any
12 regular compensation and benefits.
13 (c) REPORT.—Not later than 180 days after the date
14 of enactment of this Act, the Administrator shall submit
15 to the Committee on Transportation and Infrastructure
16 of the House of Representatives and the Committee on
17 Commerce, Science, and Transportation of the Senate a
18 report on the implementation of this section.

19 **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**
20 **TRANSFORMING TO THE NEXT GENERATION**
21 **AIR TRANSPORTATION SYSTEM.**

22 (a) IN GENERAL.—The Comptroller General shall
23 conduct a review of the progress and challenges associated
24 with transforming the Nation's air traffic control system

1 into the Next Generation Air Transportation System (in
2 this section referred to as the "NextGen System").
3 (b) REVIEW.—The review shall include the following:
4 (1) An evaluation of the continued implementa-
5 tion and institutionalization of the processes that are
6 key to the ability of the Air Traffic Organization to
7 effectively maintain management structures and sys-
8 tems acquisitions procedures utilized under the cur-
9 rent air traffic control modernization program as a
10 basis for the NextGen System.
11 (2) An assessment of the progress and chal-
12 lenges associated with collaboration and contribu-
13 tions of the partner agencies working with the Joint
14 Planning and Development Office of the Federal
15 Aviation Administration (in this section referred to
16 as the "JPDO") in planning and implementing the
17 NextGen System.
18 (3) The progress and challenges associated with
19 coordinating government and industry stakeholders
20 in activities relating to the NextGen System, includ-
21 ing an assessment of the contributions of the
22 NextGen Institute.
23 (4) An assessment of planning and implementa-
24 tion of the NextGen System against established
25 schedules, milestones, and budgets.

1 (5) An evaluation of the recently modified orga-
2 nizational structure of the JPDO.
3 (6) An examination of transition planning by
4 the Air Traffic Organization and the JPDO.
5 (7) Any other matters or aspects of planning
6 and coordination of the NextGen System by the
7 Federal Aviation Administration and the JPDO that
8 the Comptroller General determines appropriate.
9 (c) REPORTS.—
10 (1) REPORT TO CONGRESS ON PRIORITIES.—
11 Not later than one year after the date of enactment
12 of this Act, the Comptroller General shall determine
13 the priority of topics to be reviewed under this sec-
14 tion and report such priorities to the Committee on
15 Transportation and Infrastructure and the Com-
16 mittee on Science and Technology of the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate.
19 (2) PERIODIC REPORTS TO CONGRESS ON RE-
20 SULTS OF THE REVIEW.—The Comptroller General
21 shall periodically submit to the committees referred
22 to in paragraph (1) a report on the results of the
23 review conducted under this section.

1 **SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANS-**
2 **PORTATION SYSTEM ACQUISITION AND PRO-**
3 **CEDURES DEVELOPMENT.**

4 (a) STUDY.—The Comptroller General shall conduct
5 a review of the progress made and challenges related to
6 the acquisition of designated technologies and the develop-
7 ment of procedures for the Next Generation Air Transpor-
8 tation System (in this section referred to as the "NextGen
9 System").

10 (b) SPECIFIC SYSTEMS REVIEW.—The review shall
11 include, at a minimum, an examination of the acquisition
12 costs, schedule, and other relevant considerations for the
13 following systems:

14 (1) En Route Automation Modernization
15 (ERAM).

16 (2) Standard Terminal Automation Replace-
17 ment System/Common Automated Radar Terminal
18 System (STARS/CARTS).

19 (3) Automatic Dependent Surveillance-Broad-
20 cast (ADS-B).

21 (4) System Wide Information Management
22 (SWIM).

23 (5) Traffic Flow Management Modernization
24 (TFM-M).

25 (c) REVIEW.—The review shall include, at a min-
26 imum, an assessment of the progress and challenges re-

1 lated to the development of standards, regulations, and
2 procedures that will be necessary to implement the
3 NextGen System, including required navigation perform-
4 ance, area navigation, the airspace management program,
5 and other programs and procedures that the Comptroller
6 General identifies as relevant to the transformation of the
7 air traffic system.

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

16 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**
17 **ATIONAL AND APPROACH PROCEDURES BY A**
18 **THIRD PARTY.**

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

1 (b) ASSESSMENTS.—The Inspector General shall in-
2 clude, at a minimum, in the review—
3 (1) an assessment of the extent to which the
4 Federal Aviation Administration is relying or in-
5 tends to rely on a third party for the development
6 of new procedures and a determination of whether
7 the Administration has established sufficient mecha-
8 nisms and staffing to provide safety oversight func-
9 tions, which may include quality assurance proc-
10 esses, flight checks, integration of procedures into
11 the National Aviation System, and operational as-
12 sessments of procedures developed by third parties;
13 and
14 (2) an assessment regarding whether the Ad-
15 ministration has sufficient existing personnel and
16 technical resources or mechanisms to develop such
17 flight procedures in a safe and efficient manner to
18 meet the demands of the national airspace system
19 without the use of third party resources.
20 (c) REPORT.—Not later than one year after the date
21 of enactment of this Act, the Inspector General shall sub-
22 mit to the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives and the Committee
24 on Commerce, Science, and Transportation of the Senate
25 a report on the results of the review conducted under this

1 section, including the assessments described in subsection
2 (b).

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

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

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

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

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

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

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

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

11 Of amounts appropriated under section 48101(a) of
12 title 49, United States Code, the Administrator of the
13 Federal Aviation Administration shall use such sums as
14 may be necessary for each of the fiscal years 2010 through
15 2012 to contribute to the establishment by a public-private
16 partnership (including a university component with sig-
17 nificant aviation expertise in air traffic management, sim-
18 ulation, meteorology, and engineering and aviation busi-
19 ness) an airport-based testing site for existing Next Gen-
20 eration Air Transport System technologies. The Adminis-
21 trator shall ensure that next generation air traffic control
22 integrated systems developed by private industries are in-
23 stalled at the site for demonstration, operational research,
24 and evaluation by the Administration. The testing site

1 shall serve a mix of general aviation and commercial traf-
2 fic.

3 **SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO**
4 **REIMBURSABLE AGREEMENTS.**

5 Section 106(m) is amended in the last sentence by
6 inserting "with or" before "without reimbursement".

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

8 Section 40102(a)(4) is amended—
9 (1) by redesignating subparagraph (D) as sub-
10 paragraph (E);
11 (2) by striking subparagraphs (B) and (C) and
12 inserting the following:
13 "(B) runway lighting and airport surface
14 visual and other navigation aids;
15 "(C) aeronautical and meteorological infor-
16 mation to air traffic control facilities or air-
17 craft;
18 "(D) communication, navigation, or sur-
19 veillance equipment for air-to-ground or air-to-
20 air applications;";
21 (3) in subparagraph (E) (as redesignated by
22 paragraph (1) of this section)—
23 (A) by striking "another structure" and
24 inserting "any structure, equipment,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) buildings, equipment, and systems dedicated to the national airspace system.".

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation" and inserting "compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended".

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting "; and";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

1 (A) by inserting "public and private" be-
2 fore "foreign aviation authorities"; and
3 (B) by striking the period at the end of the
4 first sentence and inserting "or efficiency. The
5 Administrator may participate in, and submit
6 offers in response to, competitions to provide
7 such services and may contract with foreign
8 aviation authorities to provide such services
9 consistent with section 106(l)(6). Notwith-
10 standing any other provision of law or policy,
11 the Administrator may accept payments re-
12 ceived under this subsection in arrears."; and
13 (2) in paragraph (3) by striking "credited" and
14 all that follows through the period at the end and
15 inserting "credited as an offsetting collection to the
16 account from which the expenses were incurred in
17 providing such services and shall remain available
18 until expended.".

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

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

1 (b) CONSIDERATIONS.—In conducting the study, the
2 Administrator shall take into consideration—
3 (1) the number of supervisory positions of oper-
4 ation requiring watch coverage in each air traffic
5 control facility;
6 (2) coverage requirements in relation to traffic
7 demand;
8 (3) facility type;
9 (4) complexity of traffic and managerial respon-
10 sibilities;
11 (5) proficiency and training requirements; and
12 (6) such other factors as the Administrator con-
13 siders appropriate.
14 (c) DETERMINATIONS.—The Administrator shall
15 transmit any determinations made as a result of the study
16 to the Chief Operating Officer for the air traffic control
17 system.
18 (d) REPORT.—Not later than one year after the date
19 of enactment of this Act, the Administrator shall submit
20 to the Committee on Transportation and Infrastructure
21 of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate a
23 report on the results of the study and a description of any
24 determinations submitted to the Chief Operating Officer
25 under subsection (c).

1 **SEC. 217. FLIGHT SERVICE STATIONS.**

2 (a) ESTABLISHMENT OF MONITORING SYSTEM.—Not
3 later than 60 days after the date of enactment of this Act,
4 the Administrator of the Federal Aviation Administration
5 shall develop and implement a monitoring system for flight
6 service specialist staffing and training under service con-
7 tracts for flight service stations.

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

10 (1) flight specialist staffing plans for individual
11 facilities;

12 (2) actual staffing levels for individual facilities;

13 (3) the initial and recurrent certification and
14 training of flight service specialists on the safety,
15 operational, and technological aspects of flight serv-
16 ices, including any certification and training nec-
17 essary to meet user demand; and

18 (4) system outages, excessive hold times,
19 dropped calls, poor quality briefings, and any other
20 safety or customer service issues under a contract
21 for flight service station services.

22 (c) REPORT TO CONGRESS.—Not later than 90 days
23 after the date of enactment of this Act, the Administrator
24 shall submit to the Committee on Transportation and In-
25 frastructure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate a report containing—
3 (1) a description of monitoring system;
4 (2) if the Administrator determines that con-
5 tractual changes or corrective actions are required
6 for the Administration to ensure that the vendor
7 under a contract for flight service station services
8 provides safe and high quality service to consumers,
9 a description of the changes or actions required; and
10 (3) a description of the contingency plans of the
11 Administrator and the protections that the Adminis-
12 trator will have in place to provide uninterrupted
13 flight service station services in the event of—
14 (A) material non-performance of the con-
15 tract;
16 (B) a vendor's default, bankruptcy, or ac-
17 quisition by another entity; or
18 (C) any other event that could jeopardize
19 the uninterrupted provision of flight service sta-
20 tion services.
21 **SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**
22 **TER OF EXCELLENCE.**
23 (a) ESTABLISHMENT.—Of the amount appropriated
24 under section 48101(a) of title 49, United States Code,
25 the Administrator of the Federal Aviation Administration

1 shall use such sums as may be necessary for each of fiscal
2 years 2010 through 2012 to contribute to the establish-
3 ment of a center of excellence for the research and devel-
4 opment of Next Generation Air Transportation System
5 technologies.

6 (b) FUNCTIONS.—The center established under sub-
7 section (a) shall—

8 (1) leverage the centers of excellence program
9 of the Federal Aviation Administration, as well as
10 other resources and partnerships, to enhance the de-
11 velopment of Next Generation Air Transportation
12 System technologies within academia and industry;
13 and

14 (2) provide educational, technical, and analyt-
15 ical assistance to the Federal Aviation Administra-
16 tion and other Federal agencies with responsibilities
17 to research and develop Next Generation Air Trans-
18 portation System technologies.

19 **SEC. 219. AIRSPACE REDESIGN.**

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

21 (1) The airspace redesign efforts of the Federal
22 Aviation Administration will play a critical near-
23 term role in enhancing capacity, reducing delays,
24 transitioning to more flexible routing, and ultimately

1 saving money in fuel costs for airlines and airspace
2 users.
3 (2) The critical importance of airspace redesign
4 efforts is underscored by the fact that they are high-
5 lighted in strategic plans of the Administration, in-
6 cluding Flight Plan 2009–2013 and the document
7 known as the "NextGen Implementation Plan".
8 (3) Funding cuts have led to delays and defer-
9 rals of critical capacity enhancing airspace redesign
10 efforts.
11 (4) Several new runways planned for the period
12 of fiscal years 2010 to 2012 will not provide esti-
13 mated capacity benefits without additional funds.
14 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
15 tion to amounts authorized by section 106(k) of title 49,
16 United States Code, there are authorized to be appro-
17 priated to the Administrator of the Federal Aviation Ad-
18 ministration $20,000,000 for each of fiscal years 2010,
19 2011, and 2012 to carry out such airspace redesign initia-
20 tives as the Administrator determines appropriate.
21 (c) ADDITIONAL AMOUNTS.—Of the amounts appro-
22 priated under section 48101(a) of such title, the Adminis-
23 trator may use $5,000,000 for each of fiscal years 2010,
24 2011, and 2012 to carry out such airspace redesign initia-
25 tives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

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

"(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.".

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking "section 44709 or" and inserting "section 44703(d), 44709, or".

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) RELEASE OF DATA.—Section 44704(a) is amended 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 "(a) IN GENERAL.—Not later than one year after the
17 date of enactment of this section, and annually thereafter,
18 the Administrator of the Federal Aviation Administration
19 shall—
20 "(1) submit to Congress a certification that
21 each foreign repair station that is certified by the
22 Administrator under part 145 of title 14, Code of
23 Federal Regulations, and performs work on air car-
24 rier aircraft or components has been inspected by

1 safety inspectors of the Administration not fewer
2 than 2 times in the preceding calendar year;
3 "(2) modify the certification requirements
4 under such part to include testing for the use of al-
5 cohol or a controlled substance in accordance with
6 section 45102 of any individual performing a safety-
7 sensitive function at a foreign aircraft repair station,
8 including an individual working at a station of a
9 third-party with whom an air carrier contracts to
10 perform work on air carrier aircraft or components;
11 and
12 "(3) continue to hold discussions with countries
13 that have foreign repair stations that perform work
14 on air carrier aircraft and components to ensure
15 harmonization of the safety standards of such coun-
16 tries with those of the United States, including
17 standards governing maintenance requirements, edu-
18 cation and licensing of maintenance personnel, train-
19 ing, oversight, and mutual inspection of work sites.
20 "(b) REGULATORY AUTHORITY WITH RESPECT TO
21 CERTAIN FOREIGN REPAIR STATIONS.—With respect to
22 repair stations that are located in countries that are party
23 to the agreement entitled "Agreement between the United
24 States of America and the European Community on Co-
25 operation in the Regulation of Civil Aviation Safety",

1 dated June 30, 2008, the requirements of subsection (a)
2 are an exercise of the rights of the United States under
3 paragraph A of Article 15 of the Agreement, which pro-
4 vides that nothing in the Agreement shall be construed
5 to limit the authority of a party to determine through its
6 legislative, regulatory, and administrative measures, the
7 level of protection it considers appropriate for civil avia-
8 tion safety.''.

9 (b) CLERICAL AMENDMENT.—The analysis for such
10 chapter is amended by adding at the end the following:
''44730. Inspection of foreign repair stations.''.

11 **SEC. 304. RUNWAY SAFETY.**

12 (a) STRATEGIC RUNWAY SAFETY PLAN.—

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

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

20 (A) shall include, at a minimum—

21 (i) goals to improve runway safety;

22 (ii) near- and longer-term actions de-
23 signed to reduce the severity, number, and
24 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 propriate 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 **SEC. 312. COCKPIT SMOKE.**

9 (a) STUDY.—The Comptroller General shall conduct
10 a study on the effectiveness of oversight activities of the
11 Federal Aviation Administration relating to preventing or
12 mitigating the effects of dense continuous smoke in the
13 cockpit of a commercial aircraft.

14 (b) REPORT.—Not later than one year after the date
15 of enactment of this Act, the Comptroller General shall
16 submit to Congress a report on the results of the study.

17 **SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPER-**
18 **ATIONS.**

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

22 **"§ 44732. Helicopter air ambulance operations**

23 "(a) RULEMAKING.—The Administrator of the Fed-
24 eral Aviation Administration shall conduct a rulemaking
25 proceeding to improve the safety of flight crewmembers,

1 medical personnel, and passengers onboard helicopters
2 providing helicopter air ambulance services under part 135
3 of title 14, Code of Federal Regulations.
4 "(b) MATTERS TO BE ADDRESSED.—In conducting
5 the rulemaking proceeding under subsection (a), the Ad-
6 ministrator shall address the following:
7 "(1) Flight request and dispatch procedures, in-
8 cluding performance-based flight dispatch proce-
9 dures.
10 "(2) Pilot training standards, including—
11 "(A) mandatory training requirements, in-
12 cluding a minimum time for completing the
13 training requirements;
14 "(B) training subject areas, such as com-
15 munications procedures and appropriate tech-
16 nology use;
17 "(C) establishment of training standards
18 in—
19 "(i) crew resource management;
20 "(ii) flight risk evaluation;
21 "(iii) preventing controlled flight into
22 terrain;
23 "(iv) recovery from inadvertent flight
24 into instrument meteorological conditions;

1 "(v) operational control of the pilot in
2 command; and
3 "(vi) use of flight simulation training
4 devices and line oriented flight training.
5 "(3) Safety-enhancing technology and equip-
6 ment, including—
7 "(A) helicopter terrain awareness and
8 warning systems;
9 "(B) radar altimeters;
10 "(C) devices that perform the function of
11 flight data recorders and cockpit voice record-
12 ers, to the extent feasible; and
13 "(D) safety equipment that should be worn
14 or used by flight crewmembers and medical per-
15 sonnel on a flight, including the possible use of
16 shoulder harnesses, helmets, seatbelts, and fire
17 resistant clothing to enhance crash surviv-
18 ability.
19 "(4) Such other matters as the Administrator
20 considers appropriate.
21 "(c) MINIMUM REQUIREMENTS.—In issuing a final
22 rule under subsection (a), the Administrator, at a min-
23 imum, shall provide for the following:
24 "(1) FLIGHT RISK EVALUATION PROGRAM.—
25 The Administrator shall ensure that a part 135 cer-

1 tificate holder providing helicopter air ambulance
2 services—
3 "(A) establishes a flight risk evaluation
4 program, based on FAA Notice 8000.301
5 issued by the Administration on August 1,
6 2005, including any updates thereto;
7 "(B) as part of the flight risk evaluation
8 program, develops a checklist for use by pilots
9 in determining whether a flight request should
10 be accepted; and
11 "(C) requires the pilots of the certificate
12 holder to use the checklist.
13 "(2) OPERATIONAL CONTROL CENTER.—The
14 Administrator shall ensure that a part 135 certifi-
15 cate holder providing helicopter air ambulance serv-
16 ices using 10 or more helicopters has an operational
17 control center that meets such requirements as the
18 Administrator may prescribe.
19 "(3) COMPLIANCE.—The Administrator shall
20 ensure that a part 135 certificate holder providing
21 helicopter air ambulance services complies with ap-
22 plicable regulations under part 135 of title 14, Code
23 of Federal Regulations, including regulations on
24 weather minima and flight and duty time whenever
25 medical personnel are onboard the aircraft.

1 "(d) DEADLINES.—The Administrator shall—

2 "(1) not later than 180 days after the date of
3 enactment of this section, issue a notice of proposed
4 rulemaking under subsection (a); and

5 "(2) not later than 16 months after the close
6 of the comment period on the proposed rule, issue
7 a final rule.

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

12 **"§ 44733. Collection of data on helicopter air ambu-**
13 **lance operations**

14 "(a) IN GENERAL.—The Administrator of the Fed-
15 eral Aviation Administration shall require a part 135 cer-
16 tificate holder providing helicopter air ambulance services
17 to submit to the Administrator, not later than one year
18 after the date of enactment of this section, and annually
19 thereafter, a report containing, at a minimum, the fol-
20 lowing data:

21 "(1) The number of helicopters that the certifi-
22 cate holder uses to provide helicopter air ambulance
23 services and the base locations of the helicopters.

24 "(2) The number of flights and hours flown, by
25 registration number, during which helicopters oper-

1 ated by the certificate holder were providing heli-
2 copter air ambulance services.
3 "(3) The number of flight requests for a heli-
4 copter providing helicopter air ambulance services
5 that were accepted or declined by the certificate
6 holder and the type of each such flight request (such
7 as scene response, inter-facility transport, organ
8 transport, or ferry or repositioning flight).
9 "(4) The number of accidents involving heli-
10 copters operated by the certificate holder while pro-
11 viding helicopter air ambulance services and a de-
12 scription of the accidents.
13 "(5) The number of flights and hours flown
14 under instrument flight rules by helicopters operated
15 by the certificate holder while providing helicopter
16 air ambulance services.
17 "(6) The time of day of each flight flown by
18 helicopters operated by the certificate holder while
19 providing helicopter air ambulance services.
20 "(b) REPORTING PERIOD.—Data contained in a re-
21 port submitted by a part 135 certificate holder under sub-
22 section (a) shall relate to such reporting period as the Ad-
23 ministrator determines appropriate.
24 "(c) DATABASE.—Not later than 6 months after the
25 date of enactment of this section, the Administrator shall

1 develop a method to collect and store the data collected
2 under subsection (a), including a method to protect the
3 confidentiality of any trade secret or proprietary informa-
4 tion provided in response to this section.

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

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

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

"Sec. 44732. Helicopter air ambulance operations.
"Sec. 44733. Collection of data on helicopter air ambulance operations.".

20 **SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**
21 **TO USE NIGHT VISION GOGGLES.**

22 (a) STUDY.—The Administrator of the Federal Avia-
23 tion Administration shall carry out a study on the feasi-
24 bility of requiring pilots of helicopters providing helicopter

1 air ambulance services under part 135 of title 14, Code
2 of Federal Regulations, to use night vision goggles during
3 nighttime operations.

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

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

16 **SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AM-**
17 **BULANCE SERVICES.**

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

23 (b) REQUIRED INFORMATION.—In conducting the
24 study, the Comptroller General shall obtain detailed infor-

1 mation on the following aspects of the air ambulance in-
2 dustry:
3 (1) A review of the industry, for part 135 cer-
4 tificate holders and indirect carriers providing heli-
5 copter and fixed-wing air ambulance services, includ-
6 ing—
7 (A) a listing of the number, size, and loca-
8 tion of helicopter and fixed-wing aircraft and
9 their flight bases;
10 (B) affiliations of certificate holders and
11 indirect carriers with hospitals, governments,
12 and other entities;
13 (C) coordination of air ambulance services,
14 with each other, State and local emergency
15 medical services systems, referring entities, and
16 receiving hospitals;
17 (D) nature of services contracts, sources of
18 payment, financial relationships between certifi-
19 cate holders and indirect carriers providing air
20 ambulance services and referring entities, and
21 costs of operations; and
22 (E) a survey of business models for air
23 ambulance operations, including expenses,
24 structure, and sources of income.

1 (2) Air ambulance request and dispatch prac-
2 tices, including the various types of protocols, mod-
3 els, training, certifications, and air medical commu-
4 nications centers relating to part 135 certificate
5 holders and indirect carriers providing helicopter
6 and fixed-wing air ambulance services, including—
7 (A) the practices that emergency and med-
8 ical officials use to request an air ambulance;
9 (B) information on whether economic or
10 other nonmedical factors lead to air ambulance
11 transport when it is not medically needed, ap-
12 propriate, or safe; and
13 (C) the cause, occurrence, and extent of
14 delays in air ambulance transport.
15 (3) Economic and medical issues relating to the
16 air ambulance industry, including—
17 (A) licensing;
18 (B) certificates of need;
19 (C) public convenience and necessity re-
20 quirements;
21 (D) assignment of geographic coverage
22 areas;
23 (E) accreditation requirements;
24 (F) compliance with dispatch procedures;
25 and

1 (G) requirements for medical equipment
2 and personnel onboard the aircraft.
3 (4) Such other matters as the Comptroller Gen-
4 eral considers relevant to the purpose of the study.
5 (c) ANALYSIS AND RECOMMENDATIONS.—Based on
6 information obtained under subsection (b) and other infor-
7 mation the Comptroller General considers appropriate, the
8 report shall also include an analysis and specific rec-
9 ommendations, as appropriate, related to—
10 (1) the relationship between State regulation
11 and Federal preemption of rates, routes, and serv-
12 ices of air ambulances;
13 (2) the extent to which Federal law may impact
14 existing State regulation of air ambulances and the
15 potential effect of greater State regulation—
16 (A) in the air ambulance industry, on the
17 economic viability of air ambulance services, the
18 availability and coordination of service, and
19 costs of operations both in rural and highly
20 populated areas;
21 (B) on the quality of patient care and out-
22 comes; and
23 (C) on competition and safety; and

1 (3) whether systemic or other problems exist on
2 a statewide, regional, or national basis with the cur-
3 rent system governing air ambulances.
4 (d) REPORT.—Not later than June 1, 2010, the
5 Comptroller General shall submit to the Secretary of
6 Transportation and the appropriate committees of Con-
7 gress a report containing its findings and recommenda-
8 tions regarding the study under this section.
9 (e) ADOPTION OF RECOMMENDED POLICY
10 CHANGES.—Not later than 60 days after the date of re-
11 ceipt of the report under subsection (d), the Secretary
12 shall issue a report to the appropriate committees of Con-
13 gress, that—
14 (1) specifies which, if any, policy changes rec-
15 ommended by the Comptroller General and any
16 other policy changes with respect to air ambulances
17 the Secretary will adopt and implement; and
18 (2) includes recommendations for legislative
19 change, if appropriate.
20 (f) PART 135 CERTIFICATE HOLDER DEFINED.—In
21 this section, the term "part 135 certificate holder" means
22 a person holding a certificate issued under part 135 of
23 title 14, Code of Federal Regulations.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

1 (ii) ensure that any commercial un-
2 manned aircraft system includes a detect,
3 sense, and avoid capability; and
4 (iii) develop standards and require-
5 ments for the operator, pilot, and pro-
6 grammer of a commercial unmanned air-
7 craft system, including standards and re-
8 quirements for registration and licensing;
9 (C) recommend how best to enhance the
10 technologies and subsystems necessary to effect
11 the safe and routine operations of commercial
12 unmanned aircraft systems in the national air-
13 space system; and
14 (D) recommend how a phased-in approach
15 to the integration of commercial unmanned air-
16 craft systems into the national airspace system
17 can best be achieved and a timeline upon which
18 such a phase-in shall occur.
19 (3) DEADLINE.—The plan to be developed
20 under paragraph (1) shall provide for the safe inte-
21 gration of commercial unmanned aircraft systems
22 into the national airspace system as soon as possible,
23 but not later than September 30, 2013.
24 (4) REPORT TO CONGRESS.—Not later than one
25 year after the date of enactment of this Act, the

1 Secretary shall submit to Congress a copy of the
2 plan developed under paragraph (1).
3 (b) RULEMAKING.—Not later than 18 months after
4 the date on which the integration plan is submitted to
5 Congress under subsection (a)(4), the Administrator of
6 the Federal Aviation Administration shall publish in the
7 Federal Register a notice of proposed rulemaking to im-
8 plement the recommendations of the integration plan.
9 (c) AUTHORIZATION.—There are authorized to be ap-
10 propriated such sums as may be necessary to carry out
11 this section.

12 **SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**
13 **CRAFT SYSTEMS.**

14 (a) IN GENERAL.—Notwithstanding the require-
15 ments of sections 321 and 323, and not later than 6
16 months after the date of enactment of this Act, the Sec-
17 retary shall determine if certain unmanned aircraft sys-
18 tems may operate safely in the national airspace system
19 before completion of the plan and rulemaking required by
20 section 321 or the guidance required by section 323.
21 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
22 TEMS.—In making the determination under subsection
23 (a), the Secretary shall determine, at a minimum—
24 (1) which types of unmanned aircraft systems,
25 if any, as a result of their size, weight, speed, oper-

1 ational capability, proximity to airports and popu-
2 lation areas, and operation within visual line-of-sight
3 do not create a hazard to users of the national air-
4 space system or the public or pose a threat to na-
5 tional security; and
6 (2) whether a certificate of authorization or an
7 airworthiness certification under section 44704 of
8 title 49, United States Code, is required for the op-
9 eration of unmanned aircraft systems identified
10 under paragraph (1).
11 (c) REQUIREMENTS FOR SAFE OPERATION.—If the
12 Secretary determines under this section that certain un-
13 manned aircraft systems may operate safely in the na-
14 tional airspace system, the Secretary shall establish re-
15 quirements for the safe operation of such aircraft systems
16 in the national airspace system.
17 **SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**
18 Not later than 9 months after the date of enactment
19 of this Act, the Secretary shall issue guidance regarding
20 the operation of public unmanned aircraft systems to—
21 (1) expedite the issuance of a certificate of au-
22 thorization process;
23 (2) provide for a collaborative process with pub-
24 lic agencies to allow for an incremental expansion of
25 access to the national airspace system as technology

1 matures and the necessary safety analysis and data
2 become available and until standards are completed
3 and technology issues are resolved; and
4 (3) facilitate the capability of public agencies to
5 develop and use test ranges, subject to operating re-
6 strictions required by the Federal Aviation Adminis-
7 tration, to test and operate unmanned aircraft sys-
8 tems.

9 **SEC. 324. DEFINITIONS.**

10 In this subtitle, the following definitions apply:
11 (1) CERTIFICATE OF AUTHORIZATION.—The
12 term "certificate of authorization" means a Federal
13 Aviation Administration grant of approval for a spe-
14 cific flight operation.
15 (2) DETECT, SENSE, AND AVOID CAPABILITY.—
16 The term "detect, sense, and avoid capability"
17 means the technical capability to perform separation
18 assurance and collision avoidance, as defined by the
19 Federal Aviation Administration.
20 (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
21 The term "public unmanned aircraft system" means
22 an unmanned aircraft system that meets the quali-
23 fications and conditions required for operation of a
24 public aircraft, as defined by section 40102 of title
25 49, United States Code.

1 (4) SECRETARY.—The term "Secretary" means
2 the Secretary of Transportation.
3 (5) TEST RANGE.—The term "test range"
4 means a defined geographic area where research and
5 development are conducted.
6 (6) UNMANNED AIRCRAFT.—The term "un-
7 manned aircraft" means an aircraft that is operated
8 without the possibility of direct human intervention
9 from within or on the aircraft.
10 (7) UNMANNED AIRCRAFT SYSTEM.—The term
11 "unmanned aircraft system" means an unmanned
12 aircraft and associated elements (such as commu-
13 nication links and a ground control station) that are
14 required to operate safely and efficiently in the na-
15 tional airspace system.

16 **Subtitle C—Safety and Protections**

17 **SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**
18 **TION OFFICE.**

19 Section 106 is amended by adding at the end the fol-
20 lowing:
21 "(s) AVIATION SAFETY WHISTLEBLOWER INVES-
22 TIGATION OFFICE.—
23 "(1) ESTABLISHMENT.—There is established in
24 the Federal Aviation Administration (in this sub-
25 section referred to as the 'Agency') an Aviation

1 Safety Whistleblower Investigation Office (in this
2 subsection referred to as the 'Office').
3 "(2) DIRECTOR.—
4 "(A) APPOINTMENT.—The head of the Of-
5 fice shall be the Director, who shall be ap-
6 pointed by the Secretary of Transportation.
7 "(B) REPORTS AND RECOMMENDATIONS
8 TO SECRETARY.—The Director shall provide
9 regular reports to the Secretary of Transpor-
10 tation. The Director may recommend that the
11 Secretary take any action necessary for the Of-
12 fice to carry out its functions, including protec-
13 tion of complainants and witnesses.
14 "(C) QUALIFICATIONS.—The Director
15 shall have a demonstrated ability in investiga-
16 tions and knowledge of or experience in avia-
17 tion.
18 "(D) TERM.—The Director shall be ap-
19 pointed for a term of 5 years.
20 "(E) VACANCY.—Any individual appointed
21 to fill a vacancy in the position of the Director
22 occurring before the expiration of the term for
23 which the individual's predecessor was ap-
24 pointed shall be appointed for the remainder of
25 that term.

1 "(3) COMPLAINTS AND INVESTIGATIONS.—

2 "(A) AUTHORITY OF DIRECTOR.—The Di-
3 rector shall—

4 "(i) receive complaints and informa-
5 tion submitted by employees of persons
6 holding certificates issued under title 14,
7 Code of Federal Regulations, and employ-
8 ees of the Agency concerning the possible
9 existence of an activity relating to a viola-
10 tion of an order, regulation, or standard of
11 the Agency or any other provision of Fed-
12 eral law relating to aviation safety;

13 "(ii) assess complaints and informa-
14 tion submitted under clause (i) and deter-
15 mine whether a substantial likelihood ex-
16 ists that a violation of an order, regulation,
17 or standard of the Agency or any other
18 provision of Federal law relating to avia-
19 tion safety may have occurred; and

20 "(iii) based on findings of the assess-
21 ment conducted under clause (ii), make
22 recommendations to the Secretary and Ad-
23 ministrator in writing for—

24 "(I) further investigation by the
25 Office, the Inspector General of the

1 Department of Transportation, or
2 other appropriate investigative body;
3 or
4 "(II) corrective actions.
5 "(B) DISCLOSURE OF IDENTITIES.—The
6 Director shall not disclose the identity or identi-
7 fying information of an individual who submits
8 a complaint or information under subparagraph
9 (A)(i) unless—
10 "(i) the individual consents to the dis-
11 closure in writing; or
12 "(ii) the Director determines, in the
13 course of an investigation, that the disclo-
14 sure is unavoidable, in which case the Di-
15 rector shall provide the individual with rea-
16 sonable advance notice.
17 "(C) INDEPENDENCE OF DIRECTOR.—The
18 Secretary, the Administrator, or any officer or
19 employee of the Agency may not prevent or pro-
20 hibit the Director from initiating, carrying out,
21 or completing any assessment of a complaint or
22 information submitted under subparagraph
23 (A)(i) or from reporting to Congress on any
24 such assessment.

1 "(D) ACCESS TO INFORMATION.—In con-
2 ducting an assessment of a complaint or infor-
3 mation submitted under subparagraph (A)(i),
4 the Director shall have access to, and can order
5 the retention of, all records, reports, audits, re-
6 views, documents, papers, recommendations,
7 and other material necessary to determine
8 whether a substantial likelihood exists that a
9 violation of an order, regulation, or standard of
10 the Agency or any other provision of Federal
11 law relating to aviation safety may have oc-
12 curred. The Director may order sworn testi-
13 mony from appropriate witnesses during the
14 course of an investigation.
15 "(E) PROCEDURE.—The Office shall es-
16 tablish procedures equivalent to sections
17 1213(d) and 1213(e) of title 5 for investigation,
18 report, employee comment, and evaluation by
19 the Secretary for any investigation conducted
20 pursuant to paragraph (3)(A).
21 "(4) RESPONSES TO RECOMMENDATIONS.—The
22 Administrator shall—
23 "(A) respond within 60 days to a rec-
24 ommendation made by the Director under para-
25 graph (3)(A)(iii) in writing and retain records

1 related to any further investigations or correc-
2 tive actions taken in response to the rec-
3 ommendation, in accordance with established
4 record retention requirements; and
5 "(B) ensure that the findings of all refer-
6 rals for further investigation or corrective ac-
7 tions taken are reported to the Director.
8 "(5) INCIDENT REPORTS.—If the Director de-
9 termines there is a substantial likelihood that a vio-
10 lation of an order, regulation, or standard of the
11 Agency or any other provision of Federal law relat-
12 ing to aviation safety may have occurred that re-
13 quires immediate corrective action, the Director shall
14 report the potential violation expeditiously to the
15 Secretary, the Administrator, and the Inspector
16 General of the Department of Transportation.
17 "(6) REPORTING OF CRIMINAL VIOLATIONS TO
18 INSPECTOR GENERAL.—If the Director has reason-
19 able grounds to believe that there has been a viola-
20 tion of Federal criminal law, the Director shall re-
21 port the violation expeditiously to the Inspector Gen-
22 eral.
23 "(7) RETALIATION AGAINST AGENCY EMPLOY-
24 EES.—Any retaliatory action taken or threatened
25 against an employee of the Agency for good faith

1 participation in activities under this subsection is
2 prohibited. The Director shall make all policy rec-
3 ommendations and specific requests to the Secretary
4 for relief necessary to protect employees of the
5 Agency who initiate or participate in investigations
6 under this subsection. The Secretary shall respond
7 in a timely manner and shall share the responses
8 with the appropriate committees of Congress.

9 "(8) DISCIPLINARY ACTIONS.—The Secretary
10 shall exercise the Secretary's authority under section
11 2302 of title 5 for the prevention of prohibited per-
12 sonnel actions in any case in which the prohibited
13 personnel action is taken against an employee of the
14 Agency who, in good faith, has reported the possible
15 existence of an activity relating to a violation of an
16 order, regulation, or standard of the Agency or any
17 other provision of Federal law relating to aviation
18 safety. In exercising such authority, the Secretary
19 may subject an employee of the Agency who has
20 taken or failed to take, or threatened to take or fail
21 to take, a personnel action in violation of such sec-
22 tion to a disciplinary action up to and including ter-
23 mination.

1 "(9) ANNUAL REPORTS TO CONGRESS.—Not
2 later than October 1 of each year, the Director shall
3 submit to Congress a public report containing—
4 "(A) information on the number of submis-
5 sions of complaints and information received by
6 the Director under paragraph (3)(A)(i) in the
7 preceding 12-month period;
8 "(B) summaries of those submissions;
9 "(C) summaries of further investigations,
10 corrective actions recommended, and referrals
11 in response to the submissions;
12 "(D) summaries of the responses of the
13 Administrator to such recommendations; and
14 "(E) an evaluation of personnel and re-
15 sources necessary to effectively support the
16 mandate of the Office.".

17 **SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIA-**
18 **TIVE.**

19 (a) FINDINGS.—Congress finds the following:
20 (1) Subsections (a) and (d) of section 40101 of
21 title 49, United States Code, directs the Federal
22 Aviation Administration (in this section referred to
23 as the "Agency") to make safety its highest priority.
24 (2) In 1996, to ensure that there would be no
25 appearance of a conflict of interest for the Agency

1 in carrying out its safety responsibilities, Congress
2 amended section 40101(d) of such title to remove
3 the responsibilities of the Agency to promote air-
4 lines.

5 (3) Despite these directives from Congress re-
6 garding the priority of safety, the Agency issued a
7 vision statement in which it stated that it has a "vi-
8 sion" of "being responsive to our customers and ac-
9 countable to the public" and, in 2003, issued a cus-
10 tomer service initiative that required aviation inspec-
11 tors to treat air carriers and other aviation certifi-
12 cate holders as "customers" rather than regulated
13 entities.

14 (4) The initiatives described in paragraph (3)
15 appear to have given regulated entities and Agency
16 inspectors the impression that the management of
17 the Agency gives an unduly high priority to the sat-
18 isfaction of regulated entities regarding its inspec-
19 tion and certification decisions and other lawful ac-
20 tions of its safety inspectors.

21 (5) As a result of the emphasis on customer
22 satisfaction, some managers of the Agency have dis-
23 couraged vigorous enforcement and replaced inspec-
24 tors whose lawful actions adversely affected an air
25 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 FLIGHT
7 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, including at least one employee selected by
18 the exclusive bargaining representative for aviation safety
19 inspectors, on a monthly basis to ensure that—
20 (1) any trends in regulatory compliance are
21 identified; and
22 (2) appropriate corrective actions are taken in
23 accordance with Agency regulations, advisory direc-
24 tives, policies, and procedures.
25 (b) MONTHLY TEAM REPORTS.—

1 (1) IN GENERAL.—The team of employees con-
2 ducting a monthly review of the air transportation
3 oversight system database under subsection (a) shall
4 submit to the Administrator, the Associate Adminis-
5 trator for Aviation Safety, and the Director of
6 Flight Standards a report on the results of the re-
7 view.
8 (2) CONTENTS.—A report submitted under
9 paragraph (1) shall identify—
10 (A) any trends in regulatory compliance
11 discovered by the team of employees in con-
12 ducting the monthly review; and
13 (B) any corrective actions taken or pro-
14 posed to be taken in response to the trends.
15 (c) QUARTERLY REPORTS TO CONGRESS.—The Ad-
16 ministrator, on a quarterly basis, shall submit to the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a report on the
20 results of reviews of the air transportation oversight sys-
21 tem database conducted under this section, including cop-
22 ies of reports received under subsection (b).

1 **SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING**
2 **SYSTEM.**

3 (a) VOLUNTARY DISCLOSURE REPORTING PROGRAM
4 DEFINED.—In this section, the term "Voluntary Disclo-
5 sure Reporting Program" means the program established
6 by the Federal Aviation Administration through Advisory
7 Circular 00–58A, dated September 8, 2006, including any
8 subsequent revisions thereto.

9 (b) VERIFICATION.—The Administrator of the Fed-
10 eral Aviation Administration shall modify the Voluntary
11 Disclosure Reporting Program to require inspectors to—

12 (1) verify that air carriers implement com-
13 prehensive solutions to correct the underlying causes
14 of the violations voluntarily disclosed by such air
15 carriers; and

16 (2) confirm, before approving a final report of
17 a violation, that the violation, or another violation
18 occurring under the same circumstances, has not
19 been previously discovered by an inspector or self-
20 disclosed by the air carrier.

21 (c) SUPERVISORY REVIEW OF VOLUNTARY SELF
22 DISCLOSURES.—The Administrator shall establish a proc-
23 ess by which voluntary self-disclosures received from air
24 carriers are reviewed and approved by a supervisor after
25 the initial review by an inspector.

26 (d) INSPECTOR GENERAL STUDY.—

1 (1) IN GENERAL.—The Inspector General of
2 the Department of Transportation shall conduct a
3 study of the Voluntary Disclosure Reporting Pro-
4 gram.
5 (2) REVIEW.—In conducting the study, the In-
6 spector General shall examine, at a minimum,
7 whether—
8 (A) there is evidence that voluntary disclo-
9 sure is resulting in regulated entities discov-
10 ering and correcting violations to a greater ex-
11 tent than would otherwise occur if there was no
12 program for immunity from enforcement action;
13 (B) the voluntary disclosure program
14 makes the Federal Aviation Administration
15 (FAA) aware of violations that the FAA would
16 not have discovered if there was not a program,
17 and if a violation is disclosed voluntarily,
18 whether the FAA insists on stronger corrective
19 actions than would have occurred if the regu-
20 lated entity knew of a violation, but FAA did
21 not;
22 (C) the information the FAA gets under
23 the program leads to fewer violations by other
24 entities, either because the information leads
25 other entities to look for similar violations or

1 because the information leads FAA investiga-
2 tors to look for similar violations at other enti-
3 ties; and
4 (D) there is any evidence that voluntary
5 disclosure has improved compliance with regula-
6 tions, either for the entities making disclosures
7 or for the industry generally.
8 (3) REPORT.—Not later than one year after the
9 date of enactment of this Act, the Inspector General
10 shall submit to the Committee on Transportation
11 and Infrastructure of the House of Representatives
12 and Committee on Commerce, Science, and Trans-
13 portation of the Senate a report on the results of the
14 study conducted under this section.

15 **Subtitle D—Airline Safety and**
16 **Pilot Training Improvement**

17 **SEC. 341. SHORT TITLE.**

18 This subtitle may be cited as the "Airline Safety and
19 Pilot Training Improvement Act of 2010".

20 **SEC. 342. DEFINITIONS.**

21 (a) DEFINITIONS.—In this subtitle, the following
22 definitions apply:
23 (1) ADVANCED QUALIFICATION PROGRAM.—The
24 term "advanced qualification program" means the
25 program established by the Federal Aviation Admin-

1 istration in Advisory Circular 120–54A, dated June
2 23, 2006, including any subsequent revisions there-
3 to.
4 (2) AIR CARRIER.—The term "air carrier" has
5 the meaning given that term in section 40102 of
6 title 49, United States Code.
7 (3) AVIATION SAFETY ACTION PROGRAM.—The
8 term "aviation safety action program" means the
9 program established by the Federal Aviation Admin-
10 istration in Advisory Circular 120–66B, dated No-
11 vember 15, 2002, including any subsequent revisions
12 thereto.
13 (4) FLIGHT CREWMEMBER.—The term "flight
14 crewmember" has the meaning given that term in
15 part 1.1 of title 14, Code of Federal Regulations.
16 (5) FLIGHT OPERATIONAL QUALITY ASSURANCE
17 PROGRAM.—The term "flight operational quality as-
18 surance program" means the program established by
19 the Federal Aviation Administration in Advisory Cir-
20 cular 120–82, dated April 12, 2004, including any
21 subsequent revisions thereto.
22 (6) LINE OPERATIONS SAFETY AUDIT.—The
23 term "line operations safety audit" means the proce-
24 dure referenced by the Federal Aviation Administra-

1 tion in Advisory Circular 120–90, dated April 27,
2 2006, including any subsequent revisions thereto.
3 (7) PART 121 AIR CARRIER.—The term "part
4 121 air carrier" means an air carrier that holds a
5 certificate issued under part 121 of title 14, Code of
6 Federal Regulations.
7 (8) PART 135 AIR CARRIER.—The term "part
8 135 air carrier" means an air carrier that holds a
9 certificate issued under part 135 of title 14, Code of
10 Federal Regulations.

11 **SEC. 343. FAA TASK FORCE ON AIR CARRIER SAFETY AND**
12 **PILOT TRAINING.**

13 (a) ESTABLISHMENT.—The Administrator of the
14 Federal Aviation Administration shall establish a special
15 task force to be known as the FAA Task Force on Air
16 Carrier Safety and Pilot Training (in this section referred
17 to as the "Task Force").
18 (b) COMPOSITION.—The Task Force shall consist of
19 members appointed by the Administrator and shall include
20 air carrier representatives, labor union representatives,
21 and aviation safety experts with knowledge of foreign and
22 domestic regulatory requirements for flight crewmember
23 education and training.
24 (c) DUTIES.—The duties of the Task Force shall in-
25 clude, at a minimum, evaluating best practices in the air

1 carrier industry and providing recommendations in the fol-
2 lowing areas:
3 (1) Air carrier management responsibilities for
4 flight crewmember education and support.
5 (2) Flight crewmember professional standards.
6 (3) Flight crewmember training standards and
7 performance.
8 (4) Mentoring and information sharing between
9 air carriers.
10 (d) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and before the last day of each
12 180-day period thereafter until termination of the Task
13 Force, the Task Force shall submit to the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives and the Committee on Commerce, Science,
16 and Transportation of the Senate a report detailing—
17 (1) the progress of the Task Force in identi-
18 fying best practices in the air carrier industry;
19 (2) the progress of air carriers and labor unions
20 in implementing the best practices identified by the
21 Task Force;
22 (3) recommendations of the Task Force, if any,
23 for legislative or regulatory actions;

1 (4) the progress of air carriers and labor unions
2 in implementing training-related, nonregulatory ac-
3 tions recommended by the Administrator; and
4 (5) the progress of air carriers in developing
5 specific programs to share safety data and ensure
6 implementation of the most effective safety prac-
7 tices.
8 (e) TERMINATION.—The Task Force shall terminate
9 on September 30, 2012.
10 (f) APPLICABILITY OF FEDERAL ADVISORY COM-
11 MITTEE ACT.—The Federal Advisory Committee Act (5
12 U.S.C. App.) shall not apply to the Task Force.
13 **SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREW-**
14 **MEMBER TRAINING RECOMMENDATIONS.**
15 (a) RULEMAKING PROCEEDINGS.—
16 (1) STALL AND UPSET RECOGNITION AND RE-
17 COVERY TRAINING.—The Administrator of the Fed-
18 eral Aviation Administration shall conduct a rule-
19 making proceeding to require part 121 air carriers
20 to provide flight crewmembers with ground training
21 and flight training or flight simulator training—
22 (A) to recognize and avoid a stall of an
23 aircraft or, if not avoided, to recover from the
24 stall; and

1 (B) to recognize and avoid an upset of an
2 aircraft or, if not avoided, to execute such tech-
3 niques as available data indicate are appro-
4 priate to recover from the upset in a given
5 make, model, and series of aircraft.
6 (2) REMEDIAL TRAINING PROGRAMS.—The Ad-
7 ministrator shall conduct a rulemaking proceeding to
8 require part 121 air carriers to establish remedial
9 training programs for flight crewmembers who have
10 demonstrated performance deficiencies or experi-
11 enced failures in the training environment.
12 (3) DEADLINES.—The Administrator shall—
13 (A) not later than 180 days after the date
14 of enactment of this Act, issue a notice of pro-
15 posed rulemaking under each of paragraphs (1)
16 and (2); and
17 (B) not later than 24 months after the
18 date of enactment of this Act, issue a final rule
19 for the rulemaking under each of paragraphs
20 (1) and (2).
21 (b) STICK PUSHER TRAINING AND WEATHER EVENT
22 TRAINING.—
23 (1) MULTIDISCIPLINARY PANEL.—Not later
24 than 120 days after the date of enactment of this
25 Act, the Administrator shall convene a multidisci-

1 plinary panel of specialists in aircraft operations,
2 flight crewmember training, human factors, and
3 aviation safety to study and submit to the Adminis-
4 trator a report on methods to increase the famili-
5 arity of flight crewmembers with, and improve the
6 response of flight crewmembers to, stick pusher sys-
7 tems, icing conditions, and microburst and
8 windshear weather events.

9 (2) REPORT TO CONGRESS AND NTSB.—Not
10 later than one year after the date on which the Ad-
11 ministrator convenes the panel, the Administrator
12 shall—

13 (A) submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Rep-
15 resentatives, the Committee on Commerce,
16 Science, and Transportation of the Senate, and
17 the National Transportation Safety Board a re-
18 port based on the findings of the panel; and

19 (B) with respect to stick pusher systems,
20 initiate appropriate actions to implement the
21 recommendations of the panel.

22 (c) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 (1) FLIGHT TRAINING AND FLIGHT SIMU-
25 LATOR.—The terms "flight training" and "flight

1 simulator" have the meanings given those terms in
2 part 61.1 of title 14, Code of Federal Regulations
3 (or any successor regulation).
4 (2) STALL.—The term "stall" means an aero-
5 dynamic loss of lift caused by exceeding the critical
6 angle of attack.
7 (3) STICK PUSHER.—The term "stick pusher"
8 means a device that, at or near a stall, applies a
9 nose down pitch force to an aircraft's control col-
10 umns to attempt to decrease the aircraft's angle of
11 attack.
12 (4) UPSET.—The term "upset" means an un-
13 usual aircraft attitude.

14 **SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES**
15 **TO SAFETY RECOMMENDATIONS.**

16 (a) IN GENERAL.—The first sentence of section
17 1135(a) of title 49, United States Code, is amended by
18 inserting "to the National Transportation Safety Board"
19 after "shall give".
20 (b) AIR CARRIER SAFETY RECOMMENDATIONS.—
21 Section 1135 of such title is amended—
22 (1) by redesignating subsections (c) and (d) as
23 subsections (d) and (e), respectively; and
24 (2) by inserting after subsection (b) the fol-
25 lowing:

1 "(c) ANNUAL REPORT ON AIR CARRIER SAFETY
2 RECOMMENDATIONS.—
3 "(1) IN GENERAL.—The Secretary shall submit
4 to Congress and the Board, on an annual basis, a
5 report on the recommendations made by the Board
6 to the Secretary regarding air carrier operations
7 conducted under part 121 of title 14, Code of Fed-
8 eral Regulations.
9 "(2) RECOMMENDATIONS TO BE COVERED.—
10 The report shall cover—
11 "(A) any recommendation for which the
12 Secretary has developed, or intends to develop,
13 procedures to adopt the recommendation or
14 part of the recommendation, but has yet to
15 complete the procedures; and
16 "(B) any recommendation for which the
17 Secretary, in the preceding year, has issued a
18 response under subsection (a)(2) or (a)(3) re-
19 fusing to carry out all or part of the procedures
20 to adopt the recommendation.
21 "(3) CONTENTS.—
22 "(A) PLANS TO ADOPT RECOMMENDA-
23 TIONS.—For each recommendation of the
24 Board described in paragraph (2)(A), the report
25 shall contain—

"(i) a description of the recommendation;

"(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

"(iii) the proposed date for completing the procedures; and

"(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

"(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

"(i) a description of the recommendation; and

"(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.".

SEC. 346. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

1 "(16) APPLICABILITY.—This subsection shall
2 cease to be effective on the date specified in regula-
3 tions issued under subsection (i).".
4 (b) ESTABLISHMENT OF FAA PILOT RECORDS
5 DATABASE.—Section 44703 of such title is amended—
6 (1) by redesignating subsections (i) and (j) as
7 subsections (j) and (k), respectively; and
8 (2) by inserting after subsection (h) the fol-
9 lowing:
10 "(i) FAA PILOT RECORDS DATABASE.—
11 "(1) IN GENERAL.—Before allowing an indi-
12 vidual to begin service as a pilot, an air carrier shall
13 access and evaluate, in accordance with the require-
14 ments of this subsection, information pertaining to
15 the individual from the pilot records database estab-
16 lished under paragraph (2).
17 "(2) PILOT RECORDS DATABASE.—The Admin-
18 istrator shall establish an electronic database (in this
19 subsection referred to as the 'database') containing
20 the following records:
21 "(A) FAA RECORDS.—From the Adminis-
22 trator—
23 "(i) records that are maintained by
24 the Administrator concerning current air-
25 man certificates, including airman medical

1 certificates and associated type ratings and
2 information on any limitations to those
3 certificates and ratings;
4 "(ii) records that are maintained by
5 the Administrator concerning any failed at-
6 tempt of an individual to pass a practical
7 test required to obtain a certificate or type
8 rating under part 61 of title 14, Code of
9 Federal Regulations; and
10 "(iii) summaries of legal enforcement
11 actions resulting in a finding by the Ad-
12 ministrator of a violation of this title or a
13 regulation prescribed or order issued under
14 this title that was not subsequently over-
15 turned.
16 "(B) AIR CARRIER AND OTHER
17 RECORDS.—From any air carrier or other per-
18 son (except a branch of the Armed Forces, the
19 National Guard, or a reserve component of the
20 Armed Forces) that has employed an individual
21 as a pilot of a civil or public aircraft, or from
22 the trustee in bankruptcy for such air carrier or
23 person—
24 "(i) records pertaining to the indi-
25 vidual that are maintained by the air car-

1 rier (other than records relating to flight
2 time, duty time, or rest time), including
3 records under regulations set forth in—
4 "(I) section 121.683 of title 14,
5 Code of Federal Regulations;
6 "(II) paragraph (A) of section
7 VI, appendix I, part 121 of such title;
8 "(III) paragraph (A) of section
9 IV, appendix J, part 121 of such title;
10 "(IV) section 125.401 of such
11 title; and
12 "(V) section 135.63(a)(4) of such
13 title; and
14 "(ii) other records pertaining to the
15 individual's performance as a pilot that are
16 maintained by the air carrier or person
17 concerning—
18 "(I) the training, qualifications,
19 proficiency, or professional com-
20 petence of the individual, including
21 comments and evaluations made by a
22 check airman designated in accord-
23 ance with section 121.411, 125.295,
24 or 135.337 of such title;

1 "(II) any disciplinary action
2 taken with respect to the individual
3 that was not subsequently overturned;
4 and
5 "(III) any release from employ-
6 ment or resignation, termination, or
7 disqualification with respect to em-
8 ployment.
9 "(C) NATIONAL DRIVER REGISTER
10 RECORDS.—In accordance with section
11 30305(b)(8) of this title, from the chief driver
12 licensing official of a State, information con-
13 cerning the motor vehicle driving record of the
14 individual.
15 "(3) WRITTEN CONSENT; RELEASE FROM LI-
16 ABILITY.—An air carrier—
17 "(A) shall obtain the written consent of an
18 individual before accessing records pertaining to
19 the individual under paragraph (1); and
20 "(B) may, notwithstanding any other pro-
21 vision of law or agreement to the contrary, re-
22 quire an individual with respect to whom the
23 carrier is accessing records under paragraph (1)
24 to execute a release from liability for any claim
25 arising from accessing the records or the use of

1 such records by the air carrier in accordance
2 with this section (other than a claim arising
3 from furnishing information known to be false
4 and maintained in violation of a criminal stat-
5 ute).
6 "(4) REPORTING.—
7 "(A) REPORTING BY ADMINISTRATOR.—
8 The Administrator shall enter data described in
9 paragraph (2)(A) into the database promptly to
10 ensure that an individual's records are current.
11 "(B) REPORTING BY AIR CARRIERS AND
12 OTHER PERSONS.—
13 "(i) IN GENERAL.—Air carriers and
14 other persons shall report data described
15 in paragraphs (2)(B) and (2)(C) to the
16 Administrator promptly for entry into the
17 database.
18 "(ii) DATA TO BE REPORTED.—Air
19 carriers and other persons shall report, at
20 a minimum, under clause (i) the following
21 data described in paragraph (2)(B):
22 "(I) Records that are generated
23 by the air carrier or other person
24 after the date of enactment of this
25 paragraph.

1 "(II) Records that the air carrier
2 or other person is maintaining, on
3 such date of enactment, pursuant to
4 subsection (h)(4).
5 "(5) REQUIREMENT TO MAINTAIN RECORDS.—
6 The Administrator—
7 "(A) shall maintain all records entered into
8 the database under paragraph (2) pertaining to
9 an individual until the date of receipt of notifi-
10 cation that the individual is deceased; and
11 "(B) may remove the individual's records
12 from the database after that date.
13 "(6) RECEIPT OF CONSENT.—The Adminis-
14 trator shall not permit an air carrier to access
15 records pertaining to an individual from the data-
16 base under paragraph (1) without the air carrier
17 first demonstrating to the satisfaction of the Admin-
18 istrator that the air carrier has obtained the written
19 consent of the individual.
20 "(7) RIGHT OF PILOT TO REVIEW CERTAIN
21 RECORDS AND CORRECT INACCURACIES.—Notwith-
22 standing any other provision of law or agreement,
23 the Administrator, upon receipt of written request
24 from an individual—

1 "(A) shall make available, not later than
2 30 days after the date of the request, to the in-
3 dividual for review all records referred to in
4 paragraph (2) pertaining to the individual; and
5 "(B) shall provide the individual with a
6 reasonable opportunity to submit written com-
7 ments to correct any inaccuracies contained in
8 the records.
9 "(8) REASONABLE CHARGES FOR PROCESSING
10 REQUESTS AND FURNISHING COPIES.—The Adminis-
11 trator may establish a reasonable charge for the cost
12 of processing a request under paragraph (1) or (7)
13 and for the cost of furnishing copies of requested
14 records under paragraph (7).
15 "(9) PRIVACY PROTECTIONS.—
16 "(A) USE OF RECORDS.—An air carrier
17 that accesses records pertaining to an individual
18 under paragraph (1) may use the records only
19 to assess the qualifications of the individual in
20 deciding whether or not to hire the individual as
21 a pilot. The air carrier shall take such actions
22 as may be necessary to protect the privacy of
23 the individual and the confidentiality of the
24 records accessed, including ensuring that infor-
25 mation contained in the records is not divulged

1 to any individual that is not directly involved in
2 the hiring decision.
3 "(B) DISCLOSURE OF INFORMATION.—
4 "(i) IN GENERAL.—Except as pro-
5 vided by clause (ii), information collected
6 by the Administrator under paragraph (2)
7 shall be exempt from the disclosure re-
8 quirements of section 552 of title 5.
9 "(ii) EXCEPTIONS.—Clause (i) shall
10 not apply to—
11 "(I) de-identified, summarized in-
12 formation to explain the need for
13 changes in policies and regulations;
14 "(II) information to correct a
15 condition that compromises safety;
16 "(III) information to carry out a
17 criminal investigation or prosecution;
18 "(IV) information to comply with
19 section 44905, regarding information
20 about threats to civil aviation; and
21 "(V) such information as the Ad-
22 ministrator determines necessary, if
23 withholding the information would not
24 be consistent with the safety respon-

1 sibilities of the Federal Aviation Ad-
2 ministration.
3 "(10) PERIODIC REVIEW.—Not later than 18
4 months after the date of enactment of this para-
5 graph, and at least once every 3 years thereafter,
6 the Administrator shall transmit to Congress a
7 statement that contains, taking into account recent
8 developments in the aviation industry—
9 "(A) recommendations by the Adminis-
10 trator concerning proposed changes to Federal
11 Aviation Administration records, air carrier
12 records, and other records required to be in-
13 cluded in the database under paragraph (2); or
14 "(B) reasons why the Administrator does
15 not recommend any proposed changes to the
16 records referred to in subparagraph (A).
17 "(11) REGULATIONS FOR PROTECTION AND SE-
18 CURITY OF RECORDS.—The Administrator shall pre-
19 scribe such regulations as may be necessary—
20 "(A) to protect and secure—
21 "(i) the personal privacy of any indi-
22 vidual whose records are accessed under
23 paragraph (1); and
24 "(ii) the confidentiality of those
25 records; and

1 "(B) to preclude the further dissemination
2 of records received under paragraph (1) by the
3 person who accessed the records.
4 "(12) GOOD FAITH EXCEPTION.—Notwith-
5 standing paragraph (1), an air carrier may allow an
6 individual to begin service as a pilot, without first
7 obtaining information described in paragraph (2)(B)
8 from the database pertaining to the individual, if—
9 "(A) the air carrier has made a docu-
10 mented good faith attempt to access the infor-
11 mation from the database; and
12 "(B) has received written notice from the
13 Administrator that the information is not con-
14 tained in the database because the individual
15 was employed by an air carrier or other person
16 that no longer exists or by a foreign govern-
17 ment or other entity that has not provided the
18 information to the database.
19 "(13) LIMITATIONS ON ELECTRONIC ACCESS TO
20 RECORDS.—
21 "(A) ACCESS BY INDIVIDUALS DES-
22 IGNATED BY AIR CARRIERS.—For the purpose
23 of increasing timely and efficient access to
24 records described in paragraph (2), the Admin-
25 istrator may allow, under terms established by

1 the Administrator, an individual designated by
2 an air carrier to have electronic access to the
3 database.
4 "(B) TERMS.—The terms established by
5 the Administrator under subparagraph (A) for
6 allowing a designated individual to have elec-
7 tronic access to the database shall limit such
8 access to instances in which information in the
9 database is required by the designated indi-
10 vidual in making a hiring decision concerning a
11 pilot applicant and shall require that the des-
12 ignated individual provide assurances satisfac-
13 tory to the Administrator that—
14 "(i) the designated individual has re-
15 ceived the written consent of the pilot ap-
16 plicant to access the information; and
17 "(ii) information obtained using such
18 access will not be used for any purpose
19 other than making the hiring decision.
20 "(14) AUTHORIZED EXPENDITURES.—Out of
21 amounts appropriated under section 106(k)(1), there
22 is authorized to be expended to carry out this sub-
23 section such sums as may be necessary for each of
24 fiscal years 2010, 2011, and 2012.
25 "(15) REGULATIONS.—

1 "(A) IN GENERAL.—The Administrator
2 shall issue regulations to carry out this sub-
3 section.
4 "(B) EFFECTIVE DATE.—The regulations
5 shall specify the date on which the requirements
6 of this subsection take effect and the date on
7 which the requirements of subsection (h) cease
8 to be effective.
9 "(C) EXCEPTIONS.—Notwithstanding sub-
10 paragraph (B)—
11 "(i) the Administrator shall begin to
12 establish the database under paragraph (2)
13 not later than 90 days after the date of en-
14 actment of this paragraph;
15 "(ii) the Administrator shall maintain
16 records in accordance with paragraph (5)
17 beginning on the date of enactment of this
18 paragraph; and
19 "(iii) air carriers and other persons
20 shall maintain records to be reported to
21 the database under paragraph (4)(B) in
22 the period beginning on such date of enact-
23 ment and ending on the date that is 5
24 years after the requirements of subsection

1 (h) cease to be effective pursuant to sub-
2 paragraph (B).
3 "(16) SPECIAL RULE.—During the one-year pe-
4 riod beginning on the date on which the require-
5 ments of this section become effective pursuant to
6 paragraph (15)(B), paragraph (7)(A) shall be ap-
7 plied by substituting '45 days' for '30 days'.".
8 (c) CONFORMING AMENDMENTS.—
9 (1) LIMITATION ON LIABILITY; PREEMPTION OF
10 STATE LAW.—Section 44703(j) (as redesignated by
11 subsection (b)(1) of this section) is amended—
12 (A) in the subsection heading by striking
13 "LIMITATION" and inserting "LIMITATIONS";
14 (B) in paragraph (1)—
15 (i) in the matter preceding subpara-
16 graph (A) by striking "paragraph (2)" and
17 inserting "subsection (h)(2) or (i)(3)";
18 (ii) in subparagraph (A) by inserting
19 "or accessing the records of that individual
20 under subsection (i)(1)" before the semi-
21 colon; and
22 (iii) in the matter following subpara-
23 graph (D) by striking "subsection (h)" and
24 inserting "subsection (h) or (i)";

1 (C) in paragraph (2) by striking "sub-
2 section (h)" and inserting "subsection (h) or
3 (i)";
4 (D) in paragraph (3), in the matter pre-
5 ceding subparagraph (A), by inserting "or who
6 furnished information to the database estab-
7 lished under subsection (i)(2)" after "sub-
8 section (h)(1)"; and
9 (E) by adding at the end the following:
10 "(4) PROHIBITION ON ACTIONS AND PRO-
11 CEEDINGS AGAINST AIR CARRIERS.—
12 "(A) HIRING DECISIONS.—An air carrier
13 may refuse to hire an individual as a pilot if the
14 individual did not provide written consent for
15 the air carrier to receive records under sub-
16 section (h)(2)(A) or (i)(3)(A) or did not execute
17 the release from liability requested under sub-
18 section (h)(2)(B) or (i)(3)(B).
19 "(B) ACTIONS AND PROCEEDINGS.—No
20 action or proceeding may be brought against an
21 air carrier by or on behalf of an individual who
22 has applied for or is seeking a position as a
23 pilot with the air carrier if the air carrier re-
24 fused to hire the individual after the individual
25 did not provide written consent for the air car-

1 rier to receive records under subsection
2 (h)(2)(A) or (i)(3)(A) or did not execute a re-
3 lease from liability requested under subsection
4 (h)(2)(B) or (i)(3)(B).".
5 (2) LIMITATION ON STATUTORY CONSTRUC-
6 TION.—Section 44703(k) (as redesignated by sub-
7 section (b)(1) of this section) is amended by striking
8 "subsection (h)" and inserting "subsection (h) or
9 (i)".

10 **SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.**

11 (a) COMPLETION OF RULEMAKING ON TRAINING
12 PROGRAMS.—Not later than 14 months after the date of
13 enactment of this Act, the Administrator of the Federal
14 Aviation Administration shall issue a final rule with re-
15 spect to the notice of proposed rulemaking published in
16 the Federal Register on January 12, 2009 (74 Fed. Reg.
17 1280; relating to training programs for flight crew-
18 members and aircraft dispatchers).
19 (b) EXPERT PANEL TO REVIEW PART 121 AND PART
20 135 TRAINING HOURS.—
21 (1) ESTABLISHMENT.—Not later than 60 days
22 after the date of enactment of this Act, the Adminis-
23 trator shall convene a multidisciplinary expert panel
24 comprised of, at a minimum, air carrier representa-
25 tives, training facility representatives, instructional

1 design experts, aircraft manufacturers, safety orga-
2 nization representatives, and labor union representa-
3 tives.

4 (2) ASSESSMENT AND RECOMMENDATIONS.—
5 The panel shall assess and make recommendations
6 concerning—

7 (A) the best methods and optimal time
8 needed for flight crewmembers of part 121 air
9 carriers and flight crewmembers of part 135 air
10 carriers to master aircraft systems, maneuvers,
11 procedures, take offs and landings, and crew co-
12 ordination;

13 (B) the optimal length of time between
14 training events for such crewmembers, includ-
15 ing recurrent training events;

16 (C) the best methods to reliably evaluate
17 mastery by such crewmembers of aircraft sys-
18 tems, maneuvers, procedures, take offs and
19 landings, and crew coordination; and

20 (D) the best methods to allow specific aca-
21 demic training courses to be credited pursuant
22 to section 11(d) toward the total flight hours
23 required to receive an airline transport pilot
24 certificate.

1 (3) REPORT.—Not later than one year after the
2 date of enactment of this Act, the Administrator
3 shall submit to the Committee on Transportation
4 and Infrastructure of the House of Representatives,
5 the Committee on Commerce, Science, and Trans-
6 portation of the Senate, and the National Transpor-
7 tation Safety Board a report based on the findings
8 of the panel.

9 **SEC. 348. AVIATION SAFETY INSPECTORS AND OPER-**
10 **ATIONAL RESEARCH ANALYSTS.**

11 (a) REVIEW BY DOT INSPECTOR GENERAL.—Not
12 later than 9 months after the date of enactment of this
13 Act, the Inspector General of the Department of Trans-
14 portation shall conduct a review of aviation safety inspec-
15 tors and operational research analysts of the Federal Avia-
16 tion Administration assigned to part 121 air carriers and
17 submit to the Administrator of the Federal Aviation Ad-
18 ministration a report on the results of the review.

19 (b) PURPOSES.—The purpose of the review shall be,
20 at a minimum—

21 (1) to review the level of the Administration's
22 oversight of each part 121 air carrier;

23 (2) to make recommendations to ensure that
24 each part 121 air carrier is receiving an equivalent
25 level of oversight;

1 (3) to assess the number and level of experience
2 of aviation safety inspectors assigned to such car-
3 riers;
4 (4) to evaluate how the Administration is mak-
5 ing assignments of aviation safety inspectors to such
6 carriers;
7 (5) to review various safety inspector oversight
8 programs, including the geographic inspector pro-
9 gram;
10 (6) to evaluate the adequacy of the number of
11 operational research analysts assigned to each part
12 121 air carrier;
13 (7) to evaluate the surveillance responsibilities
14 of aviation safety inspectors, including en route in-
15 spections;
16 (8) to evaluate whether inspectors are able to
17 effectively use data sources, such as the Safety Per-
18 formance Analysis System and the Air Transpor-
19 tation Oversight System, to assist in targeting over-
20 sight of air carriers;
21 (9) to assess the feasibility of establishment by
22 the Administration of a comprehensive repository of
23 information that encompasses multiple Administra-
24 tion data sources and allowing access by aviation
25 safety inspectors and operational research analysts

1 to assist in the oversight of part 121 air carriers;
2 and
3 (10) to conduct such other analyses as the In-
4 spector General considers relevant to the purpose of
5 the review.
6 (c) REPORT TO CONGRESS.—Not later than 90 days
7 after the date of receipt of the report submitted under sub-
8 section (a), the Administrator shall submit to the Com-
9 mittee on Transportation and Infrastructure of the House
10 of Representatives and the Committee on Commerce,
11 Science, and Transportation of the Senate a report—
12 (1) that specifies which, if any, policy changes
13 recommended by the Inspector General under this
14 section the Administrator intends to adopt and im-
15 plement;
16 (2) that includes an explanation of how the Ad-
17 ministrator plans to adopt and implement such pol-
18 icy changes; and
19 (3) in any case in which the Administrator does
20 not intend to adopt a policy change recommended by
21 the Inspector General, that includes an explanation
22 of the reasons for the decision not to adopt and im-
23 plement the policy change.

1 **SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFES-**
2 **SIONAL DEVELOPMENT, AND LEADERSHIP.**
3 (a) RULEMAKING PROCEEDING.—
4 (1) IN GENERAL.—The Administrator of the
5 Federal Aviation Administration shall conduct a
6 rulemaking proceeding to require each part 121 air
7 carrier to take the following actions:
8 (A) Establish flight crewmember men-
9 toring programs under which the air carrier will
10 pair highly experienced flight crewmembers who
11 will serve as mentor pilots and be paired with
12 newly employed flight crewmembers. Mentor pi-
13 lots shall receive, at a minimum, specific in-
14 struction on techniques for instilling and rein-
15 forcing the highest standards of technical per-
16 formance, airmanship, and professionalism in
17 newly employed flight crewmembers.
18 (B) Establish flight crewmember profes-
19 sional development committees made up of air
20 carrier management and labor union or profes-
21 sional association representatives to develop, ad-
22 minister, and oversee formal mentoring pro-
23 grams of the carrier to assist flight crew-
24 members to reach their maximum potential as
25 safe, seasoned, and proficient flight crew-
26 members.

1 (C) Establish or modify training programs
2 to accommodate substantially different levels
3 and types of flight experience by newly em-
4 ployed flight crewmembers.
5 (D) Establish or modify training programs
6 for second-in-command flight crewmembers at-
7 tempting to qualify as pilot-in-command flight
8 crewmembers for the first time in a specific air-
9 craft type and ensure that such programs in-
10 clude leadership and command training.
11 (E) Ensure that recurrent training for pi-
12 lots in command includes leadership and com-
13 mand training.
14 (F) Such other actions as the Adminis-
15 trator determines appropriate to enhance flight
16 crewmember professional development.
17 (2) COMPLIANCE WITH STERILE COCKPIT
18 RULE.—Leadership and command training described
19 in paragraphs (1)(D) and (1)(E) shall include in-
20 struction on compliance with flight crewmember du-
21 ties under part 121.542 of title 14, Code of Federal
22 Regulations.
23 (3) STREAMLINED PROGRAM REVIEW.—
24 (A) IN GENERAL.—As part of the rule-
25 making required by subsection (a), the Admin-

1 istrator shall establish a streamlined process for
2 part 121 air carriers that have in effect, as of
3 the date of enactment of this Act, the programs
4 required by paragraph (1).
5 (B) EXPEDITED APPROVALS.—Under the
6 streamlined process, the Administrator shall—
7 (i) review the programs of such part
8 121 air carriers to determine whether the
9 programs meet the requirements set forth
10 in the final rule referred to in subsection
11 (b)(2); and
12 (ii) expedite the approval of the pro-
13 grams that the Administrator determines
14 meet such requirements.
15 (b) DEADLINES.—The Administrator shall issue—
16 (1) not later than 180 days after the date of
17 enactment of this Act, a notice of proposed rule-
18 making under subsection (a); and
19 (2) not later than 24 months after such date of
20 enactment, a final rule under subsection (a).
21 **SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALI-**
22 **FICATIONS.**
23 (a) REQUIREMENTS.—
24 (1) RULEMAKING PROCEEDING.—The Adminis-
25 trator of the Federal Aviation Administration shall

1 conduct a rulemaking proceeding to require part 121
2 air carriers to develop and implement means and
3 methods for ensuring that flight crewmembers have
4 proper qualifications and experience.
5 (2) MINIMUM REQUIREMENTS.—
6 (A) PROSPECTIVE FLIGHT CREW-
7 MEMBERS.—Rules issued under paragraph (1)
8 shall ensure that prospective flight crew-
9 members undergo comprehensive pre-employ-
10 ment screening, including an assessment of the
11 skills, aptitudes, airmanship, and suitability of
12 each applicant for a position as a flight crew-
13 member in terms of functioning effectively in
14 the air carrier's operational environment.
15 (B) ALL FLIGHT CREWMEMBERS.—Rules
16 issued under paragraph (1) shall ensure that,
17 after the date that is 3 years after the date of
18 enactment of this Act, all flight crewmembers—
19 (i) have obtained an airline transport
20 pilot certificate under part 61 of title 14,
21 Code of Federal Regulations; and
22 (ii) have appropriate multi-engine air-
23 craft flight experience, as determined by
24 the Administrator.
25 (b) DEADLINES.—The Administrator shall issue—

1 (1) not later than 180 days after the date of
2 enactment of this Act, a notice of proposed rule-
3 making under subsection (a); and
4 (2) not later than 24 months after such date of
5 enactment, a final rule under subsection (a).

6 **SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.**

7 (a) RULEMAKING PROCEEDING.—The Administrator
8 of the Federal Aviation Administration shall conduct a
9 rulemaking proceeding to amend part 61 of title 14, Code
10 of Federal Regulations, to modify requirements for the
11 issuance of an airline transport pilot certificate.
12 (b) MINIMUM REQUIREMENTS.—To be qualified to
13 receive an airline transport pilot certificate pursuant to
14 subsection (a), an individual shall—
15 (1) have sufficient flight hours, as determined
16 by the Administrator, to enable a pilot to function
17 effectively in an air carrier operational environment;
18 and
19 (2) have received flight training, academic
20 training, or operational experience that will prepare
21 a pilot, at a minimum, to—
22 (A) function effectively in a multipilot envi-
23 ronment;
24 (B) function effectively in adverse weather
25 conditions, including icing conditions;

1 (C) function effectively during high alti-
2 tude operations;
3 (D) adhere to the highest professional
4 standards; and
5 (E) function effectively in an air carrier
6 operational environment.
7 (c) FLIGHT HOURS.—
8 (1) NUMBERS OF FLIGHT HOURS.—The total
9 flight hours required by the Administrator under
10 subsection (b)(1) shall be at least 1,500 flight hours.
11 (2) FLIGHT HOURS IN DIFFICULT OPER-
12 ATIONAL CONDITIONS.—The total flight hours re-
13 quired by the Administrator under subsection (b)(1)
14 shall include sufficient flight hours, as determined
15 by the Administrator, in difficult operational condi-
16 tions that may be encountered by an air carrier to
17 enable a pilot to operate safely in such conditions.
18 (d) CREDIT TOWARD FLIGHT HOURS.—The Admin-
19 istrator may allow specific academic training courses, be-
20 yond those required under subsection (b)(2), to be credited
21 toward the total flight hours required under subsection
22 (c). The Administrator may allow such credit based on a
23 determination by the Administrator that allowing a pilot
24 to take specific academic training courses will enhance

1 safety more than requiring the pilot to fully comply with
2 the flight hours requirement.

3 (e) RECOMMENDATIONS OF EXPERT PANEL.—In
4 conducting the rulemaking proceeding under this section,
5 the Administrator shall review and consider the assess-
6 ment and recommendations of the expert panel to review
7 part 121 and part 135 training hours established by sec-
8 tion 7(b) of this Act.

9 (f) DEADLINE.—Not later than 36 months after the
10 date of enactment of this Act, the Administrator shall
11 issue a final rule under subsection (a).

12 **SEC. 352. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND**
13 **PILOT ACADEMIC TRAINING.**

14 (a) GAO STUDY.—The Comptroller General shall
15 conduct a comprehensive study of flight schools, flight
16 education, and academic training requirements for certifi-
17 cation of an individual as a pilot.

18 (b) MINIMUM CONTENTS OF STUDY.—The study
19 shall include, at a minimum—

20 (1) an assessment of the Federal Aviation Ad-
21 ministration's oversight of flight schools;

22 (2) an assessment of the Administration's aca-
23 demic training requirements in effect on the date of
24 enactment of this Act as compared to flight edu-

1 cation provided to a pilot by accredited 2- and 4-
2 year universities;
3 (3) an assessment of the quality of pilots enter-
4 ing the part 121 air carrier workforce from all
5 sources after receiving training from flight training
6 providers, including Aviation Accreditation Board
7 International, universities, pilot training organiza-
8 tions, and the military, utilizing the training records
9 of part 121 air carriers, including consideration of
10 any relationships between flight training providers
11 and air carriers;
12 (4) a comparison of the academic training re-
13 quirements for pilots in the United States to the
14 academic training requirements for pilots in other
15 countries;
16 (5) a determination and description of any im-
17 provements that may be needed in the Administra-
18 tion's academic training requirements for pilots;
19 (6) an assessment of student financial aid and
20 loan options available to individuals interested in en-
21 rolling at a flight school for both academic and flight
22 hour training;
23 (7) an assessment of the Federal Aviation Ad-
24 ministration's oversight of general aviation flight
25 schools that offer or would like to offer training pro-

1 grams under part 142 of title 14, Code of Federal
2 Regulations; and
3 (8) an assessment of whether compliance with
4 the English speaking requirements applicable to pi-
5 lots under part 61 of such title is adequately tested
6 and enforced.
7 (c) REPORT.—Not later than 120 days after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the results of the study.
13 **SEC. 353. VOLUNTARY SAFETY PROGRAMS.**
14 (a) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, the Administrator of the Federal
16 Aviation Administration shall submit to the Committee on
17 Transportation and Infrastructure of the House of Rep-
18 resentatives and the Committee on Commerce, Science
19 and Transportation of the Senate a report on the aviation
20 safety action program, the flight operational quality assur-
21 ance program, the line operations safety audit, and the
22 advanced qualification program.
23 (b) CONTENTS.—The report shall include—
24 (1) a list of—

1 (A) which air carriers are using one or
2 more of the voluntary safety programs referred
3 to in subsection (a); and
4 (B) the voluntary safety programs each air
5 carrier is using;
6 (2) if an air carrier is not using one or more
7 of the voluntary safety programs—
8 (A) a list of such programs the carrier is
9 not using; and
10 (B) the reasons the carrier is not using
11 each such program;
12 (3) if an air carrier is using one or more of the
13 voluntary safety programs, an explanation of the
14 benefits and challenges of using each such program;
15 (4) a detailed analysis of how the Administra-
16 tion is using data derived from each of the voluntary
17 safety programs as safety analysis and accident or
18 incident prevention tools and a detailed plan on how
19 the Administration intends to expand data analysis
20 of such programs;
21 (5) an explanation of—
22 (A) where the data derived from such pro-
23 grams is stored;
24 (B) how the data derived from such pro-
25 grams is protected and secured; and

1 (C) what data analysis processes air car-
2 riers are implementing to ensure the effective
3 use of the data derived from such programs;
4 (6) a description of the extent to which aviation
5 safety inspectors are able to review data derived
6 from such programs to enhance their oversight re-
7 sponsibilities;
8 (7) a description of how the Administration
9 plans to incorporate operational trends identified
10 under such programs into the air transport oversight
11 system and other surveillance databases so that such
12 system and databases are more effectively utilized;
13 (8) other plans to strengthen such programs,
14 taking into account reviews of such programs by the
15 Inspector General of the Department of Transpor-
16 tation; and
17 (9) such other matters as the Administrator de-
18 termines are appropriate.

19 **SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.**

20 (a) DEVELOPMENT AND IMPLEMENTATION PLAN.—
21 The Administrator of the Federal Aviation Administration
22 shall develop and implement a plan to facilitate the estab-
23 lishment of an aviation safety action program and a flight
24 operational quality assurance program by all part 121 air
25 carriers.

1 (b) MATTERS TO BE CONSIDERED.—In developing
2 the plan under subsection (a), the Administrator shall con-
3 sider—
4 (1) how the Administration can assist part 121
5 air carriers with smaller fleet sizes to derive benefit
6 from establishing a flight operational quality assur-
7 ance program;
8 (2) how part 121 air carriers with established
9 aviation safety action and flight operational quality
10 assurance programs can quickly begin to report data
11 into the aviation safety information analysis sharing
12 database; and
13 (3) how part 121 air carriers and aviation safe-
14 ty inspectors can better utilize data from such data-
15 base as accident and incident prevention tools.
16 (c) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Administrator shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Science, Commerce, and Transportation of the Senate a
21 copy of the plan developed under subsection (a) and an
22 explanation of how the Administration will implement the
23 plan.
24 (d) DEADLINE FOR BEGINNING IMPLEMENTATION
25 OF PLAN.—Not later than one year after the date of en-

1 actment of this Act, the Administrator shall begin imple-
2 mentation of the plan developed under subsection (a).

3 **SEC. 355. SAFETY MANAGEMENT SYSTEMS.**

4 (a) RULEMAKING.—The Administrator of the Fed-
5 eral Aviation Administration shall conduct a rulemaking
6 proceeding to require all part 121 air carriers to imple-
7 ment a safety management system.

8 (b) MATTERS TO CONSIDER.—In conducting the rule-
9 making under subsection (a), the Administrator shall con-
10 sider, at a minimum, including each of the following as
11 a part of the safety management system:

12 (1) An aviation safety action program.

13 (2) A flight operational quality assurance pro-
14 gram.

15 (3) A line operations safety audit.

16 (4) An advanced qualification program.

17 (c) DEADLINES.—The Administrator shall issue—

18 (1) not later than 90 days after the date of en-
19 actment of this Act, a notice of proposed rulemaking
20 under subsection (a); and

21 (2) not later than 24 months after the date of
22 enactment of this Act, a final rule under subsection
23 (a).

24 (d) SAFETY MANAGEMENT SYSTEM DEFINED.—In
25 this section, the term "safety management system" means

1 the program established by the Federal Aviation Adminis-
2 tration in Advisory Circular 120–92, dated June 22, 2006,
3 including any subsequent revisions thereto.

4 **SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING**
5 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**
6 **PORTATION.**

7 Section 41712 of title 49, United States Code, is
8 amended by adding at the end the following:

9 "(c) DISCLOSURE REQUIREMENT FOR SELLERS OF
10 TICKETS FOR FLIGHTS.—

11 "(1) IN GENERAL.—It shall be an unfair or de-
12 ceptive practice under subsection (a) for any ticket
13 agent, air carrier, foreign air carrier, or other person
14 offering to sell tickets for air transportation on a
15 flight of an air carrier to not disclose, whether ver-
16 bally in oral communication or in writing in written
17 or electronic communication, prior to the purchase
18 of a ticket—

19 "(A) the name (including any business or
20 corporate name) of the air carrier providing the
21 air transportation; and

22 "(B) if the flight has more than one flight
23 segment, the name of each air carrier providing
24 the air transportation for each such flight seg-
25 ment.

1 "(2) INTERNET OFFERS.—In the case of an
2 offer to sell tickets described in paragraph (1) on an
3 Internet Web site, disclosure of the information re-
4 quired by paragraph (1) shall be provided on the
5 first display of the Web site following a search of a
6 requested itinerary in a format that is easily visible
7 to a viewer.".

8 **SEC. 357. PILOT FATIGUE.**

9 (a) FLIGHT AND DUTY TIME REGULATIONS.—
10 (1) IN GENERAL.—In accordance with para-
11 graph (3), the Administrator of the Federal Aviation
12 Administration shall issue regulations, based on the
13 best available scientific information—
14 (A) to specify limitations on the hours of
15 flight and duty time allowed for pilots to ad-
16 dress problems relating to pilot fatigue; and
17 (B) to require part 121 air carriers to de-
18 velop and implement fatigue risk management
19 plans.
20 (2) MATTERS TO BE ADDRESSED.—In con-
21 ducting the rulemaking proceeding under this sub-
22 section, the Administrator shall consider and review
23 the following:
24 (A) Time of day of flights in a duty period.

1 (B) Number of takeoff and landings in a
2 duty period.
3 (C) Number of time zones crossed in a
4 duty period.
5 (D) The impact of functioning in multiple
6 time zones or on different daily schedules.
7 (E) Research conducted on fatigue, sleep,
8 and circadian rhythms.
9 (F) Sleep and rest requirements rec-
10 ommended by the National Transportation
11 Safety Board and the National Aeronautics and
12 Space Administration.
13 (G) International standards regarding
14 flight schedules and duty periods.
15 (H) Alternative procedures to facilitate
16 alertness in the cockpit.
17 (I) Scheduling and attendance policies and
18 practices, including sick leave.
19 (J) The effects of commuting, the means
20 of commuting, and the length of the commute.
21 (K) Medical screening and treatment.
22 (L) Rest environments.
23 (M) Any other matters the Administrator
24 considers appropriate.

1 (3) DEADLINES.—The Administrator shall
2 issue—
3 (A) not later than 180 days after the date
4 of enactment of this Act, a notice of proposed
5 rulemaking under subsection (a); and
6 (B) not later than one year after the date
7 of enactment of this Act, a final rule under sub-
8 section (a).
9 (b) FATIGUE RISK MANAGEMENT PLAN.—
10 (1) SUBMISSION OF FATIGUE RISK MANAGE-
11 MENT PLAN BY PART 121 AIR CARRIERS.—Not later
12 than 90 days after the date of enactment of this sec-
13 tion, each part 121 air carrier shall submit to the
14 Administrator for review and approval a fatigue risk
15 management plan.
16 (2) CONTENTS OF PLAN.—A fatigue risk man-
17 agement plan submitted by a part 121 air carrier
18 under paragraph (1) shall include the following:
19 (A) Current flight time and duty period
20 limitations.
21 (B) A rest scheme that enables the man-
22 agement of fatigue, including annual training to
23 increase awareness of—
24 (i) fatigue;

1 (ii) the effects of fatigue on pilots;
2 and
3 (iii) fatigue countermeasures.
4 (C) Development and use of a methodology
5 that continually assesses the effectiveness of the
6 program, including the ability of the program—
7 (i) to improve alertness; and
8 (ii) to mitigate performance errors.
9 (3) PLAN UPDATES.—A part 121 air carrier
10 shall update its fatigue risk management plan under
11 paragraph (1) every 2 years and submit the update
12 to the Administrator for review and approval.
13 (4) APPROVAL.—
14 (A) INITIAL APPROVAL OR MODIFICA-
15 TION.—Not later than 9 months after the date
16 of enactment of this section, the Administrator
17 shall review and approve or require modification
18 to fatigue risk management plans submitted
19 under this subsection to ensure that pilots are
20 not operating aircraft while fatigued.
21 (B) UPDATE APPROVAL OR MODIFICA-
22 TION.—Not later than 9 months after submis-
23 sion of a plan update under paragraph (3), the
24 Administrator shall review and approve or re-
25 quire modification to such update.

1 (5) CIVIL PENALTIES.—A violation of this sub-
2 section by a part 121 air carrier shall be treated as
3 a violation of chapter 447 of title 49, United States
4 Code, for purposes of the application of civil pen-
5 alties under chapter 463 of that title.
6 (6) LIMITATION ON APPLICABILITY.—The re-
7 quirements of this subsection shall cease to apply to
8 a part 121 air carrier on and after the effective date
9 of the regulations to be issued under subsection (a).
10 (c) EFFECT OF COMMUTING ON FATIGUE.—
11 (1) IN GENERAL.—Not later than 60 days after
12 the date of enactment of this Act, the Administrator
13 shall enter into appropriate arrangements with the
14 National Academy of Sciences to conduct a study of
15 the effects of commuting on pilot fatigue and report
16 its findings to the Administrator.
17 (2) STUDY.—In conducting the study, the Na-
18 tional Academy of Sciences shall consider—
19 (A) the prevalence of pilot commuting in
20 the commercial air carrier industry, including
21 the number and percentage of pilots who com-
22 mute;
23 (B) information relating to commuting by
24 pilots, including distances traveled, time zones
25 crossed, time spent, and methods used;

1 (C) research on the impact of commuting
2 on pilot fatigue, sleep, and circadian rhythms;
3 (D) commuting policies of commercial air
4 carriers (including passenger and all-cargo air
5 carriers), including pilot check-in requirements
6 and sick leave and fatigue policies;
7 (E) post-conference materials from the
8 Federal Aviation Administration's June 2008
9 symposium entitled "Aviation Fatigue Manage-
10 ment Symposium: Partnerships for Solutions";
11 (F) Federal Aviation Administration and
12 international policies and guidance regarding
13 commuting; and
14 (G) any other matters as the Adminis-
15 trator considers appropriate.
16 (3) PRELIMINARY FINDINGS.—Not later than
17 90 days after the date of entering into arrangements
18 under paragraph (1), the National Academy of
19 Sciences shall submit to the Administrator its pre-
20 liminary findings under the study.
21 (4) REPORT.—Not later than 6 months after
22 the date of entering into arrangements under para-
23 graph (1), the National Academy of Sciences shall
24 submit to the Administrator a report containing its
25 findings under the study and any recommendations

1 for regulatory or administrative actions by the Fed-
2 eral Aviation Administration concerning commuting
3 by pilots.
4 (5) RULEMAKING.—Following receipt of the re-
5 port of the National Academy of Sciences under
6 paragraph (4), the Administrator shall—
7 (A) consider the findings and recommenda-
8 tions in the report; and
9 (B) update, as appropriate based on sci-
10 entific data, regulations required by subsection
11 (a) on flight and duty time.
12 (6) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated such sums
14 as may be necessary to carry out this subsection.

15 **SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RE-**
16 **SOURCE MANAGEMENT TECHNIQUES.**

17 (a) STUDY.—The Administrator of the Federal Avia-
18 tion Administration shall conduct a study on aviation in-
19 dustry best practices with regard to flight crewmember
20 pairing and crew resource management techniques.
21 (b) REPORT.—Not later than one year after the date
22 of enactment of this Act, the Administrator shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on the results of the study.

3 TITLE IV—AIR SERVICE
4 IMPROVEMENTS

5 **SEC. 401. SMOKING PROHIBITION.**

6 (a) IN GENERAL.—Section 41706 is amended—
7 (1) in the section heading by striking "**sched-**
8 **uled**" and inserting "**passenger**"; and
9 (2) by striking subsections (a) and (b) and in-
10 serting the following:
11 "(a) SMOKING PROHIBITION IN INTRASTATE AND
12 INTERSTATE TRANSPORTATION BY AIRCRAFT.—An indi-
13 vidual may not smoke in an aircraft—
14 "(1) in scheduled passenger interstate air
15 transportation or scheduled passenger intrastate air
16 transportation; and
17 "(2) in nonscheduled intrastate or interstate
18 transportation of passengers by aircraft for com-
19 pensation, if a flight attendant is a required crew-
20 member on the aircraft (as determined by the Ad-
21 ministrator of the Federal Aviation Administration).
22 "(b) SMOKING PROHIBITION IN FOREIGN AIR
23 TRANSPORTATION.—The Secretary of Transportation
24 shall require all air carriers and foreign air carriers to pro-
25 hibit smoking in an aircraft—

1 "(1) in scheduled passenger foreign air trans-
2 portation; and
3 "(2) in nonscheduled passenger foreign air
4 transportation, if a flight attendant is a required
5 crewmember on the aircraft (as determined by the
6 Administrator or a foreign government).".
7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 417 is amended by striking the item relating to section
9 41706 and inserting the following:

"41706. Prohibitions against smoking on flights.".

10 **SEC. 402. MONTHLY AIR CARRIER REPORTS.**
11 (a) IN GENERAL.—Section 41708 is amended by
12 adding at the end the following:
13 "(c) DIVERTED AND CANCELLED FLIGHTS.—
14 "(1) MONTHLY REPORTS.—The Secretary shall
15 require an air carrier referred to in paragraph (2)
16 to file with the Secretary a monthly report on each
17 flight of the air carrier that is diverted from its
18 scheduled destination to another airport and each
19 flight of the air carrier that departs the gate at the
20 airport at which the flight originates but is cancelled
21 before wheels-off time.
22 "(2) APPLICABILITY.—An air carrier that is re-
23 quired to file a monthly airline service quality per-
24 formance report under subsection (b) shall be sub-
25 ject to the requirement of paragraph (1).

1 "(3) CONTENTS.—A monthly report filed by an
2 air carrier under paragraph (1) shall include, at a
3 minimum, the following information:
4 "(A) For a diverted flight—
5 "(i) the flight number of the diverted
6 flight;
7 "(ii) the scheduled destination of the
8 flight;
9 "(iii) the date and time of the flight;
10 "(iv) the airport to which the flight
11 was diverted;
12 "(v) wheels-on time at the diverted
13 airport;
14 "(vi) the time, if any, passengers
15 deplaned the aircraft at the diverted air-
16 port; and
17 "(vii) if the flight arrives at the sched-
18 uled destination airport—
19 "(I) the gate-departure time at
20 the diverted airport;
21 "(II) the wheels-off time at the
22 diverted airport;
23 "(III) the wheels-on time at the
24 scheduled arrival airport; and

1 "(IV) the gate arrival time at the
2 scheduled arrival airport.
3 "(B) For flights cancelled after gate de-
4 parture—
5 "(i) the flight number of the cancelled
6 flight;
7 "(ii) the scheduled origin and destina-
8 tion airports of the cancelled flight;
9 "(iii) the date and time of the can-
10 celled flight;
11 "(iv) the gate-departure time of the
12 cancelled flight; and
13 "(v) the time the aircraft returned to
14 the gate.
15 "(4) PUBLICATION.—The Secretary shall com-
16 pile the information provided in the monthly reports
17 filed pursuant to paragraph (1) in a single monthly
18 report and publish such report on the website of the
19 Department of Transportation.".
20 (b) EFFECTIVE DATE.—The Secretary of Transpor-
21 tation shall require monthly reports pursuant to the
22 amendment made by subsection (a) beginning not later
23 than 90 days after the date of enactment of this Act.

1 **SEC. 403. FLIGHT OPERATIONS AT REAGAN NATIONAL AIR-**
2 **PORT.**

3 (a) BEYOND PERIMETER EXEMPTIONS.—Section
4 41718(a) is amended by striking "24" and inserting "34".

5 (b) LIMITATIONS.—Section 41718(c)(2) is amended
6 by striking "3 operations" and inserting "5 operations".

7 (c) ALLOCATION OF BEYOND-PERIMETER EXEMP-
8 TIONS.—Section 41718(c) is amended—

9 (1) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively; and

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 "(3) SLOTS.—The Administrator of the Federal
14 Aviation Administration shall reduce the hourly air
15 carrier slot quota for Ronald Reagan Washington
16 National Airport in section 93.123(a) of title 14,
17 Code of Federal Regulations, by a total of 10 slots
18 that are available for allocation. Such reductions
19 shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00
20 p.m. hours, as determined by the Administrator, in
21 order to grant exemptions under subsection (a).".

22 (d) SCHEDULING PRIORITY.—Section 41718 is
23 amended—

24 (1) by redesignating subsections (e) and (f) as
25 subsections (f) and (g), respectively; and

1 (2) by inserting after subsection (d) the fol-
2 lowing:
3 "(e) SCHEDULING PRIORITY.—Operations conducted
4 by new entrant air carriers and limited incumbent air car-
5 riers shall be afforded a scheduling priority over oper-
6 ations conducted by other air carriers granted exemptions
7 pursuant to this section, with the highest scheduling pri-
8 ority to be afforded to beyond-perimeter operations con-
9 ducted by new entrant air carriers and limited incumbent
10 air carriers.".

11 **SEC. 404. EAS CONTRACT GUIDELINES.**

12 (a) COMPENSATION GUIDELINES.—Section
13 41737(a)(1) is amended—
14 (1) by striking "and" at the end of subpara-
15 graph (B);
16 (2) in subparagraph (C) by striking the period
17 at the end and inserting a semicolon; and
18 (3) by adding at the end the following:
19 "(D) include provisions under which the Sec-
20 retary may encourage an air carrier to improve air
21 service for which compensation is being paid under
22 this subchapter by incorporating financial incentives
23 in an essential air service contract based on specified
24 performance goals, including goals related to improv-
25 ing on-time performance, reducing the number of

1 flight cancellations, establishing reasonable fares (in-
2 cluding joint fares beyond the hub airport), estab-
3 lishing convenient connections to flights providing
4 service beyond hub airports, and increasing mar-
5 keting efforts; and
6 "(E) include provisions under which the Sec-
7 retary may execute a long-term essential air service
8 contract to encourage an air carrier to provide air
9 service to an eligible place if it would be in the pub-
10 lic interest to do so.".
11 (b) DEADLINE FOR ISSUANCE OF REVISED GUID-
12 ANCE.—Not later than 90 days after the date of enact-
13 ment of this Act, the Secretary of Transportation shall
14 issue revised guidelines governing the rate of compensa-
15 tion payable under subchapter II of chapter 417 of title
16 49, United States Code, that incorporate the amendments
17 made by subsection (a).
18 (c) REPORT.—Not later than 2 years after the date
19 of issuance of revised guidelines pursuant to subsection
20 (b), the Secretary shall submit to the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Commerce, Science,
23 and Transportation of the Senate a report on the extent
24 to which the revised guidelines have been implemented and
25 the impact, if any, such implementation has had on air

1 carrier performance and community satisfaction with air
2 service for which compensation is being paid under sub-
3 chapter II of chapter 417 of title 49, United States Code.

4 **SEC. 405. ESSENTIAL AIR SERVICE REFORM.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
6 41742(a)(2) of title 49, United States Code, is amended
7 by striking "there is authorized to be appropriated
8 $77,000,000" and inserting "there is authorized to be ap-
9 propriated out of the Airport and Airway Trust Fund
10 $150,000,000".

11 (b) DISTRIBUTION OF EXCESS FUNDS.—

12 (1) IN GENERAL.—Section 41742(a) is amend-
13 ed by adding at the end the following:

14 "(4) DISTRIBUTION OF EXCESS FUNDS.—Of
15 the funds, if any, credited to the account established
16 under section 45303 in a fiscal year that exceed the
17 $50,000,000 made available for such fiscal year
18 under paragraph (1)—

19 "(A) one-half shall be made available im-
20 mediately for obligation and expenditure to
21 carry out section 41743; and

22 "(B) one-half shall be made available im-
23 mediately for obligation and expenditure to
24 carry out subsection (b).".

1 (2) CONFORMING AMENDMENT.—Section
2 41742(b) is amended—
3 (A) in the first sentence by striking "mon-
4 eys credited" and all that follows before "shall
5 be used" and inserting "amounts made avail-
6 able under subsection (a)(4)(B)"; and
7 (B) in the second sentence by striking
8 "any amounts from those fees" and inserting
9 "any of such amounts".

10 **SEC. 406. SMALL COMMUNITY AIR SERVICE.**

11 (a) PRIORITIES.—Section 41743(c)(5) is amended—
12 (1) by striking "and" at the end of subpara-
13 graph (D);
14 (2) in subparagraph (E) by striking "fashion."
15 and inserting "fashion; and"; and
16 (3) by adding at the end the following:
17 "(F) multiple communities cooperate to
18 submit a regional or multistate application to
19 improve air service.".
20 (b) EXTENSION OF AUTHORIZATION.—Section
21 41743(e)(2) is amended by striking "2009" and inserting
22 "2012".

23 **SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.**

24 (a) IN GENERAL.—Subtitle VII is amended by insert-
25 ing after chapter 421 the following:

"CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

"Sec.
"42301. Emergency contingency plans.
"42302. Consumer complaints.
"42303. Use of insecticides in passenger aircraft.
"42304. Notification of flight status by text message or email.

"§ 42301. Emergency contingency plans

"(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

"(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 30 seats.

"(c) AIR CARRIER PLANS.—

"(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

"(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

1 "(B) each large hub airport and medium
2 hub airport at which the carrier has flights for
3 which it has primary responsibility for inventory
4 control.
5 "(2) CONTENTS.—An emergency contingency
6 plan submitted by an air carrier for an airport under
7 subsection (a) shall contain a description of how the
8 air carrier will—
9 "(A) provide food, water that meets the
10 standards of the Safe Drinking Water Act (42
11 U.S.C. 300f et seq.), restroom facilities, cabin
12 ventilation, and access to medical treatment for
13 passengers onboard an aircraft at the airport
14 that is on the ground for an extended period of
15 time without access to the terminal;
16 "(B) allow passengers to deplane following
17 excessive delays; and
18 "(C) share facilities and make gates avail-
19 able at the airport in an emergency.
20 "(d) AIRPORT PLANS.—An emergency contingency
21 plan submitted by an airport operator under subsection
22 (a) shall contain—
23 "(1) a description of how the airport operator,
24 to the maximum extent practicable, will provide for
25 the deplanement of passengers following excessive

1 delays and will provide for the sharing of facilities
2 and make gates available at the airport in an emer-
3 gency; and
4 "(2) in the case of an airport that is used by
5 an air carrier or foreign air carrier for flights in for-
6 eign air transportation, a description of how the air-
7 port operator will provide for use of the airport's
8 terminal, to the maximum extent practicable, for the
9 processing of passengers arriving at the airport on
10 such a flight in the case of an excessive tarmac
11 delay.
12 "(e) UPDATES.—
13 "(1) AIR CARRIERS.—An air carrier shall up-
14 date the emergency contingency plan submitted by
15 the air carrier under subsection (a) every 3 years
16 and submit the update to the Secretary for review
17 and approval.
18 "(2) AIRPORTS.—An airport operator shall up-
19 date the emergency contingency plan submitted by
20 the airport operator under subsection (a) every 5
21 years and submit the update to the Secretary for re-
22 view and approval.
23 "(f) APPROVAL.—
24 "(1) IN GENERAL.—Not later than 9 months
25 after the date of enactment of this section, the Sec-

1 retary shall review and approve or require modifica-
2 tions to emergency contingency plans submitted
3 under subsection (a) and updates submitted under
4 subsection (e) to ensure that the plans and updates
5 will effectively address emergencies and provide for
6 the health and safety of passengers.

7 "(2) CIVIL PENALTIES.—The Secretary may as-
8 sess a civil penalty under section 46301 against an
9 air carrier or airport that does not adhere to an
10 emergency contingency plan approved under this
11 subsection.

12 "(g) MINIMUM STANDARDS.—The Secretary may es-
13 tablish, as necessary or desirable, minimum standards for
14 elements in an emergency contingency plan required to be
15 submitted under this section.

16 "(h) PUBLIC ACCESS.—An air carrier or airport re-
17 quired to submit emergency contingency plans under this
18 section shall ensure public access to such plan after its
19 approval under this section on the Internet website of the
20 carrier or airport or by such other means as determined
21 by the Secretary.

22 **"§ 42302. Consumer complaints**

23 "(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE
24 NUMBER.—The Secretary of Transportation shall estab-

1 lish a consumer complaints hotline telephone number for
2 the use of passengers in air transportation.
3 "(b) PUBLIC NOTICE.—The Secretary shall notify
4 the public of the telephone number established under sub-
5 section (a).
6 "(c) NOTICE TO PASSENGERS OF AIR CARRIERS.—
7 An air carrier providing scheduled air transportation using
8 aircraft with 30 or more seats shall include on the Internet
9 Web site of the carrier and on any ticket confirmation and
10 boarding pass issued by the air carrier—
11 "(1) the hotline telephone number established
12 under subsection (a);
13 "(2) the email address, telephone number, and
14 mailing address of the air carrier; and
15 "(3) the email address, telephone number, and
16 mailing address of the Aviation Consumer Protection
17 Division of the Department of Transportation for
18 the submission of reports by passengers about air
19 travel service problems.
20 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section. Such sums shall re-
23 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 of Transportation shall establish,
4 and make available to the general public, an Internet Web
5 site that contains a listing of countries that may require
6 an air carrier or foreign air carrier to treat an aircraft
7 passenger cabin with insecticides prior to a flight in for-
8 eign air transportation to that country or to apply an aer-
9 osol insecticide in an aircraft cabin used for such a flight
10 when the cabin 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 **"§ 42304. Notification of flight status by text message**
2 **or email**

3 "Not later than 180 days after the date of enactment
4 of this section, the Secretary of Transportation shall issue
5 regulations to require that each air carrier that has at
6 least 1 percent of total domestic scheduled-service pas-
7 senger revenue provide each passenger of the carrier—

8 "(1) an option to receive a text message or
9 email or any other comparable electronic service,
10 subject to any fees applicable under the contract of
11 the passenger for the electronic service, from the air
12 carrier a notification of any change in the status of
13 the flight of the passenger whenever the flight status
14 is changed before the boarding process for the flight
15 commences; and

16 "(2) the notification if the passenger requests
17 the notification.".

18 (b) CLERICAL AMENDMENT.—The analysis for sub-
19 title VII is amended by inserting after the item relating
20 to chapter 421 the following:

"423. Air Passenger Service Improvements ..... 42301".

21 (c) PENALTIES.—Section 46301 is amended in sub-
22 sections (a)(1)(A) and (c)(1)(A) by inserting "chapter
23 423," after "chapter 421,".

24 (d) APPLICABILITY OF REQUIREMENTS.—Except as
25 otherwise specifically provided, the requirements of chap-

1 ter 423 of title 49, United States Code, as added by this
2 section, shall begin to apply 60 days after the date of en-
3 actment of this Act.

4 **SEC. 408. CONTENTS OF COMPETITION PLANS.**

5 Section 47106(f)(2) is amended—
6 (1) by striking "patterns of air service,";
7 (2) by inserting "and" before "whether"; and
8 (3) by striking ", and airfare levels" and all
9 that follows before the period.

10 **SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

11 Section 47107(s)(3) is amended by striking "October
12 1, 2009" and inserting "September 30, 2012".

13 **SEC. 410. CONTRACT TOWER PROGRAM.**

14 (a) COST-BENEFIT REQUIREMENT.—Section
15 47124(b) is amended—
16 (1) by striking "(1) The Secretary" and insert-
17 ing the following:
18 "(1) CONTRACT TOWER PROGRAM.—
19 "(A) CONTINUATION AND EXTENSION.—
20 The Secretary";
21 (2) by adding at the end of paragraph (1) the
22 following:
23 "(B) SPECIAL RULE.—If the Secretary de-
24 termines that a tower already operating under
25 the program continued under this paragraph

1 has a benefit to cost ratio of less than 1.0, the
2 airport sponsor or State or local government
3 having jurisdiction over the airport shall not be
4 required to pay the portion of the costs that ex-
5 ceeds the benefit for a period of 18 months
6 after such determination is made.
7 "(C) USE OF EXCESS FUNDS.—If the Sec-
8 retary finds that all or part of an amount made
9 available to carry out the program continued
10 under this paragraph is not required during a
11 fiscal year, the Secretary may use, during such
12 fiscal year, the amount not so required to carry
13 out the program established under paragraph
14 (3)."; and
15 (3) by striking "(2) The Secretary" and insert-
16 ing the following:
17 "(2) GENERAL AUTHORITY.—The Secretary".
18 (1) Section 47124(b)(3)(E) is amended to read
19 as follows:
20 "(E) FUNDING.—Of the amounts appro-
21 priated pursuant to section 106(k), not more
22 than $9,500,000 for fiscal year 2010,
23 $10,000,000 for fiscal year 2011, and
24 $10,000,000 for fiscal year 2012 may be used
25 to carry out this paragraph.".

1 (2) USE OF EXCESS FUNDS.—Section
2 47124(b)(3) is amended—
3 (A) by redesignating subparagraph (E) (as
4 amended by paragraph (1) of this subsection)
5 as subparagraph (F); and
6 (B) by inserting after subparagraph (D)
7 the following:
8 "(E) USE OF EXCESS FUNDS.—If the Sec-
9 retary finds that all or part of an amount made
10 available under this subparagraph is not re-
11 quired during a fiscal year to carry out this
12 paragraph, the Secretary may use, during such
13 fiscal year, the amount not so required to carry
14 out the program continued under paragraph
15 (1).".
16 (c) FEDERAL SHARE.—Section 47124(b)(4)(C) is
17 amended by striking "$1,500,000" and inserting
18 "$2,000,000".
19 (d) SAFETY AUDITS.—Section 47124 is amended by
20 adding at the end the following:
21 "(c) SAFETY AUDITS.—The Secretary shall establish
22 uniform standards and requirements for safety assess-
23 ments of air traffic control towers that receive funding
24 under this section.".

1 **SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED**
2 **FORCES.**

3 (a) FINDINGS.—Congress finds that—

4 (1) the Armed Forces is comprised of approxi-
5 mately 1,400,000 members who are stationed on ac-
6 tive duty at more than 6,000 military bases in 146
7 different countries;

8 (2) the United States is indebted to the mem-
9 bers of the Armed Forces, many of whom are in
10 grave danger due to their engagement in, or expo-
11 sure to, combat;

12 (3) military service, especially in the current
13 war against terrorism, often requires members of the
14 Armed Forces to be separated from their families on
15 short notice, for long periods of time, and under
16 very stressful conditions;

17 (4) the unique demands of military service often
18 preclude members of the Armed Forces from pur-
19 chasing discounted advance airline tickets in order
20 to visit their loved ones at home and require mem-
21 bers of the Armed Forces to travel with heavy bags;
22 and

23 (5) it is the patriotic duty of the people of the
24 United States to support the members of the Armed
25 Forces who are defending the Nation's interests
26 around the world at great personal sacrifice.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that each United States air carrier should—
3 (1) establish for all members of the Armed
4 Forces on active duty reduced air fares that are
5 comparable to the lowest airfare for ticketed flights;
6 and
7 (2) offer flexible terms that allow members of
8 the Armed Forces on active duty to purchase, mod-
9 ify, or cancel tickets without time restrictions, fees,
10 and penalties and waive baggage fees for a minimum
11 of 3 bags.

12 **SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**
13 **TICIPATION PROGRAM.**

14 (a) REPEAL.—Section 41747 of title 49, United
15 States Code, and the item relating to such section in the
16 analysis for chapter 417 of such title, are repealed.
17 (b) APPLICABILITY.—Title 49, United States Code,
18 shall be applied as if section 41747 of such title had not
19 been enacted.

20 **SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT IN-**
21 **CREASED FUEL COSTS.**

22 (a) IN GENERAL.—The $200 per passenger subsidy
23 cap initially established by Public Law 103–122 (107
24 Stat. 1198; 1201) and made permanent by section 332
25 of Public Law 106–69 (113 Stat. 1022) shall be increased

1 by an amount necessary to account for the increase, if any,
2 in the cost of aviation fuel in the 24 months preceding
3 the date of enactment of this Act, as determined by the
4 Secretary.

5 (b) ADJUSTMENT OF CAP.—Not later than 60 days
6 after the date of enactment of this Act, the Secretary shall
7 publish in the Federal Register the increased subsidy cap
8 as an interim final rule, pursuant to which public comment
9 will be sought and a final rule issued.

10 (c) LIMITATION ON ELIGIBILITY.—A community that
11 has been determined, pursuant to a final order issued by
12 the Department of Transportation before the date of en-
13 actment of this Act, to be ineligible for subsidized air serv-
14 ice under subchapter II of chapter 417 of title 49, United
15 States Code, shall not be eligible for the increased subsidy
16 cap established pursuant to this section.

17 **SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
18 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
19 **SENTIAL AIR SERVICE.**

20 Section 41733 of title 49, United States Code, is
21 amended by adding at the end the following:

22 "(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
23 NATION OF ELIGIBILITY.—

24 "(1) IN GENERAL.—The Secretary shall notify
25 each community receiving basic essential air service

1 for which compensation is being paid under this sub-
2 chapter on or before the 45th day before issuing any
3 final decision to end the payment of such compensa-
4 tion due to a determination by the Secretary that
5 providing such service requires a rate of subsidy per
6 passenger in excess of the subsidy cap.

7 "(2) PROCEDURES TO AVOID TERMINATION.—
8 The Secretary shall establish, by order, procedures
9 by which each community notified of an impending
10 loss of subsidy under paragraph (1) may work di-
11 rectly with an air carrier to ensure that the air car-
12 rier is able to submit a proposal to the Secretary to
13 provide essential air service to such community for
14 an amount of compensation that would not exceed
15 the subsidy cap.

16 "(3) ASSISTANCE PROVIDED.—The Secretary
17 shall provide, by order, to each community notified
18 under paragraph (1) information regarding—

19 "(A) the procedures established pursuant
20 to paragraph (2); and

21 "(B) the maximum amount of compensa-
22 tion that could be provided under this sub-
23 chapter to an air carrier serving such commu-
24 nity that would comply with the subsidy cap.

1 "(4) SUBSIDY CAP DEFINED.—In this sub-
2 section, the term 'subsidy cap' means the subsidy
3 cap established by section 332 of Public Law 106–
4 69, including any increase to that subsidy cap estab-
5 lished by the Secretary pursuant to the Aviation
6 Safety and Investment Act of 2010.".

7 **SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DE-**
8 **TERMINED BY THE SECRETARY TO BE INELI-**
9 **GIBLE FOR SUBSIDIZED ESSENTIAL AIR**
10 **SERVICE.**

11 Section 41733 (as amended by section 413 of this
12 Act) is further amended by adding at the end the fol-
13 lowing:

14 "(g) PROPOSALS OF STATE AND LOCAL GOVERN-
15 MENTS TO RESTORE ELIGIBILITY.—

16 "(1) IN GENERAL.—If the Secretary, after the
17 date of enactment of this subsection, ends payment
18 of compensation to an air carrier for providing basic
19 essential air service to an eligible place because the
20 Secretary has determined that providing such service
21 requires a rate of subsidy per passenger in excess of
22 the subsidy cap (as defined in subsection (f)), a
23 State or local government may submit to the Sec-
24 retary a proposal for restoring compensation for

1 such service. Such proposal shall be a joint proposal
2 of the State or local government and an air carrier.
3 "(2) DETERMINATION BY SECRETARY.—If a
4 State or local government submits to the Secretary
5 a proposal under paragraph (1) with respect to an
6 eligible place, and the Secretary determines that—
7 "(A) the rate of subsidy per passenger
8 under the proposal does not exceed the subsidy
9 cap (as defined in subsection (f)); and
10 "(B) the proposal is consistent with the
11 legal and regulatory requirements of the essen-
12 tial air service program,
13 the Secretary shall issue an order restoring the eligi-
14 bility of the otherwise eligible place to receive basic
15 essential air service by an air carrier for compensa-
16 tion under subsection (c).".
17 **SEC. 416. OFFICE OF RURAL AVIATION.**
18 (a) IN GENERAL.—Subchapter II of chapter 417 is
19 amended by adding at the end the following:
20 **"§ 41749. Office of Rural Aviation**
21 "(a) ESTABLISHMENT.—The Secretary of Transpor-
22 tation shall establish within the Department of Transpor-
23 tation an office to be known as the 'Office of Rural Avia-
24 tion' (in this section referred to as the 'Office').
25 "(b) FUNCTIONS.—The Office shall—

1 "(1) monitor the status of air service to small
2 communities;
3 "(2) develop proposals to improve air service to
4 small communities; and
5 "(3) carry out such other functions as the Sec-
6 retary considers appropriate.".
7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter II of chapter 417 is amended by adding at the
9 end the following:

"41749. Office of Rural Aviation.".

10 **SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
11 **CANTLY INCREASED COSTS.**

12 (a) EMERGENCY ACROSS-THE-BOARD ADJUST-
13 MENT.—Subject to the availability of funds, the Secretary
14 may increase the rates of compensation payable to air car-
15 riers under subchapter II of chapter 417 of title 49,
16 United States Code, to compensate such carriers for in-
17 creased aviation fuel costs, without regard to any agree-
18 ment or requirement relating to the renegotiation of con-
19 tracts or any notice requirement under section 41734 of
20 such title.
21 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-
22 DIVIDUAL CONTRACTS.—
23 (1) IN GENERAL.—Section 41734(d) of title 49,
24 United States Code, is amended by striking "con-
25 tinue to pay" and all that follows through "com-

1 pensation sufficient—" and inserting "provide the
2 carrier with compensation sufficient—".
3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply to compensation to air
5 carriers for air service provided after the 30th day
6 following the date of enactment of this Act.

7 **SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**
8 **CELLATIONS, AND ASSOCIATED CAUSES.**

9 (a) REVIEW.—The Inspector General of the Depart-
10 ment of Transportation shall conduct a review regarding
11 air carrier flight delays, cancellations, and associated
12 causes to update its 2000 report numbered CR–2000–112
13 and entitled "Audit of Air Carrier Flight Delays and Can-
14 cellations".
15 (b) ASSESSMENTS.—In conducting the review under
16 subsection (a), the Inspector General shall assess—
17 (1) the need for an update on delay and can-
18 cellation statistics, such as number of chronically de-
19 layed flights and taxi-in and taxi-out times;
20 (2) air carriers' scheduling practices;
21 (3) the need for a re-examination of capacity
22 benchmarks at the Nation's busiest airports;
23 (4) the impact of flight delays and cancellations
24 on air travelers, including recommendations for pro-

1 grams that could be implemented to address the im-
2 pact of flight delays on air travelers; and
3 (5) the effect that limited air carrier service op-
4 tions on routes have on the frequency of delays and
5 cancellations on such routes.
6 (c) REPORT.—Not later than one year after the date
7 of enactment of this Act, the Inspector General shall sub-
8 mit to the Committee on Transportation and Infrastruc-
9 ture of the House of Representatives and the Committee
10 on Commerce, Science, and Transportation of the Senate
11 a report on the results of the review conducted under this
12 section, including the assessments described in subsection
13 (b).

14 **SEC. 419. EUROPEAN UNION RULES FOR PASSENGER**
15 **RIGHTS.**

16 (a) IN GENERAL.—The Comptroller General shall
17 conduct a study to evaluate and compare the regulations
18 of the European Union and the United States on com-
19 pensation and other consideration offered to passengers
20 who are denied boarding or whose flights are cancelled or
21 delayed.
22 (b) SPECIFIC STUDY REQUIREMENTS.—The study
23 shall include an evaluation and comparison of the regula-
24 tions based on costs to the air carriers, preferences of pas-
25 sengers for compensation or other consideration, and

1 forms of compensation. In conducting the study, the
2 Comptroller General shall also take into account the dif-
3 ferences in structure and size of the aviation systems of
4 the European Union and the United States.

5 (c) REPORT.—Not later than one year after the date
6 of enactment of this Act, the Comptroller General shall
7 submit a report to Congress on the results of the study.

8 **SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**
9 **AVIATION CONSUMER PROTECTION.**

10 (a) IN GENERAL.—The Secretary of Transportation
11 shall establish an advisory committee for aviation con-
12 sumer protection (in this section referred to as the "advi-
13 sory committee") to advise the Secretary in carrying out
14 air passenger service improvements, including those re-
15 quired by chapter 423 of title 49, United States Code.

16 (b) MEMBERSHIP.—The Secretary shall appoint 8
17 members to the advisory committee as follows:

18 (1) Two representatives of air carriers required
19 to submit emergency contingency plans pursuant to
20 section 42301 of title 49, United States Code.

21 (2) Two representatives of the airport operators
22 required to submit emergency contingency plans pur-
23 suant to section 42301 of such title.

1 (3) Two representatives of State and local gov-
2 ernments who have expertise in aviation consumer
3 protection matters.
4 (4) Two representatives of nonprofit public in-
5 terest groups who have expertise in aviation con-
6 sumer protection matters.
7 (c) VACANCIES.—A vacancy in the advisory com-
8 mittee shall be filled in the manner in which the original
9 appointment was made.
10 (d) TRAVEL EXPENSES.—Members of the advisory
11 committee shall serve without pay but shall receive travel
12 expenses, including per diem in lieu of subsistence, in ac-
13 cordance with subchapter I of chapter 57 of title 5, United
14 States Code.
15 (e) CHAIRPERSON.—The Secretary shall designate,
16 from among the individuals appointed under subsection
17 (b), an individual to serve as chairperson of the advisory
18 committee.
19 (f) DUTIES.—The duties of the advisory committee
20 shall include the following:
21 (1) Evaluating existing aviation consumer pro-
22 tection programs and providing recommendations for
23 the improvement of such programs, if needed.

1 (2) Providing recommendations to establish ad-
2 ditional aviation consumer protection programs, if
3 needed.
4 (g) REPORT.—Not later than February 1 of each
5 year beginning after the date of enactment of this Act,
6 the Secretary shall transmit to Congress a report con-
7 taining—
8 (1) each recommendation made by the advisory
9 committee during the preceding calendar year; and
10 (2) an explanation of how the Secretary has im-
11 plemented each recommendation and, for each rec-
12 ommendation not implemented, the Secretary's rea-
13 son for not implementing the recommendation.
14 **SEC. 421. DENIED BOARDING COMPENSATION.**
15 Not later than May 19, 2010, and every 2 years
16 thereafter, the Secretary shall evaluate the amount pro-
17 vided for denied boarding compensation and issue a regu-
18 lation to adjust such compensation as necessary.
19 **SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.**
20 (a) STUDY.—The Comptroller General shall conduct
21 a study to—
22 (1) examine delays in the delivery of checked
23 baggage to passengers of air carriers; and
24 (2) make recommendations for establishing
25 minimum standards to compensate a passenger in

1 the case of an unreasonable delay in the delivery of
2 checked baggage.
3 (b) CONSIDERATION.—In conducting the study, the
4 Comptroller General shall take into account the additional
5 fees for checked baggage that are imposed by many air
6 carriers and how the additional fees should improve an
7 air carrier's baggage performance.
8 (c) REPORT.—Not later than 180 days after the date
9 of enactment of this Act, the Comptroller General shall
10 transmit to Congress a report on the results of the study.
11 **SEC. 423. SCHEDULE REDUCTION.**
12 (a) IN GENERAL.—If the Administrator of the Fed-
13 eral Aviation Administration determines that: (1) the air-
14 craft operations of air carriers during any hour at an air-
15 port exceeds the hourly maximum departure and arrival
16 rate established by the Administrator for such operations;
17 and (2) the operations in excess of the maximum depar-
18 ture and arrival rate for such hour at such airport are
19 likely to have a significant adverse effect on the national
20 or regional airspace system, the Administrator shall con-
21 vene a conference of such carriers to reduce pursuant to
22 section 41722, on a voluntary basis, the number of such
23 operations to less than such maximum departure and ar-
24 rival rate.

1 (b) NO AGREEMENT.—If the air carriers partici-
2 pating in a conference with respect to an airport under
3 subsection (a) are not able to agree to a reduction in the
4 number of flights to and from the airport to less than the
5 maximum departure and arrival rate, the Administrator
6 shall take such action as is necessary to ensure such re-
7 duction is implemented.

8 (c) QUARTERLY REPORTS.—Beginning 3 months
9 after the date of enactment of this Act and every 3 months
10 thereafter, the Administrator shall submit to Congress a
11 report regarding scheduling at the 35 airports that have
12 the greatest number of passenger enplanements, including
13 each occurrence in which hourly scheduled aircraft oper-
14 ations of air carriers at such an airport exceed the hourly
15 maximum departure and arrival rate at any such airport.

16 **SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COM-**
17 **PLAINT INVESTIGATIONS.**

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

21 (1) flight cancellations;

22 (2) compliance with Federal regulations con-
23 cerning overbooking seats on flights;

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

1 (4) problems in obtaining refunds for unused or
2 lost tickets or fare adjustments;
3 (5) incorrect or incomplete information about
4 fares, discount fare conditions and availability, over-
5 charges, and fare increases;
6 (6) the rights of passengers who hold frequent
7 flier miles or equivalent redeemable awards earned
8 through customer-loyalty programs; and
9 (7) deceptive or misleading advertising.
10 (b) BUDGET NEEDS REPORT.—The Secretary shall
11 provide, as an annex to its annual budget request, an esti-
12 mate of resources which would have been sufficient to in-
13 vestigate all such claims the Department of Transpor-
14 tation received in the previous fiscal year. The annex shall
15 be transmitted to Congress when the President submits
16 the budget of the United States to the Congress under
17 section 1105 of title 31, United States Code.

18 **SEC. 425. PROHIBITIONS AGAINST VOICE COMMUNICA-**
19 **TIONS USING MOBILE COMMUNICATIONS DE-**
20 **VICES ON SCHEDULED FLIGHTS.**

21 (a) IN GENERAL.—Subchapter I of chapter 417 of
22 title 49, United States Code, is amended by adding at the
23 end the following:

1 **"§ 41724. Prohibitions against voice communications**
2 **using mobile communications devices on**
3 **scheduled flights**
4 "(a) INTERSTATE AND INTRASTATE AIR TRANSPOR-
5 TATION.—
6 "(1) IN GENERAL.—An individual may not en-
7 gage in voice communications using a mobile com-
8 munications device in an aircraft during a flight in
9 scheduled passenger interstate air transportation or
10 scheduled passenger intrastate air transportation.
11 "(2) EXCEPTIONS.—The prohibition described
12 in paragraph (1) shall not apply to—
13 "(A) a member of the flight crew or flight
14 attendants on an aircraft; or
15 "(B) a Federal law enforcement officer
16 acting in an official capacity.
17 "(b) FOREIGN AIR TRANSPORTATION.—
18 "(1) IN GENERAL.—The Secretary of Transpor-
19 tation shall require all air carriers and foreign air
20 carriers to adopt the prohibition described in sub-
21 section (a) with respect to the operation of an air-
22 craft in scheduled passenger foreign air transpor-
23 tation.
24 "(2) ALTERNATE PROHIBITION.—If a foreign
25 government objects to the application of paragraph
26 (1) on the basis that paragraph (1) provides for an

1 extraterritorial application of the laws of the United
2 States, the Secretary may waive the application of
3 paragraph (1) to a foreign air carrier licensed by
4 that foreign government until such time as an alter-
5 native prohibition on voice communications using a
6 mobile communications device during flight is nego-
7 tiated by the Secretary with such foreign govern-
8 ment through bilateral negotiations.

9 "(c) DEFINITIONS.—In this section, the following
10 definitions apply:

11 "(1) FLIGHT.—The term 'flight' means the pe-
12 riod beginning when an aircraft takes off and ending
13 when an aircraft lands.

14 "(2) VOICE COMMUNICATIONS USING A MOBILE
15 COMMUNICATIONS DEVICE.—

16 "(A) INCLUSIONS.—The term 'voice com-
17 munications using a mobile communications de-
18 vice' includes voice communications using—

19 "(i) a commercial mobile radio service
20 or other wireless communications device;

21 "(ii) a broadband wireless device or
22 other wireless device that transmits data
23 packets using the Internet Protocol or
24 comparable technical standard; or

1 "(iii) a device having voice override
2 capability.
3 "(B) EXCLUSION.—Such term does not in-
4 clude voice communications using a phone in-
5 stalled on an aircraft.
6 "(d) SAFETY REGULATIONS.—This section shall not
7 be construed to affect the authority of the Secretary to
8 impose limitations on voice communications using a mobile
9 communications device for safety reasons.
10 "(e) REGULATIONS.—The Secretary shall prescribe
11 such regulations as are necessary to carry out this sec-
12 tion.".
13 (b) CLERICAL AMENDMENT.—The analysis for such
14 subchapter is amended by adding at the end the following:

"41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.".

15 **SEC. 426. ANTITRUST EXEMPTIONS.**
16 (a) STUDY.—The Comptroller General shall conduct
17 a study of the legal requirements and policies followed by
18 the Department in deciding whether to approve inter-
19 national alliances under section 41309 of title 49, United
20 States Code, and grant exemptions from the antitrust laws
21 under section 41308 of such title in connection with such
22 international alliances.

1 (b) ISSUES TO BE CONSIDERED.—In conducting the
2 study under subsection (a), the Comptroller General, at
3 a minimum, shall examine the following:
4 (1) Whether granting exemptions from the anti-
5 trust laws in connection with international alliances
6 has resulted in public benefits, including an analysis
7 of whether such benefits could have been achieved by
8 international alliances not receiving exemptions from
9 the antitrust laws.
10 (2) Whether granting exemptions from the anti-
11 trust laws in connection with international alliances
12 has resulted in reduced competition, increased prices
13 in markets, or other adverse effects.
14 (3) Whether international alliances that have
15 been granted exemptions from the antitrust laws
16 have implemented pricing or other practices with re-
17 spect to the hub airports at which the alliances oper-
18 ate that have resulted in increased costs for con-
19 sumers or foreclosed competition by rival (nonalli-
20 ance) air carriers at such airports.
21 (4) Whether increased network size resulting
22 from additional international alliance members will
23 adversely affect competition between international
24 alliances.

1 (5) The areas in which immunized international
2 alliances compete and whether there is sufficient
3 competition among immunized international alliances
4 to ensure that consumers will receive benefits of at
5 least the same magnitude as those that consumers
6 would receive if there were no immunized inter-
7 national alliances.
8 (6) The minimum number of international alli-
9 ances that is necessary to ensure robust competition
10 and benefits to consumers on major international
11 routes.
12 (7) Whether the different regulatory and anti-
13 trust responsibilities of the Secretary and the Attor-
14 ney General with respect to international alliances
15 have created any significant conflicting agency rec-
16 ommendations, such as the conditions imposed in
17 granting exemptions from the antitrust laws.
18 (8) Whether, from an antitrust standpoint, re-
19 quests for exemptions from the antitrust laws in
20 connection with international alliances should be
21 treated as mergers, and therefore be exclusively sub-
22 ject to a traditional merger analysis by the Attorney
23 General and be subject to advance notification re-
24 quirements and a confidential review process similar

1 to those required under section 7A of the Clayton
2 Act (15 U.S.C. 18a).
3 (9) Whether the Secretary should amend, mod-
4 ify, or revoke any exemption from the antitrust laws
5 granted by the Secretary in connection with an
6 international alliance.
7 (10) The effect of international alliances on the
8 number and quality of jobs for United States air
9 carrier flight crew employees, including the share of
10 alliance flying done by those employees.
11 (c) REPORT.—Not later than one year after the date
12 of enactment of this Act, the Comptroller General shall
13 submit to the Secretary of Transportation, the Committee
14 on Transportation and Infrastructure of the House of
15 Representatives, and the Committee on Commerce,
16 Science, and Transportation of the Senate a report on the
17 results of the study under subsection (a), including any
18 recommendations of the Comptroller General as to wheth-
19 er there should be changes in the authority of the Sec-
20 retary under title 49, United States Code, or policy
21 changes that the Secretary can implement administra-
22 tively, with respect to approving international alliances
23 and granting exemptions from the antitrust laws in con-
24 nection with such international alliances.

1 (d) ADOPTION OF RECOMMENDED POLICY
2 CHANGES.—Not later than one year after the date of re-
3 ceipt of the report under subsection (c), and after pro-
4 viding notice and an opportunity for public comment, the
5 Secretary shall issue a written determination as to wheth-
6 er the Secretary will adopt the policy changes, if any, rec-
7 ommended by the Comptroller General in the report or
8 make any other policy changes with respect to approving
9 international alliances and granting exemptions from the
10 antitrust laws in connection with such international alli-
11 ances.
12 (e) SUNSET PROVISION.—
13 (1) IN GENERAL.—An exemption from the anti-
14 trust laws granted by the Secretary on or before the
15 last day of the 3-year period beginning on the date
16 of enactment of this Act in connection with an inter-
17 national alliance, including an exemption granted be-
18 fore the date of enactment of this Act, shall cease
19 to be effective after such last day unless the exemp-
20 tion is renewed by the Secretary.
21 (2) TIMING FOR RENEWALS.—The Secretary
22 may not renew an exemption under paragraph (1)
23 before the date on which the Secretary issues a writ-
24 ten determination under subsection (d).

1 (3) STANDARDS FOR RENEWALS.—The Sec-
2 retary shall make a decision on whether to renew an
3 exemption under paragraph (1) based on the policies
4 of the Department in effect after the Secretary
5 issues a written determination under subsection (d).
6 (f) DEFINITIONS.—In this section, the following defi-
7 nitions apply:
8 (1) EXEMPTION FROM THE ANTITRUST
9 LAWS.—The term "exemption from the antitrust
10 laws" means an exemption from the antitrust laws
11 granted by the Secretary under section 41308 of
12 title 49, United States Code.
13 (2) IMMUNIZED INTERNATIONAL ALLIANCE.—
14 The term "immunized international alliance" means
15 an international alliance for which the Secretary has
16 granted an exemption from the antitrust laws.
17 (3) INTERNATIONAL ALLIANCE.—The term
18 "international alliance" means a cooperative agree-
19 ment between an air carrier and a foreign air carrier
20 to provide foreign air transportation subject to ap-
21 proval or disapproval by the Secretary under section
22 41309 of title 49, United States Code.
23 (4) DEPARTMENT.—The term "Department"
24 means the Department of Transportation.

1 (5) SECRETARY.—The term "Secretary" means
2 the Secretary of Transportation.

3 **SEC. 427. MUSICAL INSTRUMENTS.**

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

7 **"§ 41725. Musical instruments**

8 "(a) IN GENERAL.—

9 "(1) INSTRUMENTS IN THE PASSENGER COM-
10 PARTMENT.—An air carrier providing air transpor-
11 tation shall permit a passenger to carry a musical
12 instrument in the aircraft passenger compartment in
13 a closet, baggage, or cargo stowage compartment ap-
14 proved by the Administrator without charge if—

15 "(A) the instrument can be stowed in ac-
16 cordance with the requirements for carriage of
17 carry-on baggage or cargo set forth by the Ad-
18 ministrator of the Federal Aviation Administra-
19 tion; and

20 "(B) there is space for such stowage on
21 the aircraft.

22 "(2) LARGE INSTRUMENTS IN THE PASSENGER
23 COMPARTMENT.—An air carrier providing air trans-
24 portation shall permit a passenger to carry a musi-
25 cal instrument in the aircraft passenger compart-

1 ment that is too large to be secured in a closet, bag-
2 gage, or cargo stowage compartment approved by
3 the Administrator, if—
4 "(A) the instrument can be stowed in a
5 seat, in accordance with the requirements for
6 carriage of carry-on baggage or cargo set forth
7 by the Administrator for such stowage; and
8 "(B) the passenger wishing to carry the in-
9 strument in the aircraft cabin has purchased a
10 seat to accommodate the instrument.
11 "(3) INSTRUMENTS AS CHECKED BAGGAGE.—
12 An air carrier shall transport as baggage a musical
13 instrument that is the property of a passenger on a
14 flight and that may not be carried in the aircraft
15 passenger compartment if—
16 "(A) the sum of the length, width, and
17 height measured in inches of the outside linear
18 dimensions of the instrument (including the
19 case) does not exceed 150 inches and the size
20 restrictions for that aircraft;
21 "(B) the weight of the instrument does not
22 exceed 165 pounds and the weight restrictions
23 for that aircraft; and
24 "(C) the instrument can be stowed in ac-
25 cordance with the requirements for carriage of

1 baggage or cargo set forth by the Administrator
2 for such stowage.
3 "(4) AIR CARRIER TERMS.—Nothing in this
4 section shall be construed as prohibiting an air car-
5 rier from limiting its liability for carrying a musical
6 instrument or requiring a passenger to purchase in-
7 surance to cover the value of a musical instrument
8 transported by the air carrier.
9 "(b) REGULATIONS.—The Secretary may prescribe
10 such regulations as may be necessary or appropriate to
11 implement subsection (a).".
12 (b) CLERICAL AMENDMENT.—The analysis for such
13 subchapter is amended by adding at the end the following:
"41725. Musical instruments.".
14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect 30 days after the date of en-
16 actment of this Act.

17 TITLE V—ENVIRONMENTAL 18 STEWARDSHIP AND STREAM- 19 LINING

20 SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PRO- 21 GRAM.

22 Section 40128 is amended—
23 (1) in subsection (a)(1)(C) by inserting "or vol-
24 untary agreement under subsection (b)(7)" before
25 "for the park";

1 (2) in subsection (a) by adding at the end the
2 following:
3 "(5) EXEMPTION.—
4 "(A) IN GENERAL.—Notwithstanding para-
5 graph (1), a national park that has 50 or fewer
6 commercial air tour flights a year shall be ex-
7 empt from the requirements of this section, ex-
8 cept as provided in subparagraph (B).
9 "(B) WITHDRAWAL OF EXEMPTION.—If
10 the Director determines that an air tour man-
11 agement plan or voluntary agreement is nec-
12 essary to protect park resources and values or
13 park visitor use and enjoyment, the Director
14 shall withdraw the exemption of a park under
15 subparagraph (A).
16 "(C) LIST OF PARKS.—The Director shall
17 inform the Administrator, in writing, of each
18 determination under subparagraph (B). The Di-
19 rector and Administrator shall publish an an-
20 nual list of national parks that are covered by
21 the exemption provided by this paragraph.
22 "(D) ANNUAL REPORT.—A commercial air
23 tour operator conducting commercial air tours
24 in a national park that is exempt from the re-
25 quirements of this section shall submit to the

1 Administrator and the Director an annual re-
2 port regarding the number of commercial air
3 tour flights it conducts each year in such
4 park.";
5 (3) in subsection (b) by adding at the end the
6 following:
7 "(7) VOLUNTARY AGREEMENTS.—
8 "(A) IN GENERAL.—As an alternative to
9 an air tour management plan, the Director and
10 the Administrator may enter into a voluntary
11 agreement with a commercial air tour operator
12 (including a new entrant applicant and an oper-
13 ator that has interim operating authority) that
14 has applied to conduct air tour operations over
15 a national park to manage commercial air tour
16 operations over such national park.
17 "(B) PARK PROTECTION.—A voluntary
18 agreement under this paragraph with respect to
19 commercial air tour operations over a national
20 park shall address the management issues nec-
21 essary to protect the resources of such park and
22 visitor use of such park without compromising
23 aviation safety or the air traffic control system
24 and may—

"(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

"(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

"(iii) provide for fees for such operations.

"(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

"(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting

1 park resources or visitor experiences or the Ad-
2 ministrator determines that the agreement is
3 adversely affecting aviation safety or the na-
4 tional aviation system. If a voluntary agreement
5 for a national park is terminated, the operators
6 shall conform to the requirements for interim
7 operating authority under subsection (c) until
8 an air tour management plan for the park is in
9 effect.";
10 (4) in subsection (c) by striking paragraph
11 (2)(I) and inserting the following:
12 "(I) may allow for modifications of the in-
13 terim operating authority without further envi-
14 ronmental review beyond that described in this
15 section if—
16 "(i) adequate information regarding
17 the operator's existing and proposed oper-
18 ations under the interim operating author-
19 ity is provided to the Administrator and
20 the Director;
21 "(ii) the Administrator determines
22 that there would be no adverse impact on
23 aviation safety or the air traffic control
24 system; and

1 "(iii) the Director agrees with the
2 modification, based on the Director's pro-
3 fessional expertise regarding the protection
4 of the park resources and values and vis-
5 itor use and enjoyment.";
6 (5) in subsection (c)(3)(A) by striking "if the
7 Administrator determines" and all that follows
8 through the period at the end and inserting "without
9 further environmental process beyond that described
10 in this paragraph if—
11 "(i) adequate information on the oper-
12 ator's proposed operations is provided to
13 the Administrator and the Director by the
14 operator making the request;
15 "(ii) the Administrator agrees that
16 there would be no adverse impact on avia-
17 tion safety or the air traffic control sys-
18 tem; and
19 "(iii) the Director agrees, based on
20 the Director's professional expertise re-
21 garding the protection of park resources
22 and values and visitor use and enjoy-
23 ment.";
24 (6) by redesignating subsections (d), (e), and
25 (f) as subsections (e), (f), and (g), respectively; and

1 (7) by inserting after subsection (c) the fol-
2 lowing:
3 "(d) COMMERCIAL AIR TOUR OPERATOR RE-
4 PORTS.—
5 "(1) REPORT.—Each commercial air tour oper-
6 ator providing a commercial air tour over a national
7 park under interim operating authority granted
8 under subsection (c) or in accordance with an air
9 tour management plan under subsection (b) shall
10 submit a report to the Administrator and Director
11 regarding the number of its commercial air tour op-
12 erations over each national park and such other in-
13 formation as the Administrator and Director may
14 request in order to facilitate administering the provi-
15 sions of this section.
16 "(2) REPORT SUBMISSION.—Not later than 3
17 months after the date of enactment of the Aviation
18 Safety and Investment Act of 2010, the Adminis-
19 trator and Director shall jointly issue an initial re-
20 quest for reports under this subsection. The reports
21 shall be submitted to the Administrator and Director
22 on a frequency and in a format prescribed by the
23 Administrator and Director.".

1 **SEC. 502. STATE BLOCK GRANT PROGRAM.**

2 (a) GENERAL REQUIREMENTS.—Section 47128(a) is
3 amended—

4 (1) in the first sentence by striking "prescribe
5 regulations" and inserting "issue guidance"; and

6 (2) in the second sentence by striking "regula-
7 tions" and inserting "guidance".

8 (b) APPLICATIONS AND SELECTION.—Section
9 47128(b)(4) is amended by inserting before the semicolon
10 the following: ", including the National Environmental
11 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and
12 local environmental policy acts, Executive orders, agency
13 regulations and guidance, and other Federal environ-
14 mental requirements".

15 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION
16 REQUIREMENTS.—Section 47128 is amended by adding at
17 the end the following:

18 "(d) ENVIRONMENTAL ANALYSIS AND COORDINA-
19 TION REQUIREMENTS.—A Federal agency, other than the
20 Federal Aviation Administration, that is responsible for
21 issuing an approval, license, or permit to ensure compli-
22 ance with a Federal environmental requirement applicable
23 to a project or activity to be carried out by a State using
24 amounts from a block grant made under this section
25 shall—

26 "(1) coordinate and consult with the State;

1 "(2) use the environmental analysis prepared by
2 the State for the project or activity if such analysis
3 is adequate; and
4 "(3) supplement such analysis, as necessary, to
5 meet applicable Federal requirements.".

6 **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
7 **VIEWS.**

8 Section 47173(a) is amended by striking "services of
9 consultants in order to" and all that follows through the
10 period at the end and inserting "services of consultants—
11 "(1) to facilitate the timely processing, review,
12 and completion of environmental activities associated
13 with an airport development project;
14 "(2) to conduct special environmental studies
15 related to an airport project funded with Federal
16 funds;
17 "(3) to conduct special studies or reviews to
18 support approved noise compatibility measures de-
19 scribed in part 150 of title 14, Code of Federal Reg-
20 ulations; or
21 "(4) to conduct special studies or reviews to
22 support environmental mitigation in a record of deci-
23 sion or finding of no significant impact by the Fed-
24 eral Aviation Administration.".

1 **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
2 **PROCEDURES.**

3 Section 47504 is amended by adding at the end the
4 following:

5 "(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
6 DURES.—

7 "(1) IN GENERAL.—In accordance with sub-
8 section (c)(1), the Secretary may make a grant to an
9 airport operator to assist in completing environ-
10 mental review and assessment activities for pro-
11 posals to implement flight procedures at such airport
12 that have been approved as part of an airport noise
13 compatibility program under subsection (b).

14 "(2) ADDITIONAL STAFF.—The Administrator
15 may accept funds from an airport operator, includ-
16 ing funds provided to the operator under paragraph
17 (1), to hire additional staff or obtain the services of
18 consultants in order to facilitate the timely proc-
19 essing, review, and completion of environmental ac-
20 tivities associated with proposals to implement flight
21 procedures at such airport that have been approved
22 as part of an airport noise compatibility program
23 under subsection (b).

24 "(3) RECEIPTS CREDITED AS OFFSETTING COL-
25 LECTIONS.—Notwithstanding section 3302 of title
26 31, any funds accepted under this section—

"(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

"(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

"(C) shall remain available until expended.".

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

"(g) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.".

1 **SEC. 506. SOUNDPROOFING OF RESIDENCES.**

2 (a) SOUNDPROOFING AND ACQUISITION OF CERTAIN
3 RESIDENTIAL BUILDINGS AND PROPERTIES.—Section
4 47504(c)(2)(D) is amended to read as follows:

5 "(D) to an airport operator and unit of local
6 government referred to in paragraph (1)(A) or
7 (1)(B) to soundproof—

8 "(i) a building in the noise impact area
9 surrounding the airport that is used primarily
10 for educational or medical purposes and that
11 the Secretary decides is adversely affected by
12 airport noise; and

13 "(ii) residential buildings located on resi-
14 dential properties in the noise impact area sur-
15 rounding the airport that the Secretary decides
16 is adversely affected by airport noise, if—

17 "(I) the residential properties are
18 within airport noise contours prepared by
19 the airport owner or operator using the
20 Secretary's methodology and guidance, and
21 the noise contours have been found accept-
22 able by the Secretary;

23 "(II) the residential properties cannot
24 be removed from airport noise contours for
25 at least a 5-year period by changes in air-
26 port configuration or flight procedures;

"(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

"(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and"

(b) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

"(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—

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

"(2) ANALYSIS FROM COMPTROLLER GENERAL.—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

1 "(3) PRIORITY.—If the Secretary determines
2 that the grants likely to be awarded under sub-
3 section (c)(2)(D) in fiscal years 2010 though 2012
4 will not be sufficient to soundproof all residences in
5 the 65 DNL area, the Secretary shall first award
6 grants to soundproof those residences suffering the
7 greatest noise impact under the criteria established
8 under paragraph (1).".

9 **SEC. 507. CLEEN RESEARCH, DEVELOPMENT, AND IMPLE-**
10 **MENTATION PARTNERSHIP.**

11 (a) COOPERATIVE AGREEMENT.—Subchapter I of
12 chapter 475 is amended by adding at the end the fol-
13 lowing:

14 **"§ 47511. CLEEN research, development, and imple-**
15 **mentation partnership**

16 "(a) IN GENERAL.—The Administrator of the Fed-
17 eral Aviation Administration, in coordination with the Ad-
18 ministrator of the National Aeronautics and Space Admin-
19 istration, shall enter into a cooperative agreement, using
20 a competitive process, with an institution, entity, or con-
21 sortium to carry out a program for the development, ma-
22 turing, and certification of CLEEN engine and airframe
23 technology for aircraft over the next 10 years.

24 "(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY
25 DEFINED.—In this section, the term 'CLEEN engine and

1 airframe technology' means continuous lower energy,
2 emissions, and noise engine and airframe technology.
3 "(c) PERFORMANCE OBJECTIVE.—The Adminis-
4 trator of the Federal Aviation Administration, in coordina-
5 tion with the Administrator of the National Aeronautics
6 and Space Administration, shall establish the following
7 performance objectives for the program, to be achieved by
8 September 30, 2016:
9 "(1) Development of certifiable aircraft tech-
10 nology that reduces fuel burn by 33 percent com-
11 pared to current technology, reducing energy con-
12 sumption and greenhouse gas emissions.
13 "(2) Development of certifiable engine tech-
14 nology that reduces landing and takeoff cycle nitro-
15 gen oxide emissions by 60 percent, at a pressure
16 ratio of 30, over the International Civil Aviation Or-
17 ganization standard adopted at the 6th Meeting of
18 the Committee on Aviation Environmental Protec-
19 tion, with commensurate reductions over the full
20 pressure ratio range, while limiting or reducing
21 other gaseous or particle emissions.
22 "(3) Development of certifiable aircraft tech-
23 nology that reduces noise levels by 32 Effective Per-
24 ceived Noise Level in Decibels cumulative, relative to
25 Stage 4 standards.

1 "(4) Determination of the feasibility of the use
2 of alternative fuels in aircraft systems, including
3 successful demonstration and quantification of the
4 benefits of such fuels.
5 "(5) Determination of the extent to which new
6 engine and aircraft technologies may be used to ret-
7 rofit or re-engine aircraft to increase the integration
8 of retrofitted and re-engined aircraft into the com-
9 mercial fleet.
10 "(d) FUNDING.—Of amounts appropriated under sec-
11 tion 48102(a), not more than the following amounts may
12 be used to carry out this section:
13 "(1) $25,000,000 for fiscal year 2010.
14 "(2) $33,000,000 for fiscal year 2011.
15 "(3) $50,000,000 for fiscal year 2012.
16 "(e) REPORT.—Beginning in fiscal year 2010, the
17 Administrator of the Federal Aviation Administration
18 shall publish an annual report on the program established
19 under this section until completion of the program.".
20 (b) CLERICAL AMENDMENT.—The analysis for such
21 subchapter is amended by adding at the end the following:

"47511. CLEEN research, development, and implementation partnership.".

1 **SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**
2 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**
3 **PLYING WITH STAGE 3 NOISE LEVELS.**

4 (a) IN GENERAL.—Subchapter II of chapter 475 is
5 amended by adding at the end the following:

6 **"§ 47534. Prohibition on operating certain aircraft**
7 **weighing 75,000 pounds or less not com-**
8 **plying with stage 3 noise levels**

9 "(a) PROHIBITION.—Except as provided in sub-
10 section (b), (c), or (d), after December 31, 2013, a person
11 may not operate a civil subsonic jet airplane with a max-
12 imum weight of 75,000 pounds or less, and for which an
13 airworthiness certificate (other than an experimental cer-
14 tificate) has been issued, to or from an airport in the
15 United States unless the Secretary of Transportation
16 finds that the aircraft complies with stage 3 noise levels.

17 "(b) EXCEPTION.—Subsection (a) shall not apply to
18 aircraft operated only outside the 48 contiguous States.

19 "(c) EXCEPTIONS.—The Secretary may allow tem-
20 porary operation of an airplane otherwise prohibited from
21 operation under subsection (a) to or from an airport in
22 the contiguous United States by granting a special flight
23 authorization for one or more of the following cir-
24 cumstances:

25 "(1) To sell, lease, or use the aircraft outside
26 the 48 contiguous States.

1 "(2) To scrap the aircraft.

2 "(3) To obtain modifications to the aircraft to
3 meet stage 3 noise levels.

4 "(4) To perform scheduled heavy maintenance
5 or significant modifications on the aircraft at a
6 maintenance facility located in the contiguous 48
7 States.

8 "(5) To deliver the aircraft to an operator leas-
9 ing the aircraft from the owner or return the air-
10 craft to the lessor.

11 "(6) To prepare, park, or store the aircraft in
12 anticipation of any of the activities described in
13 paragraphs (1) through (5).

14 "(7) To provide transport of persons and goods
15 in the relief of emergency situations.

16 "(8) To divert the aircraft to an alternative air
17 port in the 48 contiguous States on account of
18 weather, mechanical, fuel, air traffic control, or
19 other safety reasons while conducting a flight in
20 order to perform any of the activities described in
21 paragraphs (1) through (7).

22 "(d) STATUTORY CONSTRUCTION.—Nothing in the
23 section may be construed as interfering with, nullifying,
24 or otherwise affecting determinations made by the Federal
25 Aviation Administration, or to be made by the Administra-

1 tion, with respect to applications under part 161 of title
2 14, Code of Federal Regulations, that were pending on
3 the date of enactment of this section.".
4 (b) CONFORMING AMENDMENTS.—
5 (1) Section 47531 is amended—
6 (A) in the section heading by striking "**for**
7 **violating sections 47528–47530**"; and
8 (B) by striking "47529, or 47530" and in-
9 serting "47529, 47530, or 47534".
10 (2) Section 47532 is amended by inserting "or
11 47534" after "47528–47531".
12 (3) The analysis for chapter 475 is amended—
13 (A) by striking the item relating to section
14 47531 and inserting the following:

"47531. Penalties.";

15 and
16 (B) by inserting after the item relating to
17 section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.".

18 **SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**
19 (a) ESTABLISHMENT.—The Secretary of Transpor-
20 tation shall establish a pilot program to carry out not
21 more than 6 environmental mitigation demonstration
22 projects at public-use airports.

1 (b) GRANTS.—In implementing the program, the Sec-
2 retary may make a grant to the sponsor of a public-use
3 airport from funds apportioned under section
4 47117(e)(1)(A) of title 49, United States Code, to carry
5 out an environmental mitigation demonstration project to
6 measurably reduce or mitigate aviation impacts on noise,
7 air quality, or water quality in the vicinity of the airport.
8 (c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—
9 An environmental mitigation demonstration project that
10 receives funds made available under this section may be
11 considered an eligible airport-related project for purposes
12 of section 40117 of such title.
13 (d) SELECTION CRITERIA.—In selecting among ap-
14 plicants for participation in the program, the Secretary
15 shall give priority consideration to applicants proposing to
16 carry out environmental mitigation demonstration projects
17 that will—
18 (1) achieve the greatest reductions in aircraft
19 noise, airport emissions, or airport water quality im-
20 pacts either on an absolute basis or on a per dollar
21 of funds expended basis; and
22 (2) be implemented by an eligible consortium.
23 (e) FEDERAL SHARE.—Notwithstanding any provi-
24 sion of subchapter I of chapter 471 of such title, the
25 United States Government share of allowable project costs

1 of an environmental mitigation demonstration project car-
2 ried out under this section shall be 50 percent.
3 (f) MAXIMUM AMOUNT.—The Secretary may not
4 make grants for a single environmental mitigation dem-
5 onstration project under this section in a total amount
6 that exceeds $2,500,000.
7 (g) PUBLICATION OF INFORMATION.—The Secretary
8 may develop and publish information on the results of en-
9 vironmental mitigation demonstration projects carried out
10 under this section, including information identifying best
11 practices for reducing or mitigating aviation impacts on
12 noise, air quality, or water quality in the vicinity of air-
13 ports.
14 (h) DEFINITIONS.—In this section, the following defi-
15 nitions apply:
16 (1) ELIGIBLE CONSORTIUM.—The term "eligi-
17 ble consortium" means a consortium of 2 or more of
18 the following entities:
19 (A) A business incorporated in the United
20 States.
21 (B) A public or private educational or re-
22 search organization located in the United
23 States.
24 (C) An entity of a State or local govern-
25 ment.

1 (D) A Federal laboratory.

2 (2) ENVIRONMENTAL MITIGATION DEMONSTRA-
3 TION PROJECT.—The term "environmental mitiga-
4 tion demonstration project" means a project that—

5 (A) demonstrates at a public-use airport
6 environmental mitigation techniques or tech-
7 nologies with associated benefits, which have al-
8 ready been proven in laboratory demonstra-
9 tions;

10 (B) utilizes methods for efficient adapta-
11 tion or integration of innovative concepts to air-
12 port operations; and

13 (C) demonstrates whether a technique or
14 technology for environmental mitigation identi-
15 fied in research is—

16 (i) practical to implement at or near
17 multiple public-use airports; and

18 (ii) capable of reducing noise, airport
19 emissions, greenhouse gas emissions, or
20 water quality impacts in measurably sig-
21 nificant amounts.

22 **SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**
23 **PILOT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Transportation
25 shall carry out a pilot program at not more than 5 public-

1 use airports under which the Federal Aviation Administra-
2 tion shall use funds made available under section 48101(a)
3 to test air traffic flow management tools, methodologies,
4 and procedures that will allow air traffic controllers of the
5 Administration to better manage the flow of aircraft on
6 the ground and reduce the length of ground holds and
7 idling time for aircraft.

8 (b) SELECTION CRITERIA.—In selecting from among
9 airports at which to conduct the pilot program, the Sec-
10 retary shall give priority consideration to airports at which
11 improvements in ground control efficiencies are likely to
12 achieve the greatest fuel savings or air quality or other
13 environmental benefits, as measured by the amount of re-
14 duced fuel, reduced emissions, or other environmental ben-
15 efits per dollar of funds expended under the pilot program.

16 (c) MAXIMUM AMOUNT.—Not more than a total of
17 $5,000,000 may be expended under the pilot program at
18 any single public-use airport.

19 (d) REPORT TO CONGRESS.—Not later than 3 years
20 after the date of the enactment of this section, the Sec-
21 retary shall submit to the Committee on Transportation
22 and Infrastructure of the House of Representatives and
23 the Committee on Commerce, Science, and Transportation
24 of the Senate a report containing—

1 (1) an evaluation of the effectiveness of the
2 pilot program, including an assessment of the tools,
3 methodologies, and procedures that provided the
4 greatest fuel savings and air quality and other envi-
5 ronmental benefits, and any impacts on safety, ca-
6 pacity, or efficiency of the air traffic control system
7 or the airports at which affected aircraft were oper-
8 ating;
9 (2) an identification of anticipated benefits
10 from implementation of the tools, methodologies,
11 and procedures developed under the pilot program at
12 other airports;
13 (3) a plan for implementing the tools, meth-
14 odologies, and procedures developed under the pilot
15 program at other airports or the Secretary's reasons
16 for not implementing such measures at other air-
17 ports; and
18 (4) such other information as the Secretary
19 considers appropriate.

20 **SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR**
21 **TRAFFIC CONTROL FACILITIES.**

22 (a) IN GENERAL.—The Administrator of the Federal
23 Aviation Administration shall implement, to the maximum
24 extent practicable, sustainable practices for the incorpora-
25 tion of energy-efficient design, equipment, systems, and

1 other measures in the construction and major renovation
2 of air traffic control facilities of the Administration in
3 order to reduce energy consumption and improve the envi-
4 ronmental performance of such facilities.

5 (b) AUTHORIZATION.—Of amounts appropriated
6 under section 48101(a) of title 49, United States Code,
7 such sums as may be necessary may be used to carry out
8 this section.

9 **SEC. 512. REGULATORY RESPONSIBILITY FOR AIRCRAFT**
10 **ENGINE NOISE AND EMISSIONS STANDARDS.**

11 (a) INDEPENDENT REVIEW.—The Administrator of
12 the FAA shall make appropriate arrangements for the Na-
13 tional Academy of Public Administration or another quali-
14 fied independent entity to review, in consultation with the
15 FAA and the EPA, whether it is desirable to locate the
16 regulatory responsibility for the establishment of engine
17 noise and emissions standards for civil aircraft within one
18 of the agencies.

19 (b) CONSIDERATIONS.—The review shall be con-
20 ducted so as to take into account—

21 (1) the interrelationships between aircraft en-
22 gine noise and emissions;

23 (2) the need for aircraft engine noise and emis-
24 sions to be evaluated and addressed in an integrated
25 and comprehensive manner;

1 (3) the scientific expertise of the FAA and the
2 EPA to evaluate aircraft engine emissions and noise
3 impacts on the environment;
4 (4) expertise to interface environmental per-
5 formance with ensuring the highest safe and reliable
6 engine performance of aircraft in flight;
7 (5) consistency of the regulatory responsibility
8 with other missions of the FAA and the EPA;
9 (6) past effectiveness of the FAA and the EPA
10 in carrying out the aviation environmental respon-
11 sibilities assigned to the agency; and
12 (7) the international responsibility to represent
13 the United States with respect to both engine noise
14 and emissions standards for civil aircraft.
15 (c) REPORT TO CONGRESS.—Not later than 6
16 months after the date of enactment of this Act, the Ad-
17 ministrator of the FAA shall submit to Congress a report
18 on the results of the review. The report shall include any
19 recommendations developed as a result of the review and,
20 if a transfer of responsibilities is recommended, a descrip-
21 tion of the steps and timeline for implementation of the
22 transfer.
23 (d) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

1 (1) EPA.—The term "EPA" means the Envi-
2 ronmental Protection Agency.
3 (2) FAA.—The term "FAA" means the Fed-
4 eral Aviation Administration.

5 **SEC. 513. CABIN AIR QUALITY TECHNOLOGY.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Administrator of the
8 Federal Aviation Administration shall initiate research
9 and development work on effective air cleaning and sensor
10 technology for the engine and auxiliary power unit for
11 bleed air supplied to the passenger cabin and flight deck
12 of a pressurized aircraft.
13 (b) TECHNOLOGY REQUIREMENTS.—The technology
14 should, at a minimum, be capable of—
15 (1) removing oil-based contaminants from the
16 bleed air supplied to the passenger cabin and flight
17 deck; and
18 (2) detecting and recording oil-based contami-
19 nants in the bleed air fraction of the total air sup-
20 plied to the passenger cabin and flight deck.
21 (c) REPORT.—Not later than 3 years after the date
22 of enactment of this Act, the Administrator shall transmit
23 to Congress a report on the results of the research and
24 development work carried out under this section.

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

4 **SEC. 514. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the European Union directive extending the
7 European Union's emissions trading proposal to
8 international civil aviation without working through
9 the International Civil Aviation Organization (in this
10 section referred to as the "ICAO") in a consensus-
11 based fashion is inconsistent with the Convention on
12 International Civil Aviation, done at Chicago on De-
13 cember 7, 1944 (TIAS 1591; commonly known as
14 "Chicago Convention"), and other relevant air serv-
15 ices agreements and antithetical to building inter-
16 national cooperation to address effectively the prob-
17 lem of greenhouse gas emissions by aircraft engaged
18 in international civil aviation; and

19 (2) the European Union and its member states
20 should instead work with other contracting states of
21 the ICAO to develop a consensual approach to ad-
22 dressing aircraft greenhouse gas emissions through
23 the ICAO.

1 **SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING**
2 **STUDY, PORT AUTHORITY OF NEW YORK AND**
3 **NEW JERSEY.**

4 It is the sense of the House of Representatives that
5 the Port Authority of New York and New Jersey should
6 undertake an airport noise compatibility planning study
7 under part 150 of title 14, Code of Federal Regulations,
8 for the airports that the Port Authority operates as of No-
9 vember 2, 2009. In undertaking the study, the Port Au-
10 thority should pay particular attention to the impact of
11 noise on affected neighborhoods, including homes, busi-
12 nesses, and places of worship surrounding LaGuardia Air-
13 port, Newark Liberty Airport, and JFK Airport.

14 **SEC. 516. GAO STUDY ON COMPLIANCE WITH FAA RECORD**
15 **OF DECISION.**

16 (a) STUDY.—The Comptroller General shall conduct
17 a study to determine whether the Federal Aviation Admin-
18 istration and the Massachusetts Port Authority are com-
19 plying with the requirements of the Federal Aviation Ad-
20 ministration's record of decision dated August 2, 2002.
21 (b) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Comptroller General shall
23 submit to Congress a report on the results of the study.

24 **SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.**

25 (a) RULEMAKING.—The Administrator of the Fed-
26 eral Aviation Administration shall conduct a rulemaking

1 proceeding to determine whether Westchester County Air-
2 port should be authorized to limit aircraft operations be-
3 tween the hours of 12 a.m. and 6:30 a.m.

4 (b) DEADLINES.—The Administrator shall—

5 (1) not later than 180 days after the date of
6 enactment of this Act, issue a notice of proposed
7 rulemaking under subsection (a); and

8 (2) not later than 16 months after the close of
9 the comment period on the proposed rule, issue a
10 final rule.

11 **SEC. 518. AVIATION NOISE COMPLAINTS.**

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

19 (b) SUMMARIES AND REPORTS.—Not later than one
20 year after the last day of the 3-month period referred to
21 in subsection (a), and annually thereafter, an owner or
22 operator that receives one or more noise complaints under
23 subsection (a) shall submit to the Administrator of the
24 Federal Aviation Administration a report regarding the
25 number of complaints received and a summary regarding

1 the nature of such complaints. The Administrator shall
2 make such information available to the public by print and
3 electronic means.

4 TITLE VI—FAA EMPLOYEES AND 5 ORGANIZATION

6 SEC. 601. FEDERAL AVIATION ADMINISTRATION PER- 7 SONNEL MANAGEMENT SYSTEM.

8 (a) DISPUTE RESOLUTION.—Section 40122(a) is
9 amended—
10 (1) by redesignating paragraphs (3) and (4) as
11 paragraphs (5) and (6), respectively; and
12 (2) by striking paragraph (2) and inserting the
13 following:
14 "(2) DISPUTE RESOLUTION.—
15 "(A) MEDIATION.—If the Administrator
16 does not reach an agreement under paragraph
17 (1) or the provisions referred to in subsection
18 (g)(2)(C) with the exclusive bargaining rep-
19 resentative of the employees, the Administrator
20 and the bargaining representative—
21 "(i) shall use the services of the Fed-
22 eral Mediation and Conciliation Service to
23 attempt to reach such agreement in ac-
24 cordance with part 1425 of title 29, Code
25 of Federal Regulations (as in effect on the

1 date of enactment of the Aviation Safety
2 and Investment Act of 2010); or
3 "(ii) may by mutual agreement adopt
4 alternative procedures for the resolution of
5 disputes or impasses arising in the negotia-
6 tion of the collective-bargaining agreement.
7 "(B) BINDING ARBITRATION.—
8 "(i) ASSISTANCE FROM FEDERAL
9 SERVICE IMPASSES PANEL.—If the services
10 of the Federal Mediation and Conciliation
11 Service under subparagraph (A)(i) do not
12 lead to an agreement, the Administrator
13 and the exclusive bargaining representative
14 of the employees (in this subparagraph re-
15 ferred to as the 'parties') shall submit
16 their issues in controversy to the Federal
17 Service Impasses Panel. The Panel shall
18 assist the parties in resolving the impasse
19 by asserting jurisdiction and ordering bind-
20 ing arbitration by a private arbitration
21 board consisting of 3 members.
22 "(ii) APPOINTMENT OF ARBITRATION
23 BOARD.—The Executive Director of the
24 Panel shall provide for the appointment of
25 the 3 members of a private arbitration

1 board under clause (i) by requesting the
2 Director of the Federal Mediation and
3 Conciliation Service to prepare a list of not
4 less than 15 names of arbitrators with
5 Federal sector experience and by providing
6 the list to the parties. Within 10 days of
7 receiving the list, the parties shall each se-
8 lect one person from the list. The 2 arbi-
9 trators selected by the parties shall then
10 select a third person from the list within 7
11 days. If either of the parties fails to select
12 a person or if the 2 arbitrators are unable
13 to agree on the third person within 7 days,
14 the parties shall make the selection by al-
15 ternately striking names on the list until
16 one arbitrator remains.
17 "(iii) FRAMING ISSUES IN CON-
18 TROVERSY.—If the parties do not agree on
19 the framing of the issues to be submitted
20 for arbitration, the arbitration board shall
21 frame the issues.
22 "(iv) HEARINGS.—The arbitration
23 board shall give the parties a full and fair
24 hearing, including an opportunity to
25 present evidence in support of their claims

1 and an opportunity to present their case in
2 person, by counsel, or by other representa-
3 tive as they may elect.
4 "(v) DECISIONS.—The arbitration
5 board shall render its decision within 90
6 days after the date of its appointment. De-
7 cisions of the arbitration board shall be
8 conclusive and binding upon the parties.
9 "(vi) COSTS.—The parties shall share
10 costs of the arbitration equally.
11 "(3) RATIFICATION OF AGREEMENTS.—Upon
12 reaching a voluntary agreement or at the conclusion
13 of the binding arbitration under paragraph (2)(B),
14 the final agreement, except for those matters de-
15 cided by an arbitration board, shall be subject to
16 ratification by the exclusive bargaining representa-
17 tive of the employees, if so requested by the bar-
18 gaining representative, and approval by the head of
19 the agency in accordance with the provisions re-
20 ferred to in subsection (g)(2)(C).
21 "(4) ENFORCEMENT.—
22 "(A) ENFORCEMENT ACTIONS IN UNITED
23 STATES COURTS.—Each United States district
24 court and each United States court of a place
25 subject to the jurisdiction of the United States

1 shall have jurisdiction of enforcement actions
2 brought under this section. Such an action may
3 be brought in any judicial district in the State
4 in which the violation of this section is alleged
5 to have been committed, the judicial district in
6 which the Federal Aviation Administration has
7 its principal office, or the District of Columbia.
8 "(B) ATTORNEY FEES.—The court may
9 assess against the Federal Aviation Administra-
10 tion reasonable attorney fees and other litiga-
11 tion costs reasonably incurred in any case
12 under this section in which the complainant has
13 substantially prevailed.".
14 (b) APPLICATION.—On and after the date of enact-
15 ment of this Act, any changes implemented by the Admin-
16 istrator of the Federal Aviation Administration on and
17 after July 10, 2005, under section 40122(a) of title 49,
18 United States Code (as in effect on the day before such
19 date of enactment), without the agreement of the exclusive
20 bargaining representative of the employees of the Adminis-
21 tration certified under section 7111 of title 5, United
22 States Code, shall be null and void and the parties shall
23 be governed by their last mutual agreement before the im-
24 plementation of such changes. The Administrator and the
25 bargaining representative shall resume negotiations

1 promptly, and, subject to subsection (c), their last mutual
2 agreement shall be in effect until a new contract is adopt-
3 ed by the Administrator and the bargaining representa-
4 tive. If an agreement is not reached within 45 days after
5 the date on which negotiations resume, the Administrator
6 and the bargaining representative shall submit their issues
7 in controversy to the Federal Service Impasses Panel in
8 accordance with section 7119 of title 5, United States
9 Code, for binding arbitration in accordance with para-
10 graphs (2)(B), (3), and (4) of section 40122(a) of title
11 49, United States Code (as amended by subsection (a) of
12 this section).

13 (c) SAVINGS CLAUSE.—All cost of living adjustments
14 and other pay increases, lump sum payments to employ-
15 ees, and leave and other benefit accruals implemented as
16 part of the changes referred to in subsection (b) may not
17 be reversed unless such reversal is part of the calculation
18 of back pay under subsection (d). The Administrator shall
19 waive any overpayment paid to, and not collect any funds
20 for such overpayment, from former employees of the Ad-
21 ministration who received lump sum payments prior to
22 their separation from the Administration.

23 (d) BACK PAY.—

24 (1) IN GENERAL.—Employees subject to
25 changes referred to in subsection (b) that are deter-

1 mined to be null and void under subsection (b) shall
2 be eligible for pay that the employees would have re-
3 ceived under the last mutual agreement between the
4 Administrator and the exclusive bargaining rep-
5 resentative of such employees before the date of en-
6 actment of this Act and any changes were imple-
7 mented without agreement of the bargaining rep-
8 resentative. The Administrator shall pay the employ-
9 ees such pay subject to the availability of amounts
10 appropriated to carry out this subsection. If the ap-
11 propriated funds do not cover all claims of the em-
12 ployees for such pay, the Administrator and the bar-
13 gaining representative, pursuant to negotiations con-
14 ducted in accordance with section 40122(a) of title
15 49, United States Code (as amended by subsection
16 (a) of this section), shall determine the allocation of
17 the appropriated funds among the employees on a
18 pro rata basis.
19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated $20,000,000
21 to carry out this subsection.
22 (e) INTERIM AGREEMENT.—If the Administrator and
23 the exclusive bargaining representative of the employees
24 subject to the changes referred to in subsection (b) reach
25 a final and binding agreement with respect to such

1 changes before the date of enactment of this Act, such
2 agreement shall supersede any changes implemented by
3 the Administrator under section 40122(a) of title 49,
4 United States Code (as in effect on the day before such
5 date of enactment), without the agreement of the bar-
6 gaining representative, and subsections (b) and (c) shall
7 not take effect.

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

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

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

17 **SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.**

18 (a) APPLICABILITY OF BACK PAY REQUIREMENTS.—
19 Section 40122(g)(2) is amended—

20 (1) by striking "and" at the end of subpara-
21 graph (G);

22 (2) by striking the period at the end of sub-
23 paragraph (II) and inserting "; and"; and

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

25 "(I) section 5596, relating to back pay.".

1 (b) APPLICABILITY.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall apply to—

4 (A) all proceedings pending on, or com-
5 menced after, the date of enactment of this Act
6 in which an employee of the Federal Aviation
7 Administration is seeking relief under section
8 5596 of title 5, United States Code, that was
9 available as of March 31, 1996; and

10 (B) subject to paragraph (2), personnel ac-
11 tions of the Federal Aviation Administration
12 under section 5596 of such title occurring be-
13 fore the date of enactment of this Act.

14 (2) SPECIAL RULE.—The authority of the Merit
15 Systems Protection Board to provide a remedy
16 under section 5596 of such title, with respect to a
17 personnel action of the Federal Aviation Administra-
18 tion occurring before the date of enactment of this
19 Act, shall be limited to cases in which—

20 (A) the Board, before such date of enact-
21 ment, found that the Federal Aviation Adminis-
22 tration committed an unjustified or unwar-
23 ranted personnel action but ruled that the
24 Board did not have the authority to provide a

1 remedy for the personnel action under section
2 5596 of such title; and
3 (B) a petition for review is filed with the
4 clerk of the Board not later than 6 months
5 after such date of enactment.

6 **SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.**

7 (a) STUDY.—
8 (1) IN GENERAL.—The Comptroller General
9 shall conduct a study on the training of the airway
10 transportation systems specialists of the Federal
11 Aviation Administration (in this section referred to
12 as "FAA systems specialists").
13 (2) CONTENTS.—The study shall—
14 (A) include an analysis of the type of
15 training provided to FAA systems specialists;
16 (B) include an analysis of the type of
17 training that FAA systems specialists need to
18 be proficient on the maintenance of latest tech-
19 nologies;
20 (C) include a description of actions that
21 the Administration has undertaken to ensure
22 that FAA systems specialists receive up-to-date
23 training on the latest technologies;

1 (D) identify the amount and cost of FAA
2 systems specialists training provided by ven-
3 dors;
4 (E) identify the amount and cost of FAA
5 systems specialists training provided by the Ad-
6 ministration after developing courses for the
7 training of such specialists;
8 (F) identify the amount and cost of travel
9 that is required of FAA systems specialists in
10 receiving training; and
11 (G) include a recommendation regarding
12 the most cost-effective approach to providing
13 FAA systems specialists training.
14 (3) REPORT.—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller Gen-
16 eral shall submit to the Committee on Transpor-
17 tation and Infrastructure of the House of Represent-
18 atives and the Committee on Commerce, Science,
19 and Transportation of the Senate a report on the re-
20 sults of the study.
21 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—
22 (1) STUDY BY NATIONAL ACADEMY OF
23 SCIENCES.—Not later than 90 days after the date of
24 enactment of this Act, the Administrator of the Fed-
25 eral Aviation Administration shall make appropriate

1 arrangements for the National Academy of Sciences
2 to conduct a study of the assumptions and methods
3 used by the Federal Aviation Administration to esti-
4 mate staffing needs for FAA systems specialists to
5 ensure proper maintenance and certification of the
6 national airspace system.

7 (2) CONTENTS.—The study shall be conducted
8 so as to provide the following:

9 (A) A suggested method of modifying FAA
10 systems specialists staffing models for applica-
11 tion to current local conditions or applying
12 some other approach to developing an objective
13 staffing standard.

14 (B) The approximate cost and length of
15 time for developing such models.

16 (3) CONSULTATION.—In conducting the study,
17 the National Academy of Sciences shall consult with
18 the exclusive bargaining representative of employees
19 of the Federal Aviation Administration certified
20 under section 7111 of title 5, United States Code,
21 and the Administrator of the Federal Aviation Ad-
22 ministration.

23 (4) REPORT.—Not later than one year after the
24 initiation of the arrangements under subsection (a),

1 the National Academy of Sciences shall submit to
2 Congress a report on the results of the study.

3 **SEC. 605. DESIGNEE PROGRAM.**

4 (a) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Comptroller General
6 shall submit to the Committee on Transportation and In-
7 frastructure of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate a report on the status of recommendations made
10 by the Government Accountability Office in its October
11 2004 report, "Aviation Safety: FAA Needs to Strengthen
12 Management of Its Designee Programs" (GAO–05–40).

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

14 (1) an assessment of the extent to which the
15 Federal Aviation Administration has responded to
16 recommendations of the Government Accountability
17 Office referred to in subsection (a);

18 (2) an identification of improvements, if any,
19 that have been made to the designee programs re-
20 ferred to in the report of the Office as a result of
21 such recommendations;

22 (3) an identification of further action that is
23 needed to implement such recommendations, im-
24 prove the Administration's management control of
25 the designee programs, and increase assurance that

1 designees meet the Administration's performance
2 standards; and
3 (4) an assessment of the Administration's orga-
4 nizational delegation and designee programs and a
5 determination as to whether the Administration has
6 sufficient monitoring and surveillance programs in
7 place to properly oversee these programs.

8 **SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPEC-**
9 **TORS.**

10 (a) IN GENERAL.—Not later than October 31, 2009,
11 the Administrator of the Federal Aviation Administration
12 shall develop a staffing model for aviation safety inspec-
13 tors. In developing the model, the Administrator shall fol-
14 low the recommendations outlined in the 2007 study re-
15 leased by the National Academy of Sciences entitled
16 "Staffing Standards for Aviation Safety Inspectors" and
17 consult with interested persons, including the exclusive
18 collective bargaining representative of the aviation safety
19 inspectors.
20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section.

23 **SEC. 607. SAFETY CRITICAL STAFFING.**

24 (a) SAFETY INSPECTORS.—The Administrator of the
25 Federal Aviation Administration shall increase the number

1 of safety critical positions in the Flight Standards Service
2 and Aircraft Certification Service for a fiscal year com-
3 mensurate with the funding levels provided in subsection
4 (b) for the fiscal year. Such increases shall be measured
5 relative to the number of persons serving in safety critical
6 positions as of September 30, 2008.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to amounts authorized by section 106(k) of title 49,
9 United States Code, there is authorized to be appropriated
10 to carry out subsection (a)—

11 (1) $45,000,000 for fiscal year 2010;
12 (2) $138,000,000 for fiscal year 2011; and
13 (3) $235,000,000 for fiscal year 2012.

14 Such sums shall remain available until expended.

15 (c) IMPLEMENTATION OF STAFFING STANDARDS.—
16 Notwithstanding any other provision of this section, upon
17 completion of the flight standards service staffing model
18 under section 605 of this Act, and validation of the model
19 by the Administrator, there are authorized to be appro-
20 priated such sums as may be necessary to support the
21 number of aviation safety inspectors, safety technical spe-
22 cialists, and operation support positions that such model
23 determines are required to meet the responsibilities of the
24 Flight Standards Service.

1 (d) SAFETY CRITICAL POSITIONS DEFINED.—In this
2 section, the term "safety critical positions" means—
3 (1) aviation safety inspectors, safety technical
4 specialists, and operations support positions in the
5 Flight Standards Service (as such terms are used in
6 the Administration's fiscal year 2009 congressional
7 budget justification); and
8 (2) manufacturing safety inspectors, pilots, en-
9 gineers, Chief Scientist Technical Advisors, safety
10 technical specialists, and operational support posi-
11 tions in the Aircraft Certification Service (as such
12 terms are used in the Administration's fiscal year
13 2009 congressional budget justification).

14 **SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.**

15 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—
16 Not later than 90 days after the date of enactment of this
17 Act, the Administrator of the Federal Aviation Adminis-
18 tration shall enter into appropriate arrangements with the
19 National Academy of Sciences to conduct a study of the
20 assumptions and methods used by the Federal Aviation
21 Administration (in this section referred to as the "FAA")
22 to estimate staffing needs for FAA air traffic controllers
23 to ensure the safe operation of the national airspace sys-
24 tem.

1 (b) CONSULTATION.—In conducting the study, the
2 National Academy of Sciences shall consult with the exclu-
3 sive bargaining representative of employees of the FAA
4 certified under section 7111 of title 5, United States Code,
5 the Administrator of the Federal Aviation Administration,
6 and representatives of the Civil Aeronautical Medical In-
7 stitute.

8 (c) CONTENTS.—The study shall include an examina-
9 tion of representative information on human factors, traf-
10 fic activity, and the technology and equipment used in air
11 traffic control.

12 (d) RECOMMENDATIONS AND ESTIMATES.—In con-
13 ducting the study, the National Academy of Sciences shall
14 develop—

15 (1) recommendations for the development by
16 the FAA of objective staffing standards to maintain
17 the safety and efficiency of the national airspace sys-
18 tem with current and future projected air traffic lev-
19 els; and

20 (2) estimates of cost and schedule for the devel-
21 opment of such standards by the FAA or its con-
22 tractors.

23 (e) REPORT.—Not later than 18 months after the
24 date of enactment of this Act, the National Academy of
25 Sciences shall submit to the Committee on Transportation

1 and Infrastructure of the House of Representatives and
2 the Committee on Commerce, Science, and Transportation
3 of the Senate a report on the results of the study.

4 **SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**
5 **TRAFFIC CONTROLLERS.**

6 (a) STUDY.—The Administrator of the Federal Avia-
7 tion Administration shall conduct a study to assess the
8 adequacy of training programs for air traffic controllers.
9 (b) CONTENTS.—The study shall include—
10 (1) a review of the current training system for
11 air traffic controllers;
12 (2) an analysis of the competencies required of
13 air traffic controllers for successful performance in
14 the current air traffic control environment;
15 (3) an analysis of competencies required of air
16 traffic controllers as the Federal Aviation Adminis-
17 tration transitions to the Next Generation Air
18 Transportation System; and
19 (4) an analysis of various training approaches
20 available to satisfy the controller competencies iden-
21 tified under paragraphs (2) and (3).
22 (c) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Administrator shall submit
24 to the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on the results of the study.

3 **SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.**

4 (a) STUDY.—The Administrator of the Federal Avia-
5 tion Administration shall conduct a study on training op-
6 tions for graduates of the Collegiate Training Initiative
7 program conducted under section 44506(c) of title 49
8 United States Code. The study shall analyze the impact
9 of providing as an alternative to the current training pro-
10 vided at the Mike Monroney Aeronautical Center of the
11 Administration a new controller orientation session for
12 graduates of such programs at the Mike Monroney Aero-
13 nautical Center followed by on-the-job training for newly
14 hired air traffic controllers who are graduates of such pro-
15 gram and shall include—

16 (1) the cost effectiveness of such an alternative
17 training approach; and

18 (2) the effect that such an alternative training
19 approach would have on the overall quality of train-
20 ing received by graduates of such programs.

21 (b) REPORT.—Not later than 180 days after the date
22 of enactment of this Act, the Administrator shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and to the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on the results of the study.

3 **SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**
4 **CILITY CONDITIONS.**

5 (a) ESTABLISHMENT.—The Administrator of the
6 Federal Aviation Administration shall establish a special
7 task force to be known as the "FAA Task Force on Air
8 Traffic Control Facility Conditions" (in this section re-
9 ferred to as the "Task Force").

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—The Task Force shall be
12 composed of 12 members of whom—

13 (A) 8 members shall be appointed by the
14 Administrator; and

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

18 (2) QUALIFICATIONS.—Of the members ap-
19 pointed by the Administrator under paragraph
20 (1)(A)—

21 (A) 4 members shall be specialists on toxic
22 mold abatement, "sick building syndrome," and
23 other hazardous building conditions that can
24 lead to employee health concerns and shall be
25 appointed by the Administrator in consultation

1 with the Director of the National Institute for
2 Occupational Safety and Health; and
3 (B) 2 members shall be specialists on the
4 rehabilitation of aging buildings.
5 (3) TERMS.—Members shall be appointed for
6 the life of the Task Force.
7 (4) VACANCIES.—A vacancy in the Task Force
8 shall be filled in the manner in which the original
9 appointment was made.
10 (5) TRAVEL EXPENSES.—Members shall serve
11 without pay but shall receive travel expenses, includ-
12 ing per diem in lieu of subsistence, in accordance
13 with subchapter I of chapter 57 of title 5, United
14 States Code.
15 (c) CHAIRPERSON.—The Administrator shall des-
16 ignate, from among the individuals appointed under sub-
17 section (b)(1), an individual to serve as chairperson of the
18 Task Force.
19 (d) TASK FORCE PERSONNEL MATTERS.—
20 (1) STAFF.—The Task Force may appoint and
21 fix the pay of such personnel as it considers appro-
22 priate.
23 (2) STAFF OF FEDERAL AGENCIES.—Upon re-
24 quest of the Chairperson of the Task Force, the
25 head of any department or agency of the United

1 States may detail, on a reimbursable basis, any of
2 the personnel of that department or agency to the
3 Task Force to assist it in carrying out its duties
4 under this section.

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

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

21 (f) DUTIES.—

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

1 (A) the conditions of all air traffic control
2 facilities across the Nation, including towers,
3 centers, and terminal radar air control;
4 (B) reports from employees of the Admin-
5 istration relating to respiratory ailments and
6 other health conditions resulting from exposure
7 to mold, asbestos, poor air quality, radiation
8 and facility-related hazards in facilities of the
9 Administration;
10 (C) conditions of such facilities that could
11 interfere with such employees' ability to effec-
12 tively and safely perform their duties;
13 (D) the ability of managers and super-
14 visors of such employees to promptly document
15 and seek remediation for unsafe facility condi-
16 tions;
17 (E) whether employees of the Administra-
18 tion who report facility-related illnesses are
19 treated fairly;
20 (F) utilization of scientifically approved re-
21 mediation techniques in a timely fashion once
22 hazardous conditions are identified in a facility
23 of the Administration; and
24 (G) resources allocated to facility mainte-
25 nance and renovation by the Administration.

1 (2) FACILITY CONDITION INDICIES (FCI).—The
2 Task Force shall review the facility condition
3 indicies of the Administration (in this section re-
4 ferred to as the "FCI") for inclusion in the rec-
5 ommendations under subsection (g).
6 (g) RECOMMENDATIONS.—Based on the results of
7 the study and review of the FCI under subsection (f), the
8 Task Force shall make recommendations as it considers
9 necessary to—
10 (1) prioritize those facilities needing the most
11 immediate attention in order of the greatest risk to
12 employee health and safety;
13 (2) ensure that the Administration is using sci-
14 entifically approved remediation techniques in all fa-
15 cilities; and
16 (3) assist the Administration in making pro-
17 grammatic changes so that aging air traffic control
18 facilities do not deteriorate to unsafe levels.
19 (h) REPORT.—Not later than 6 months after the date
20 on which initial appointments of members to the Task
21 Force are completed, the Task Force shall submit to the
22 Administrator, the Committee on Transportation and In-
23 frastructure of the House of Representatives, and the
24 Committee on Commerce, Science, and Transportation of
25 the Senate a report on the activities of the Task Force,

1 including the recommendations of the Task Force under
2 subsection (g).
3 (i) IMPLEMENTATION.—Within 30 days of the receipt
4 of the Task Force report under subsection (h), the Admin-
5 istrator shall submit to the Committee on Transportation
6 and Infrastructure of the House of Representatives and
7 the Committee on Commerce, Science, and Transportation
8 of the Senate a report that includes a plan and timeline
9 to implement the recommendations of the Task Force and
10 to align future budgets and priorities of the Administra-
11 tion accordingly.
12 (j) TERMINATION.—The Task Force shall terminate
13 on the last day of the 30-day period beginning on the date
14 on which the report under subsection (h) was submitted.
15 (k) APPLICABILITY OF THE FEDERAL ADVISORY
16 COMMITTEE ACT.—The Federal Advisory Committee Act
17 (5 U.S.C. App.) shall not apply to the Task Force.
18 (l) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary of
20 Transportation $250,000 to carry out this section.

21 # TITLE VII—AVIATION
22 # INSURANCE

23 **SEC. 701. GENERAL AUTHORITY.**
24 (a) EXTENSION OF POLICIES.—Section 44302(f)(1)
25 is amended—

1 (1) by striking "September 30, 2009" and in-
2 serting "September 30, 2012"; and
3 (2) by striking "December 31, 2009" and in-
4 serting "December 31, 2019".
5 (b) SUCCESSOR PROGRAM.—Section 44302(f) is
6 amended by adding at the end the following:
7 "(3) SUCCESSOR PROGRAM.—
8 "(A) IN GENERAL.—After December 31,
9 2019, coverage for the risks specified in a policy
10 that has been extended under paragraph (1)
11 shall be provided in an airline industry spon-
12 sored risk retention or other risk-sharing ar-
13 rangement approved by the Secretary.
14 "(B) TRANSFER OF PREMIUMS.—
15 "(i) IN GENERAL.—On December 31,
16 2019, and except as provided in clause (ii),
17 premiums that are collected by the Sec-
18 retary from the airline industry after Sep-
19 tember 22, 2001, for any policy under this
20 subsection, and interest earned thereon, as
21 determined by the Secretary, shall be
22 transferred to an airline industry spon-
23 sored risk retention or other risk-sharing
24 arrangement approved by the Secretary.

"(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

"(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

"(II) the amount of any claims pending under such policies as of December 31, 2019; and

"(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.".

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking "December 31, 2009" and inserting "December 31, 2012".

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking "the carrier" and inserting "any insurance carrier".

1 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

2 Section 44308(c)(1) is amended in the second sen-
3 tence by striking "agent" and inserting "agent, or a
4 claims adjuster who is independent of the underwriting
5 agent,".

6 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

7 Section 44310 is amended by striking "December 31,
8 2013" and inserting "December 31, 2019".

9 TITLE VIII—MISCELLANEOUS

10 **SEC. 801. AIR CARRIER CITIZENSHIP.**

11 Section 40102(a)(15) is amended by adding at the
12 end the following:

13 "For purposes of subparagraph (C), an air carrier
14 shall not be deemed to be under the actual control
15 of citizens of the United States unless citizens of the
16 United States control all matters pertaining to the
17 business and structure of the air carrier, including
18 operational matters such as marketing, branding,
19 fleet composition, route selection, pricing, and labor
20 relations.".

21 **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**
22 **INTEREST OF NATIONAL SECURITY.**

23 Section 40119(b) is amended by adding at the end
24 the following:

25 "(3) LIMITATION ON APPLICABILITY OF FREE-
26 DOM OF INFORMATION ACT.—Section 552a of title 5,

1 United States Code, shall not apply to disclosures
2 that the Administrator of the Federal Aviation Ad-
3 ministration may make from the systems of records
4 of the Administration to any Federal law enforce-
5 ment, intelligence, protective service, immigration, or
6 national security official in order to assist the offi-
7 cial receiving the information in the performance of
8 official duties.".

9 **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**
10 **AND DATABASE SYSTEMS.**

11 (a) IN GENERAL.—Chapter 401 is amended by add-
12 ing at the end the following:

13 **"§ 40130. FAA access to criminal history records or**
14 **databases systems**

15 "(a) ACCESS TO RECORDS OR DATABASES SYS-
16 TEMS.—

17 "(1) ACCESS TO INFORMATION.—Notwith-
18 standing section 534 of title 28, and regulations
19 issued to implement such section, the Administrator
20 of the Federal Aviation Administration may access a
21 system of documented criminal justice information
22 maintained by the Department of Justice or by a
23 State but may do so only for the purpose of carrying
24 out civil and administrative responsibilities of the
25 Administration to protect the safety and security of

1 the national airspace system or to support the mis-
2 sions of the Department of Justice, the Department
3 of Homeland Security, and other law enforcement
4 agencies.

5 "(2) RELEASE OF INFORMATION.—In accessing
6 a system referred to in paragraph (1), the Adminis-
7 trator shall be subject to the same conditions and
8 procedures established by the Department of Justice
9 or the State for other governmental agencies with
10 access to the system.

11 "(3) LIMITATION.—The Administrator may not
12 use the access authorized under paragraph (1) to
13 conduct criminal investigations.

14 "(b) DESIGNATED EMPLOYEES.—The Administrator
15 shall designate, by order, employees of the Administration
16 who shall carry out the authority described in subsection
17 (a). The designated employees may—

18 "(1) have access to and receive criminal history,
19 driver, vehicle, and other law enforcement informa-
20 tion contained in the law enforcement databases of
21 the Department of Justice, or any jurisdiction of a
22 State, in the same manner as a police officer em-
23 ployed by a State or local authority of that State
24 who is certified or commissioned under the laws of
25 that State;

1 "(2) use any radio, data link, or warning sys-
2 tem of the Federal Government, and of any jurisdic-
3 tion in a State, that provides information about
4 wanted persons, be-on-the-lookout notices, warrant
5 status, or other officer safety information to which
6 a police officer employed by a State or local author-
7 ity in that State who is certified or commission
8 under the laws of that State has access and in the
9 same manner as such police officer; or
10 "(3) receive Federal, State, or local government
11 communications with a police officer employed by a
12 State or local authority in that State in the same
13 manner as a police officer employed by a State or
14 local authority in that State who is commissioned
15 under the laws of that State.
16 "(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE
17 INFORMATION DEFINED.—In this section, the term 'sys-
18 tem of documented criminal justice information' means
19 any law enforcement database, system, or communication
20 containing information concerning identification, criminal
21 history, arrests, convictions, arrest warrants, wanted or
22 missing persons, including the National Crime Informa-
23 tion Center and its incorporated criminal history data-
24 bases and the National Law Enforcement Telecommuni-
25 cations System.".

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 401 is amended by adding at the end the following:
"40130. FAA access to criminal history records or databases systems.".

3 **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

4 (a) IN GENERAL.—Section 47129 is amended—
5 (1) in the section heading by striking "**air**
6 **carrier**" and inserting "**carrier**";
7 (2) in subsection (a) by striking "(as defined in
8 section 40102 of this title)" and inserting "(as such
9 terms are defined in section 40102)";
10 (3) in the heading for subsection (d) by striking
11 "AIR CARRIER" and inserting "AIR CARRIER AND
12 FOREIGN AIR CARRIER";
13 (4) in the heading for paragraph (2) of sub-
14 section (d) by striking "AIR CARRIER" and inserting
15 "AIR CARRIER AND FOREIGN AIR CARRIER";
16 (5) by striking "air carriers" each place it ap-
17 pears and inserting "air carriers or foreign air car-
18 riers";
19 (6) by striking "air carrier" each place it ap-
20 pears and inserting "air carrier or foreign air car-
21 rier"; and
22 (7) by striking "air carrier's" each place it ap-
23 pears and inserting "air carrier's or foreign air car-
24 rier's".

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 471 is amended by striking the item relating to section
3 47129 and inserting the following:

"47129. Resolution of airport-carrier disputes concerning airport fees.".

4 **SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**
5 **PORT SYSTEMS.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall initiate a study to evaluate the formulation
9 of the National Plan of Integrated Airport Systems (in
10 this section referred to as the "plan") under section 47103
11 of title 49, United States Code.

12 (b) CONTENTS OF STUDY.—The study shall include
13 a review of the following:

14 (1) The criteria used for including airports in
15 the plan and the application of such criteria in the
16 most recently published version of the plan.

17 (2) The changes in airport capital needs be-
18 tween fiscal years 2003 and 2008, as reported in the
19 plan, as compared with the amounts apportioned or
20 otherwise made available to individual airports over
21 the same period of time.

22 (3) A comparison of the amounts received by
23 airports under the airport improvement program in
24 airport apportionments, State apportionments, and

1 discretionary grants during such fiscal years with
2 capital needs as reported in the plan.
3 (4) The effect of transfers of airport apportion-
4 ments under title 49, United States Code.
5 (5) Any other matters pertaining to the plan
6 that the Secretary determines appropriate.
7 (c) REPORT TO CONGRESS.—
8 (1) SUBMISSION.—Not later than 36 months
9 after the date of initiation of the study, the Sec-
10 retary shall submit to the Committee on Transpor-
11 tation and Infrastructure of the House of Represent-
12 atives and the Committee on Commerce, Science,
13 and Transportation of the Senate a report on the re-
14 sults of the study.
15 (2) CONTENTS.—The report shall include—
16 (A) the findings of the Secretary on each
17 of the subjects listed in subsection (b);
18 (B) recommendations for any changes to
19 policies and procedures for formulating the
20 plan; and
21 (C) recommendations for any changes to
22 the methods of determining the amounts to be
23 apportioned or otherwise made available to indi-
24 vidual airports.

1 **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

2 (a) IN GENERAL.—Section 201 of the Railway Labor
3 Act (45 U.S.C. 181) is amended—

4 (1) by striking "All" and inserting "(a) IN
5 GENERAL.—All";

6 (2) by inserting "and every express carrier"
7 after "common carrier by air"; and

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

9 "(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

10 "(1) IN GENERAL.—An employee of an express
11 carrier shall be covered by this Act only if that em-
12 ployee is in a position that is eligible for certification
13 under part 61, 63, or 65 of title 14, Code of Federal
14 Regulations, and only if that employee performs du-
15 ties for the express carrier that are eligible for such
16 certification. All other employees of an express car-
17 rier shall be covered by the provisions of the Na-
18 tional Labor Relations Act (29 U.S.C. 151 et seq.).

19 "(2) AIR CARRIER STATUS.—Any person that is
20 an express carrier shall be governed by paragraph
21 (1) notwithstanding any finding that the person is
22 also a common carrier by air.

23 "(3) EXPRESS CARRIER DEFINED.—In this sec-
24 tion, the term 'express carrier' means any person (or
25 persons affiliated through common control or owner-
26 ship) whose primary business is the express ship-

1 ment of freight or packages through an integrated
2 network of air and surface transportation.".
3 (b) CONFORMING AMENDMENT.—Section 1 of such
4 Act (45 U.S.C. 151) is amended in the first paragraph
5 by striking ", any express company that would have been
6 subject to subtitle IV of title 49, United States Code, as
7 of December 31, 1995,".

8 **SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FA-**
9 **CILITIES.**

10 (a) ESTABLISHMENT OF WORKING GROUP.—Not
11 later than 9 months after the date of enactment of this
12 Act, the Secretary of Transportation shall establish within
13 the Federal Aviation Administration (in this section re-
14 ferred to as the "FAA") a working group to develop cri-
15 teria and make recommendations for the realignment of
16 services and facilities (including regional offices) of the
17 FAA to assist in the transition to next generation facilities
18 and to help reduce capital, operating, maintenance, and
19 administrative costs in instances in which cost reductions
20 can be implemented without adversely affecting safety.
21 (b) MEMBERSHIP.—The working group shall be com-
22 posed of—
23 (1) the Administrator of the FAA;
24 (2) 2 representatives of air carriers;

1 (3) 2 representatives of the general aviation
2 community;
3 (4) 2 representatives of labor unions rep-
4 resenting employees who work at regional or field fa-
5 cilities of the FAA; and
6 (5) 2 representatives of the airport community.
7 (c) REPORT TO CONGRESS CONTAINING REC-
8 OMMENDATIONS OF THE WORKING GROUP.—
9 (1) SUBMISSION.—Not later than 6 months
10 after convening the working group, the Adminis-
11 trator shall submit to the Committee on Transpor-
12 tation and Infrastructure of the House of Represent-
13 atives and the Committee on Commerce, Science,
14 and Transportation of the Senate a report con-
15 taining the criteria and recommendations developed
16 by the working group under this section.
17 (2) CONTENTS.—The report shall include a jus-
18 tification for each recommendation to consolidate or
19 realign a service or facility (including a regional of-
20 fice) and a description of the costs and savings asso-
21 ciated with the consolidation or realignment.
22 (d) PUBLIC NOTICE AND COMMENT.—The Adminis-
23 trator shall publish the report submitted under subsection
24 (c) in the Federal Register and allow 45 days for the sub-
25 mission of public comments. In addition, the Adminis-

1 trator upon request shall hold a public hearing in a com-
2 munity that would be affected by a recommendation in the
3 report.

4 (e) OBJECTIONS.—Any interested person may file
5 with the Administrator a written objection to a rec-
6 ommendation of the working group.

7 (f) REPORT TO CONGRESS CONTAINING REC-
8 OMMENDATIONS OF THE ADMINISTRATOR.—Not later
9 than 60 days after the last day of the period for public
10 comment under subsection (d), the Administrator shall
11 submit to the committees referred to in subsection (c)(1)
12 a report containing the recommendations of the Adminis-
13 trator on realignment of services and facilities (including
14 regional offices) of the FAA and copies of any public com-
15 ments and objections received by the Administrator under
16 this section.

17 (g) LIMITATION ON IMPLEMENTATION OF REALIGN-
18 MENTS AND CONSOLIDATIONS.—The Administrator may
19 not realign or consolidate any services or facilities (includ-
20 ing regional offices) of the FAA before the Administrator
21 has submitted the report under subsection (f).

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

24 (1) FAA.—The term "FAA" means the Fed-
25 eral Aviation Administration.

1 (2) REALIGNMENT; CONSOLIDATION.—

2 (A) IN GENERAL.—The terms "realign-
3 ment" and "consolidation" include any action
4 that—

5 (i) relocates functions, services, or
6 personnel positions;

7 (ii) severs existing facility functions or
8 services; or

9 (iii) any combination thereof.

10 (B) EXCLUSION.—The term does not in-
11 clude a reduction in personnel resulting from
12 workload adjustments.

13 **SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT IN-**
14 **SURANCE FOR NATIONAL TRANSPORTATION**
15 **SAFETY BOARD EMPLOYEES.**

16 Section 1113 is amended by adding at the end the
17 following:

18 "(i) ACCIDENTAL DEATH AND DISMEMBERMENT IN-
19 SURANCE.—

20 "(1) AUTHORITY TO PROVIDE INSURANCE.—
21 The Board may procure accidental death and dis-
22 memberment insurance for an employee of the
23 Board who travels for an accident investigation or
24 other activity of the Board outside the United States

1 or inside the United States under hazardous cir-
2 cumstances, as defined by the Board.
3 "(2) CREDITING OF INSURANCE BENEFITS TO
4 OFFSET UNITED STATES TORT LIABILITY.—Any
5 amounts paid to a person under insurance coverage
6 procured under this subsection shall be credited as
7 offsetting any liability of the United States to pay
8 damages to that person under section 1346(b) of
9 title 28, chapter 171 of title 28, chapter 163 of title
10 10, or any other provision of law authorizing recov-
11 ery based upon tort liability of the United States in
12 connection with the injury or death resulting in the
13 insurance payment.
14 "(3) TREATMENT OF INSURANCE BENEFITS.—
15 Any amounts paid under insurance coverage pro-
16 cured under this subsection shall not—
17 "(A) be considered additional pay or allow-
18 ances for purposes of section 5536 of title 5; or
19 "(B) offset any benefits an employee may
20 have as a result of government service, includ-
21 ing compensation under chapter 81 of title 5.
22 "(4) ENTITLEMENT TO OTHER INSURANCE.—
23 Nothing in this subsection shall be construed as af-
24 fecting the entitlement of an employee to insurance
25 under section 8704(b) of title 5.".

1 **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE IN-**
2 **DUSTRY IN INTERNATIONAL CHILD ABDUC-**
3 **TION CASES.**

4 (a) STUDY.—The Comptroller General shall conduct
5 a study to help determine how the Federal Aviation Ad-
6 ministration (in this section referred to as the "FAA")
7 could better ensure the collaboration and cooperation of
8 air carriers and foreign air carriers providing air transpor-
9 tation and relevant Federal agencies to develop and en-
10 force child safety control for adults traveling internation-
11 ally with children.

12 (b) CONTENTS.—In conducting the study, the Comp-
13 troller General shall examine—

14 (1) the nature and scope of exit policies and
15 procedures of the FAA, air carriers, and foreign air
16 carriers and how the enforcement of such policies
17 and procedures is monitored, including ticketing and
18 boarding procedures;

19 (2) the extent to which air carriers and foreign
20 air carriers cooperate in the investigations of inter-
21 national child abduction cases, including cooperation
22 with the National Center for Missing and Exploited
23 Children and relevant Federal, State, and local
24 agencies;

25 (3) any effective practices, procedures, or les-
26 sons learned from the assessment of current prac-

1 tices and procedures of air carriers, foreign air car-
2 riers, and operators of other transportation modes
3 that could improve the ability of the aviation com-
4 munity to ensure the safety of children traveling
5 internationally with adults and, as appropriate, en-
6 hance the capability of air carriers and foreign air
7 carriers to cooperate in the investigations of inter-
8 national child abduction cases; and
9 (4) any liability issues associated with providing
10 assistance in such investigations.
11 (c) REPORT.—Not later than one year after the date
12 of the enactment of this Act, the Comptroller General shall
13 submit to Congress a report on the results of the study.
14 **SEC. 810. LOST NATION AIRPORT, OHIO.**
15 (a) APPROVAL OF SALE.—The Secretary of Trans-
16 portation may approve the sale of Lost Nation Airport
17 from the city of Willoughby, Ohio, to Lake County, Ohio,
18 if—
19 (1) Lake County meets all applicable require-
20 ments for sponsorship of the airport; and
21 (2) Lake County agrees to assume the obliga-
22 tions and assurances of the grant agreements relat-
23 ing to the airport executed by the city of Willoughby
24 under chapter 471 of title 49, United States Code,

1 and to operate and maintain the airport in accord-
2 ance with such obligations and assurances.
3 (b) GRANTS.—
4 (1) IN GENERAL.—The Secretary may make a
5 grant, from funds made available under section
6 48103 of title 49, United States Code, to Lake
7 County to assist in Lake County's purchase of the
8 Lost Nation Airport under subsection (a).
9 (2) FEDERAL SHARE.—The Federal share of
10 the grant under this subsection shall be for 90 per-
11 cent of the cost of Lake County's purchase of the
12 Lost Nation Airport, but in no event may the Fed-
13 eral share of the grant exceed $1,220,000.
14 (3) APPROVAL.—The Secretary may make a
15 grant under this subsection only if the Secretary re-
16 ceives such written assurances as the Secretary may
17 require under section 47107 of title 49, United
18 States Code, with respect to the grant and Lost Na-
19 tion Airport.
20 (c) TREATMENT OF PROCEEDS FROM SALE.—The
21 Secretary may grant to the city of Willoughby an exemp-
22 tion from the provisions of sections 47107 and 47133 of
23 such title, any grant obligations of the city of Willoughby,
24 and regulations and policies of the Federal Aviation Ad-
25 ministration to the extent necessary to allow the city of

1 Willoughby to use the proceeds from the sale approved
2 under subsection (a) for any purpose authorized by the
3 city of Willoughby.

4 **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

5 (a) FINDINGS.—Congress finds that—

6 (1) Pollock Municipal Airport located in Pol-
7 lock, Louisiana (in this section referred to as the
8 "airport"), has never been included in the National
9 Plan of Integrated Airport Systems pursuant to sec-
10 tion 47103 of title 49, United States Code, and is
11 therefore not considered necessary to meet the cur-
12 rent or future needs of the national aviation system;
13 and

14 (2) closing the airport will not adversely affect
15 aviation safety, aviation capacity, or air commerce.

16 (b) REQUEST FOR CLOSURE.—

17 (1) APPROVAL.—Notwithstanding any other
18 provision of law, requirement, or agreement and sub-
19 ject to the requirements of this section, the Admini-
20 trator of the Federal Aviation Administration
21 shall—

22 (A) approve a request from the town of
23 Pollock, Louisiana, to close the airport as a
24 public airport; and

1 (B) release the town from any term, condi-
2 tion, reservation, or restriction contained in a
3 surplus property conveyance or transfer docu-
4 ment, and from any order or finding by the De-
5 partment of Transportation on the use and re-
6 payment of airport revenue applicable to the
7 airport, that would otherwise prevent the clo-
8 sure of the airport and redevelopment of the fa-
9 cilities to nonaeronautical uses.
10 (2) CONTINUED AIRPORT OPERATION PRIOR TO
11 APPROVAL.—The town of Pollock shall continue to
12 operate and maintain the airport until the Adminis-
13 trator grants the town's request for closure of the
14 airport.
15 (3) USE OF PROCEEDS FROM SALE OF AIR-
16 PORT.—Upon the approval of the request to close
17 the airport, the town of Pollock shall obtain fair
18 market value for the sale of the airport property and
19 shall immediately upon receipt transfer all such pro-
20 ceeds from the sale of the airport property to the
21 sponsor of a public airport designated by the Admin-
22 istrator to be used for the development or improve-
23 ment of such airport.

1 (4) RELOCATION OF AIRCRAFT.—Before closure
2 of the airport, the town of Pollock shall provide ade-
3 quate time for any airport-based aircraft to relocate.

4 **SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY**
5 **PROGRAM.**

6 (a) IN GENERAL.—Not later than 6 months after the
7 date of enactment of this Act, the Administrator of the
8 Federal Aviation Administration shall develop a human
9 intervention and motivation study program for pilots and
10 flight attendants involved in air carrier operations in the
11 United States under part 121 of title 14, Code of Federal
12 Regulations.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 such sums as may be necessary for each of fiscal years
16 2010 through 2012. Such sums shall remain available
17 until expended.

18 **SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION**
19 **ZONE.**

20 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later
21 than 90 days after the date of enactment of this Act, the
22 Administrator of the Federal Aviation Administration, in
23 consultation with Secretary of Homeland Security and
24 Secretary of Defense, shall submit to the Committee on
25 Transportation and Infrastructure and Committee on

1 Homeland Security of the House of Representatives and
2 the Committee on Commerce, Science, and Transportation
3 of the Senate a plan for the Washington, DC, Air Defense
4 Identification Zone.

5 (b) CONTENTS OF PLAN.—The plan shall outline spe-
6 cific changes to the Washington, DC, Air Defense Identi-
7 fication Zone that will decrease operational impacts and
8 improve general aviation access to airports in the National
9 Capital Region that are currently impacted by the zone.

10 **SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, including the Federal Airport Act (as in effect
13 on August 8, 1958), the United States releases, without
14 monetary consideration, all restrictions, conditions, and
15 limitations on the use, encumbrance, or conveyance of cer-
16 tain land located in the municipality of Anchorage, Alaska,
17 more particularly described as Tracts 22 and 24 of the
18 Fourth Addition to the Town Site of Anchorage, Alaska,
19 as shown on the plat of U.S. Survey No. 1456, accepted
20 June 13, 1923, on file in the Bureau of Land Manage-
21 ment, Department of Interior.

22 (b) GRANTS.—Notwithstanding any other provision
23 of law, the municipality of Anchorage shall be released
24 from the repayment of any outstanding grant obligations
25 owed by the municipality to the Federal Aviation Adminis-

1 tration with respect to any land described in subsection
2 (a) that is subsequently conveyed to or used by the De-
3 partment of Transportation and Public Facilities of the
4 State of Alaska for the construction or reconstruction of
5 a federally subsidized highway project.

6 **SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.**
7 **HOBBY AIRPORT, HOUSTON, TEXAS.**

8 It is the sense of Congress that the Nation—
9 (1) supports the goals and ideals of the 1940
10 Air Terminal Museum located at William P. Hobby
11 Airport in the city of Houston, Texas;
12 (2) congratulates the city of Houston and the
13 1940 Air Terminal Museum on the 80-year history
14 of William P. Hobby Airport and the vital role of the
15 airport in Houston's and the Nation's transportation
16 infrastructure; and
17 (3) recognizes the 1940 Air Terminal Museum
18 for its importance to the Nation in the preservation
19 and presentation of civil aviation heritage and recog-
20 nizes the importance of civil aviation to the Nation's
21 history and economy.

22 **SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**
23 **APPLICABLE TO FLIGHT CREWMEMBERS.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Administrator of the Federal Aviation Ad-

1 ministration shall initiate a rulemaking proceeding for the
2 following purposes:
3 (1) To require a flight crewmember who is em-
4 ployed by an air carrier conducting operations under
5 part 121 of title 14, Code of Federal Regulations,
6 and who accepts an additional assignment for flying
7 under part 91 of such title from the air carrier or
8 from any other air carrier conducting operations
9 under part 121 or 135 of such title, to apply the pe-
10 riod of the additional assignment (regardless of
11 whether the assignment is performed by the flight
12 crewmember before or after an assignment to fly
13 under part 121 of such title) toward any limitation
14 applicable to the flight crewmember relating to duty
15 periods or flight times under part 121 of such title.
16 (2) To require a flight crewmember who is em-
17 ployed by an air carrier conducting operations under
18 part 135 of title 14, Code of Federal Regulations,
19 and who accepts an additional assignment for flying
20 under part 91 of such title from the air carrier or
21 any other air carrier conducting operations under
22 part 121 or 135 of such title, to apply the period of
23 the additional assignment (regardless of whether the
24 assignment is performed by the flight crewmember
25 before or after an assignment to fly under part 135

of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

1 (2) to encourage compatible land uses with the
2 airport and generate economic benefits to the airport
3 operator and an affected local jurisdiction.
4 (c) GRANT REQUIREMENTS.—The Administrator
5 may not make a grant under this section unless the grant
6 is made—
7 (1) to enable the airport operator and an af-
8 fected local jurisdiction to expedite their noise miti-
9 gation redevelopment efforts with respect to real
10 property described in subsection (b)(1);
11 (2) subject to a requirement that the affected
12 local jurisdiction has adopted zoning regulations that
13 permit compatible redevelopment of real property de-
14 scribed in subsection (b)(1); and
15 (3) subject to a requirement that funds made
16 available under section 47117(e)(1)(A) with respect
17 to real property assembled and redeveloped under
18 subsection (b)(1) plus the amount of any grants
19 made for acquisition of such property under section
20 47504 of such title are repaid to the Administrator
21 upon the sale of such property.
22 (d) COOPERATION WITH LOCAL AFFECTED JURIS-
23 DICTION.—An airport operator may use funds granted
24 under this section for a purpose described in subsection
25 (b) only in cooperation with an affected local jurisdiction.

1 (e) UNITED STATES GOVERNMENT SHARE.—

2 (1) IN GENERAL.—The United States Govern-
3 ment share of the allowable costs of a project carried
4 out under the pilot program shall be 80 percent.

5 (2) DETERMINATION.—In determining the al-
6 lowable project costs of a project carried out under
7 the pilot program for purposes of this subsection,
8 the Administrator shall deduct from the total costs
9 of the project that portion of the total costs of the
10 project that are incurred with respect to real prop-
11 erty that is not owned or to be acquired by the air-
12 port operator pursuant to the noise compatibility
13 program for the airport or that is not owned by an
14 affected local jurisdiction or other public entity.

15 (3) MAXIMUM AMOUNT.—Not more than
16 $5,000,000 in funds made available under section
17 47117(e) of title 49, United States Code, may be ex-
18 pended under this pilot program at any single pub-
19 lic-use airport.

20 (f) SPECIAL RULES FOR REPAID FUNDS.—The
21 amounts repaid to the Administrator with respect to an
22 airport under subsection (c)(3)—

23 (1) shall be available to the Administrator for
24 the following actions giving preference to such ac-
25 tions in descending order:

1 (A) reinvestment in an approved noise
2 compatibility project at the airport;
3 (B) reinvestment in another project at the
4 airport that is available for funding under sec-
5 tion 47117(e) of title 49, United States Code;
6 (C) reinvestment in an approved airport
7 development project at the airport that is eligi-
8 ble for funding under section 47114, 47115, or
9 47117 of such title;
10 (D) reinvestment in approved noise com-
11 patibility project at any other public airport;
12 and
13 (E) deposit in the Airport and Airway
14 Trust Fund established under section 9502 of
15 the Internal Revenue Code of 1986 (26 U.S.C.
16 9502);
17 (2) shall be in addition to amounts authorized
18 under section 48103 of title 49, United States Code;
19 and
20 (3) shall remain available until expended.
21 (g) USE OF PASSENGER FACILITY REVENUE.—An
22 operator of an airport participating in the pilot program
23 may use passenger facility revenue collected for the airport
24 under section 40117 of title 49, United States Code, to
25 pay the portion of the total cost of a project carried out

1 by the operator under the pilot program that are not al-
2 lowable under subsection (e)(2).
3 (h) SUNSET.—The Administrator may not make a
4 grant under the pilot program after September 30, 2012.
5 (i) REPORT TO CONGRESS.—Not later than the last
6 day of the 30th month following the date on which the
7 first grant is made under this section, the Administrator
8 shall report to Congress on the effectiveness of the pilot
9 program on returning real property purchased with noise
10 mitigation funds made available under section
11 47117(e)(1)(A) or 47505 or passenger facility revenues to
12 productive use.
13 (j) NOISE COMPATIBILITY MEASURES.—Section
14 47504(a)(2) is amended—
15 (1) by striking "and" at the end of subpara-
16 graph (D);
17 (2) by striking the period at the end of sub-
18 paragraph (E) and inserting "; and"; and
19 (3) by adding at the end the following:
20 "(F) joint comprehensive land use plan-
21 ning, including master plans, traffic studies, en-
22 vironmental evaluation and economic and feasi-
23 bility studies, with neighboring local jurisdic-
24 tions undertaking community redevelopment in
25 the area where any land or other property in-

terest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.".

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

1 (4) The feasibility of establishing altitude limits
2 for helicopter operations.
3 (c) EXCEPTIONS.—Any determination under this sec-
4 tion on the feasibility of establishing limitations or restric-
5 tions for helicopter operations over Long Island and Stat-
6 en Island, New York, shall not apply to helicopters per-
7 forming operations for news organizations, the military,
8 law enforcement, or providers of emergency services.
9 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
10 Nothing in this section shall be construed to interfere with
11 the Federal Aviation Administration's authority to ensure
12 the safe and efficient use of the national airspace system.
13 (e) REPORT.—Not later than 6 months after the date
14 of the enactment of this Act, the Administrator shall sub-
15 mit to Congress a report on the results of the study, in-
16 cluding information and recommendations concerning the
17 issues examined under subsection (b).

18 **SEC. 819. CABIN TEMPERATURE AND HUMIDITY STAND-**
19 **ARDS STUDY.**

20 (a) STUDY.—Not later than 6 months after the date
21 of enactment of this Act, the Administrator of the Federal
22 Aviation Administration shall conduct a study to deter-
23 mine whether onboard temperature standards are nec-
24 essary to protect cabin and cockpit crew members and pas-
25 sengers on an aircraft of an air carrier used to provide

1 air transportation from excessive heat and humidity on-
2 board such aircraft during standard operations or during
3 an excessive flight delay.

4 (b) TEMPERATURE REVIEW.—In conducting the
5 study under subsection (a), the Administrator shall—

6 (1) survey onboard cabin and cockpit tempera-
7 ture and humidity of a representative sampling of
8 different aircraft types and operations;

9 (2) address the appropriate placement of tem-
10 perature monitoring devices onboard the aircraft to
11 determine the most accurate measurement of on-
12 board temperature and humidity and develop a sys-
13 tem for the reporting of excessive temperature and
14 humidity onboard passenger aircraft by cockpit and
15 cabin crew members; and

16 (3) review the impact of implementing such on-
17 board temperature and humidity standards on the
18 environment, fuel economy, and avionics and deter-
19 mine the costs associated with such implementation
20 and the feasibility of using ground equipment or
21 other mitigation measures to offset any such costs.

22 (c) REPORT TO CONGRESS.—Not later than 18
23 months after the date of enactment of this Act, the Ad-
24 ministrator shall submit to Congress a report on the find-
25 ings of the study.

1 **SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

2 Section 46301 is amended—

3 (1) in subsection (a)(1)(A) by inserting "chap-
4 ter 451," before "section 47107(b)";

5 (2) in subsection (a)(5)(A)(i)—

6 (A) by striking "or chapter 449" and in-
7 serting "chapter 449"; and

8 (B) by inserting after "44909)" the fol-
9 lowing: ", or chapter 451"; and

10 (3) in subsection (d)(2)—

11 (A) by inserting after "44723)" the fol-
12 lowing: ", chapter 451 (except section 45107)";
13 and

14 (B) by inserting after "44909)," the fol-
15 lowing: "section 45107 or".

16 **SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGES-**
17 **TION.**

18 Not later than 18 months after the date of enactment
19 of this Act, the Comptroller General shall conduct a study
20 and submit a report to Congress regarding effective strat-
21 egies to alleviate congestion in the national airspace at air-
22 ports during peak travel times, by evaluating the effective-
23 ness of reducing flight schedules and staggering flights,
24 developing incentives for airlines to reduce the number of
25 flights offered, and instituting slots and quotas at air-
26 ports. In addition, the Comptroller General shall compare

1 the efficiency of implementing the strategies in the pre-
2 ceding sentence with redesigning airspace and evaluate
3 any legal obstacles to implementing such strategies.

4 **SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.**

5 Not later than one year after the date of enactment
6 of this Act, the Secretary of Transportation shall issue
7 regulations under chapter 447 of title 49, United States
8 Code, that require air carriers to provide initial and an-
9 nual recurring training for flight attendants and gate at-
10 tendants regarding serving alcohol, dealing with disruptive
11 passengers, and recognizing intoxicated persons. The
12 training shall include situational training on methods of
13 handling an intoxicated person who is belligerent.

14 **SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**
15 **PUBLIC INTERNET WEB-BASED SEARCH EN-**
16 **GINE ON WIND TURBINE INSTALLATION OB-**
17 **STRUCTION.**

18 (a) STUDY.—The Administrator of the Federal Avia-
19 tion Administration shall carry out a study on the feasi-
20 bility of developing a publicly searchable, Internet Web-
21 based resource that provides information regarding the ac-
22 ceptable height and distance that wind turbines may be
23 installed in relation to aviation sites and the level of ob-
24 struction such turbines may present to such sites.

1 (b) CONSIDERATIONS.—In conducting the study, the
2 Administrator shall consult, if appropriate, with the Secre-
3 taries of the Army, Navy and Air Force, Homeland Secu-
4 rity, Agriculture, and Energy to coordinate the require-
5 ments of each agency for future air space needs, determine
6 what the acceptable risks are to existing infrastructure of
7 each agency, and define the different levels of risk for such
8 infrastructure.

9 (c) IMPACT OF WIND TURBINES ON RADAR SIG-
10 NALS.—In conducting the study, the Administrator shall
11 consider the impact of the operation of wind turbines, indi-
12 vidually and in collections, on radar signals and evaluate
13 the feasibility of providing quantifiable measures of num-
14 bers of turbines and distance from radars that are accept-
15 able.

16 (d) REPORT.—Not later than one year after the date
17 of enactment of this Act, the Secretary shall submit a re-
18 port on the results of the study to the Committee on
19 Transportation and Infrastructure, Committee on Home-
20 land Security, Committee on Armed Services, Committee
21 on Agriculture, and Committee on Science and Technology
22 of the House of Representatives and the Committee on
23 Commerce, Science, and Transportation, Committee on
24 Homeland Security and Governmental Affairs, Committee

1 on Agriculture, Nutrition, and Forestry, and Committee
2 on Armed Services of the Senate.

3 **SEC. 824. FAA RADAR SIGNAL LOCATIONS.**

4 (a) STUDY.—The Administrator of the Federal Avia-
5 tion Administration shall conduct a study on the locations
6 of Federal Aviation Administration radar signals (in this
7 section referred to as "FAA radars") in the United States,
8 including the impact of such locations on—

9 (1) the development and installation of renew-
10 able energy technologies, including wind turbines;
11 and

12 (2) the ability of State and local authorities to
13 identify and plan for the location of such renewable
14 energy technologies.

15 (b) CONSULTATION.—In conducting the study, the
16 Administrator may consult with the heads of appropriate
17 agencies as needed.

18 (c) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Administrator shall
20 transmit to Congress a report on the results of the study.

21 (d) ADMINISTRATIVE PROCESS.—The Administrator
22 shall develop an effective administrative process for reloca-
23 tion of FAA radars, when appropriate, and testing and
24 deployment of alternate solutions, as necessary.

1 (e) LIMITATION ON STATUTORY CONSTRUCTION.—
2 Nothing in this section shall be construed to affect the
3 authority of the Administrator to issue hazard determina-
4 tions.

5 **SEC. 825. WIND TURBINE LIGHTING.**

6 (a) STUDY.—The Administrator of the Federal Avia-
7 tion Administration shall conduct a study on wind turbine
8 lighting systems.

9 (b) CONTENTS.—In conducting the study, the Ad-
10 ministrator shall examine the following:

11 (1) The effect of wind turbine lighting on resi-
12 dential areas.

13 (2) The safety issues associated with alternative
14 lighting strategies, technologies, and regulations.

15 (3) Potential energy savings associated with al-
16 ternative lighting strategies, technologies, and regu-
17 lations.

18 (4) The feasibility of implementing alternative
19 lighting strategies or technologies.

20 (5) Any other issue relating to wind turbine
21 lighting.

22 (c) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Administrator shall submit
24 to Congress a report on the results of the study, including

1 information and recommendations concerning the issues
2 examined under subsection (b).

3 **SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.**

4 The Secretary may not use any funds authorized in
5 this Act to name, rename, designate, or redesignate any
6 project or program under this act for an individual then
7 serving as a Member, Delegate, Resident Commissioner,
8 or Senator of the United States Congress.

9 **SEC. 827. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
10 **CARGO AIRCRAFT.**

11 (a) STUDY.—Not later than 180 days after the date
12 of enactment of this Act, the Administrator of the Federal
13 Aviation Administration, in consultation with appropriate
14 air carriers, aircraft manufacturers, and air carrier labor
15 representatives, shall conduct a study to identify a phys-
16 ical means, or a combination of physical and procedural
17 means, of limiting access to the flight decks of all-cargo
18 aircraft to authorized flight crew members.

19 (b) REPORT.—Not later than one year after the date
20 of enactment of this Act, the Administrator shall submit
21 to Congress a report on the results of the study.

22 **SEC. 828. WHISTLEBLOWERS AT FAA.**

23 It is the sense of Congress that whistleblowers at the
24 Federal Aviation Administration be granted the full pro-
25 tection of the law.

1 **SEC. 829. COLLEGE POINT MARINE TRANSFER STATION,**
2 **NEW YORK.**

3 (a) FINDING.—Congress finds that the Federal Avia-
4 tion Administration, in determining whether the proposed
5 College Point Marine Transfer Station in New York City,
6 New York, if constructed, would constitute a hazard to
7 air navigation, has not followed published policy state-
8 ments of the Federal Aviation Administration, including—

9 (1) Advisory Circular Number 150/5200–33B
10 2, entitled "Hazardous Wildlife Attractants on or
11 Near Airports";

12 (2) Advisory Circular Number 150/5300–13,
13 entitled "Airport Design"; and

14 (3) the publication entitled "Policies and Proce-
15 dures Memorandum—Airports Division", Number
16 5300.1B, dated Feb. 5, 1999.

17 (b) DESIGNATION OF TRANSFER STATION AS HAZ-
18 ARD TO AIR NAVIGATION.—The Administrator of the Fed-
19 eral Aviation Administration shall take such actions as
20 may be necessary to designate the proposed College Point
21 Marine Transfer Station in New York City, New York,
22 as a hazard to air navigation.

23 **SEC. 830. PILOT TRAINING AND CERTIFICATION.**

24 (a) INITIATION OF STUDY.—Not later than 3 months
25 after the date of enactment of this Act, the Comptroller
26 General shall initiate a study on commercial airline pilot

1 training and certification programs. The study shall in-
2 clude the data collected under subsection (b).
3 (b) DATA COLLECTED.—In conducting the study, the
4 Comptroller General shall collect data on—
5 (1) commercial pilot training and certification
6 programs at United States air carriers, including re-
7 gional and commuter air carriers;
8 (2) the number of training hours required for
9 pilots operating new aircraft types before assuming
10 pilot in command duties;
11 (3) how United States air carriers update and
12 train pilots on new technologies in aircraft types in
13 which they hold certifications;
14 (4) what remedial actions are taken in cases of
15 repeated unsatisfactory check-rides by commercial
16 airline pilots;
17 (5) what stall warning systems are included in
18 flight simulator training compared to classroom in-
19 struction; and
20 (6) the information required to be provided by
21 pilots on their job applications and the ability of
22 United States air carriers to verify the information
23 provided.
24 (c) CONTENTS OF STUDY.—The study shall include,
25 at a minimum—

1 (1) a review of Federal Aviation Administration
2 and international standards regarding commercial
3 airline pilot training and certification programs;
4 (2) the results of interviews that the Comp-
5 troller General shall conduct with United States air
6 carriers, pilot organizations, the National Transpor-
7 tation Safety Board, the Federal Aviation Adminis-
8 tration, and such other parties as the Comptroller
9 General determines appropriate; and
10 (3) such other matters as the Comptroller Gen-
11 eral determines are appropriate.
12 (d) REPORT.—Not later than 12 months after the
13 date of initiation of the study, the Comptroller General
14 shall submit to the Administrator, the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives, and the Committee on Commerce, Science,
17 and Transportation of the Senate a report on the results
18 of the study, together with the findings and recommenda-
19 tions of the Comptroller General regarding the study.
20 **SEC. 831. ST. GEORGE, UTAH.**
21 (a) IN GENERAL.—Notwithstanding section 16 of the
22 Federal Airport Act (as in effect on August 28, 1973) or
23 sections 47125 and 47153 of title 49, United States Code,
24 the Secretary of Transportation is authorized, subject to
25 subsection (b), to grant releases from any of the terms,

1 conditions, reservations, and restrictions contained in the
2 deed of conveyance dated August 28, 1973, under which
3 the United States conveyed certain property to the city
4 of St. George, Utah, for airport purposes.

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

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

13 (2) Any such amount so received by the city of
14 St. George shall be used by the city for the develop-
15 ment, improvement, operation, or maintenance of a
16 replacement public airport.

17 **SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH**
18 **CONTROL AT PALM BEACH INTERNATIONAL**
19 **AIRPORT.**

20 The Administrator of the Federal Aviation Adminis-
21 tration shall take such actions as may be necessary to en-
22 sure that any air traffic control tower or facility placed
23 into operation at Palm Beach International Airport after
24 September 30, 2009, to replace an air traffic control tower
25 or facility placed into operation before September 30,

1 2009, includes an operating terminal radar approach con-
2 trol.

3 **SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.**

4 It is the sense of Congress that the Administrator
5 of the Federal Aviation Administration should enter into
6 good faith discussions with the city of Santa Monica, Cali-
7 fornia, to achieve runway safety area solutions consistent
8 with Federal Aviation Administration design guidelines to
9 address safety concerns at Santa Monica Airport.

10 TITLE IX—FEDERAL AVIATION 11 RESEARCH AND DEVELOPMENT

12 **SEC. 901. SHORT TITLE.**

13 This title may be cited as the "Federal Aviation Re-
14 search and Development Reauthorization Act of 2010".

15 **SEC. 902. DEFINITIONS.**

16 As used in this title, the following definition apply:
17 (1) ADMINISTRATOR.—The term "Adminis-
18 trator" means the Administrator of the Federal
19 Aviation Administration.
20 (2) FAA.—The term "FAA" means the Fed-
21 eral Aviation Administration.
22 (3) NASA.—The term "NASA" means the Na-
23 tional Aeronautics and Space Administration.
24 (4) NATIONAL RESEARCH COUNCIL.—The term
25 "National Research Council" means the National

1 Research Council of the National Academies of
2 Science and Engineering.
3 (5) NOAA.—The term "NOAA" means the Na-
4 tional Oceanic and Atmospheric Administration.
5 (6) NSF.—The term "NSF" means the Na-
6 tional Science Foundation.
7 (7) SECRETARY.—The term "Secretary" means
8 the Secretary of Transportation.

9 **SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IM-**
10 **PACT OF AVIATION ON THE CLIMATE.**

11 (a) IN GENERAL.—The Administrator, in coordina-
12 tion with NASA and the United States Climate Change
13 Science Program, shall carry out a research initiative to
14 assess the impact of aviation on the climate and, if war-
15 ranted, to evaluate approaches to mitigate that impact.
16 (b) RESEARCH PLAN.—Not later than one year after
17 the date of enactment of this Act, the participating Fed-
18 eral entities shall jointly develop a plan for the research
19 program that contains the objectives, proposed tasks, mile-
20 stones, and 5-year budgetary profile.

21 **SEC. 904. RESEARCH PROGRAM ON RUNWAYS.**

22 (a) RESEARCH PROGRAM.—The Administrator shall
23 maintain a program of research grants to universities and
24 nonprofit research foundations for research and tech-
25 nology demonstrations related to—

1 (1) improved runway surfaces; and

2 (2) engineered material restraining systems for
3 runways at both general aviation airports and air-
4 ports with commercial air carrier operations.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated such sums as may be nec-
7 essary for each of the fiscal years 2010 through 2012 to
8 carry out this section.

9 **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

10 (a) ESTABLISHMENT OF PROGRAM.—Not later than
11 6 months after the date of enactment of this Act, the
12 FAA, in consultation with other agencies as appropriate,
13 shall establish a research program on methods to improve
14 both confidence in and the timeliness of certification of
15 new technologies for their introduction into the national
16 airspace system.

17 (b) RESEARCH PLAN.—Not later than 1 year after
18 the date of enactment of this Act, as part of the activity
19 described in subsection (a), the FAA shall develop a plan
20 for the research program that contains the objectives, pro-
21 posed tasks, milestones, and five-year budgetary profile.

22 (c) REVIEW.—The Administrator shall have the Na-
23 tional Research Council conduct an independent review of
24 the research program plan and provide the results of that
25 review to the Committee on Science and Technology and

1 the Committee on Transportation and Infrastructure of
2 the House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate not later
4 than 18 months after the date of enactment of this Act.

5 **SEC. 906. CENTERS OF EXCELLENCE.**

6 (a) GOVERNMENT'S SHARE OF COSTS.—Section
7 44513(f) is amended to read as follows:

8 "(f) GOVERNMENT'S SHARE OF COSTS.—The United
9 States Government's share of establishing and operating
10 the center and all related research activities that grant
11 recipients carry out shall not exceed 75 percent of the
12 costs. The United States Government's share of an indi-
13 vidual grant under this section shall not exceed 90 percent
14 of the costs.".

15 (b) ANNUAL REPORT.—The Administrator shall
16 transmit annually to the Committee on Science and Tech-
17 nology and the Committee on Transportation and Infra-
18 structure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate at the time of the President's budget request a re-
21 port that lists—

22 (1) the research projects that have been initi-
23 ated by each Center of Excellence in the preceding
24 year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking "establish a 4-year pilot" and inserting "maintain an"; and

(2) in paragraph (4)—

(A) by striking "expiration of the program" and inserting "expiration of the pilot program"; and

(B) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program" and inserting "program".

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking "and" after the semicolon;

1 (2) in paragraph (7) by striking the period at
2 the end and inserting "; and"; and
3 (3) by adding at the end the following:
4 "(8) in conjunction with other Federal agencies,
5 as appropriate, to develop technologies and methods
6 to assess the risk of and prevent defects, failures,
7 and malfunctions of products, parts, and processes,
8 for use in all classes of unmanned aircraft systems
9 that could result in a catastrophic failure of the un-
10 manned aircraft that would endanger other aircraft
11 in the national airspace system.".
12 (b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-
13 VICES.—Section 44505(b) is amended—
14 (1) in paragraph (4) by striking "and" after
15 the semicolon;
16 (2) in paragraph (5)(C) by striking the period
17 at the end and inserting a semicolon; and
18 (3) by adding at the end the following:
19 "(6) to develop a better understanding of the
20 relationship between human factors and unmanned
21 aircraft systems safety; and
22 "(7) to develop dynamic simulation models for
23 integrating all classes of unmanned aircraft systems
24 into the national airspace system without any deg-

1 radation of existing levels of safety for all national
2 airspace system users.".

3 **SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UN-**
4 **DERGRADUATE STUDENTS.**

5 (a) IN GENERAL.—The Administrator shall establish
6 a program to utilize colleges and universities, including
7 Historically Black Colleges and Universities, Hispanic
8 serving institutions, tribally controlled colleges and univer-
9 sities, and Alaska Native and Native Hawaiian serving in-
10 stitutions in conducting research by undergraduate stu-
11 dents on subjects of relevance to the FAA. Grants may
12 be awarded under this section for—

13 (1) research projects to be carried out primarily
14 by undergraduate students;

15 (2) research projects that combine under-
16 graduate research with other research supported by
17 the FAA;

18 (3) research on future training requirements re-
19 lated to projected changes in regulatory require-
20 ments for aircraft maintenance and power plant li-
21 censees; and

22 (4) research on the impact of new technologies
23 and procedures, particularly those related to aircraft
24 flight deck and air traffic management functions,

1 and on training requirements for pilots and air traf-
2 fic controllers.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated $5,000,000 for each of the
5 fiscal years 2010 through 2012, for research grants under
6 this section.

7 **SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT**
8 **PROGRAM.**

9 (a) CONTINUATION OF PROGRAM.—The Adminis-
10 trator, in coordination with the NASA Administrator,
11 shall continue research and development activities into
12 technologies for modification of existing general aviation
13 piston engines to enable their safe operation using un-
14 leaded aviation fuel.

15 (b) ROADMAP.—Not later than 120 days after the
16 date of enactment of this Act, the Administrator shall de-
17 velop a research and development roadmap for the pro-
18 gram continued in subsection (a), containing the specific
19 research and development objectives and the anticipated
20 timetable for achieving the objectives.

21 (c) REPORT.—Not later than 130 days after the date
22 of enactment of this Act, the Administrator shall provide
23 the roadmap specified in subsection (b) to the Committee
24 on Science and Technology of the House of Representa-

1 tives and the Committee on Commerce, Science, and
2 Transportation of the Senate.
3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated $750,000 for each of the
5 fiscal years 2010 through 2012 to carry out this section.

6 **SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-**
7 **RELATED RESEARCH PROGRAMS.**

8 (a) STUDY.—The Administrator shall enter into an
9 arrangement with the National Research Council for a re-
10 view of the FAA's energy- and environment-related re-
11 search programs. The review shall assess whether—
12 (1) the programs have well-defined, prioritized,
13 and appropriate research objectives;
14 (2) the programs are properly coordinated with
15 the energy- and environment-related research pro-
16 grams of NASA, NOAA, and other relevant agen-
17 cies;
18 (3) the programs have allocated appropriate re-
19 sources to each of the research objectives; and
20 (4) there exist suitable mechanisms for
21 transitioning the research results into the FAA's
22 operational technologies and procedures and certifi-
23 cation activities.
24 (b) REPORT.—A report containing the results of the
25 review shall be provided to the Committee on Science and

1 Technology of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate within 18 months of the enactment of this Act.

4 **SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**
5 **SEARCH PROGRAMS.**

6 (a) REVIEW.—The Administrator shall enter into an
7 arrangement with the National Research Council for an
8 independent review of the FAA's aviation safety-related
9 research programs. The review shall assess whether—

10 (1) the programs have well-defined, prioritized,
11 and appropriate research objectives;

12 (2) the programs are properly coordinated with
13 the safety research programs of NASA and other
14 relevant Federal agencies;

15 (3) the programs have allocated appropriate re-
16 sources to each of the research objectives; and

17 (4) there exist suitable mechanisms for
18 transitioning the research results from the programs
19 into the FAA's operational technologies and proce-
20 dures and certification activities in a timely manner.

21 (b) AVIATION SAFETY-RELATED RESEARCH PRO-
22 GRAMS TO BE ASSESSED.—The FAA aviation safety-re-
23 lated research programs to be assessed under the review
24 shall include, at a minimum, the following:

1 (1) Air traffic control/technical operations
2 human factors.
3 (2) Runway incursion reduction.
4 (3) Flightdeck/maintenance system integration
5 human factors.
6 (4) Airports technology research—safety.
7 (5) Airport cooperative research program—safe-
8 ty.
9 (6) Weather program.
10 (7) Atmospheric hazards/digital system safety.
11 (8) Fire research and safety.
12 (9) Propulsion and fuel systems.
13 (10) Advanced materials/structural safety.
14 (11) Aging aircraft.
15 (12) Aircraft catastrophic failure prevention re-
16 search.
17 (13) Aeromedical research.
18 (14) Aviation safety risk analysis.
19 (15) Unmanned aircraft systems research.
20 (c) REPORT.—Not later than 14 months after the
21 date of enactment of this Act, the Administrator shall sub-
22 mit to Congress a report on the results of the review.
23 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
24 tion to amounts authorized to be appropriated by the
25 amendments made by this Act, there is authorized to be

1 appropriated $700,000 for fiscal year 2010 to carry out
2 this section.

3 **SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET**
4 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

5 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—
6 Using amounts made available under section 48102(a) of
7 title 49, United States Code, the Secretary of Transpor-
8 tation shall conduct a research program related to devel-
9 oping jet fuel from alternative sources (such as coal, nat-
10 ural gas, biomass, ethanol, butanol, and hydrogen)
11 through grants or other measures authorized under sec-
12 tion 106(l)(6) of such title, including reimbursable agree-
13 ments with other Federal agencies.

14 (b) PARTICIPATION BY EDUCATIONAL AND RE-
15 SEARCH INSTITUTIONS.—In conducting the program, the
16 Secretary shall provide for participation by educational
17 and research institutions that have existing facilities and
18 experience in the development and deployment of tech-
19 nology for alternative jet fuels.

20 (c) DESIGNATION OF INSTITUTE AS A CENTER OF
21 EXCELLENCE.—Not later than 6 months after the date
22 of enactment of this Act, the Administrator of the Federal
23 Aviation Administration shall designate an institution de-
24 scribed in subsection (a) as a Center of Excellence for Al-
25 ternative Jet Fuel Research.

1 **SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**
2 **MENT.**

3 (a) ESTABLISHMENT.—The Administrator shall es-
4 tablish a Center for Excellence in Aviation Employment
5 (in this section referred to as the "Center").

6 (b) APPLIED RESEARCH AND TRAINING.—The Cen-
7 ter shall conduct applied research and training on—

8 (1) human performance in the air transpor-
9 tation environment;

10 (2) air transportation personnel, including air
11 traffic controllers, pilots, and technicians; and

12 (3) any other aviation human resource issues
13 pertinent to developing and maintaining a safe and
14 efficient air transportation system.

15 (c) DUTIES.—The Center shall—

16 (1) in conjunction with the Collegiate Training
17 Initiative and other air traffic controller training
18 programs, develop, implement, and evaluate a com-
19 prehensive, best-practices based training program
20 for air traffic controllers;

21 (2) work with the Office of Human Resource
22 Management of the FAA as that office develops and
23 implements a strategic recruitment and marketing
24 program to help the FAA compete for the best quali-
25 fied employees and incorporate an employee value
26 proposition process that results in attracting a

1 broad-based and diverse aviation workforce in mis-
2 sion critical positions, including air traffic controller,
3 aviation safety inspector, airway transportation safe-
4 ty specialist, and engineer;
5 (3) through industry surveys and other research
6 methodologies and in partnership with the
7 "Taskforce on the Future of the Aerospace Work-
8 force" and the Secretary of Labor, establish a base-
9 line of general aviation employment statistics for
10 purposes of projecting and anticipating future work-
11 force needs and demonstrating the economic impact
12 of general aviation employment;
13 (4) conduct a comprehensive analysis of the air-
14 frame and powerplant technician certification proc-
15 ess and employment trends for maintenance repair
16 organization facilities, certificated repair stations,
17 and general aviation maintenance organizations;
18 (5) establish a best practices model in aviation
19 maintenance technician school environments; and
20 (6) establish a workforce retraining program to
21 allow for transition of recently unemployed and high-
22 ly skilled mechanics into aviation employment.
23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Administrator

1 such sums as may be necessary to carry out this section.
2 Such sums shall remain available until expended.

3 TITLE X—AIRPORT AND AIRWAY 4 TRUST FUND FINANCING

5 **SEC. 1001. SHORT TITLE.**

6 This title may be cited as the "Airport and Airway
7 Trust Fund Financing Act of 2010".

8 **SEC. 1002. EXTENSION AND MODIFICATION OF TAXES**
9 **FUNDING AIRPORT AND AIRWAY TRUST**
10 **FUND.**

11 (a) RATE OF TAX ON AVIATION-GRADE KEROSENE
12 AND AVIATION GASOLINE.—

13 (1) AVIATION-GRADE KEROSENE.—Subpara-
14 graph (A) of section 4081(a)(2) of the Internal Rev-
15 enue Code of 1986 (relating to rates of tax) is
16 amended by striking "and" at the end of clause (ii),
17 by striking the period at the end of clause (iii) and
18 inserting ", and", and by adding at the end the fol-
19 lowing new clause:

20 "(iv) in the case of aviation-grade ker-
21 osene, 35.9 cents per gallon.".

22 (2) AVIATION GASOLINE.—Clause (ii) of section
23 4081(a)(2)(A) of such Code is amended by striking
24 "19.3 cents" and inserting "24.1 cents".

1 (3) FUEL REMOVED DIRECTLY INTO FUEL
2 TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIA-
3 TION.—Subparagraph (C) of section 4081(a)(2) of
4 such Code is amended to read as follows:
5 "(C) TAXES IMPOSED ON FUEL USED IN
6 COMMERCIAL AVIATION.—In the case of avia-
7 tion-grade kerosene which is removed from any
8 refinery or terminal directly into the fuel tank
9 of an aircraft for use in commercial aviation by
10 a person registered for such use under section
11 4101, the rate of tax under subparagraph
12 (A)(iv) shall be 4.3 cents per gallon.".
13 (4) CONFORMING AMENDMENTS.—
14 (A) Clause (iii) of section 4081(a)(2)(A) of
15 such Code is amended by inserting "other than
16 aviation-grade kerosene" after "kerosene".
17 (B) The following provisions of such Code
18 are each amended by striking "kerosene" and
19 inserting "aviation-grade kerosene":
20 (i) Section 4081(a)(3)(A)(ii).
21 (ii) Section 4081(a)(3)(A)(iv).
22 (iii) Section 4081(a)(3)(D).
23 (C) Section 4081(a)(3)(D) of such Code is
24 amended—

1 (i) by striking "paragraph (2)(C)(i)"
2 in clause (i) and inserting "paragraph
3 (2)(C)", and
4 (ii) by striking "paragraph (2)(C)(ii)"
5 in clause (ii) and inserting "paragraph
6 (2)(A)(iv)".
7 (D) Section 4081(a)(4) of such Code is
8 amended—
9 (i) by striking "paragraph (2)(C)(i)"
10 and inserting "paragraph (2)(C)", and
11 (ii) by striking "KEROSENE" in the
12 heading and inserting "AVIATION-GRADE
13 KEROSENE".
14 (E) Section 4081(d)(2) of such Code is
15 amended by inserting ", (a)(2)(A)(iv)," after
16 "subsections (a)(2)(A)(ii)".
17 (b) EXTENSION.—
18 (1) FUELS TAXES.—Paragraph (2) of section
19 4081(d) of such Code is amended by striking "gal-
20 lon—" and all that follows and inserting "gallon
21 after September 30, 2012".
22 (2) TAXES ON TRANSPORTATION OF PERSONS
23 AND PROPERTY.—
24 (A) PERSONS.—Clause (ii) of section
25 4261(j)(1)(A) of such Code is amended by

1 striking "September 30, 2009" and inserting
2 "September 30, 2012".
3 (B) PROPERTY.—Clause (ii) of section
4 4271(d)(1)(A) of such Code is amended by
5 striking "September 30, 2009" and inserting
6 "September 30, 2012".
7 (c) EXEMPTION FOR AVIATION-GRADE KEROSENE
8 REMOVED INTO AN AIRCRAFT.—Subsection (e) of section
9 4082 of such Code is amended—
10 (1) by striking "kerosene" and inserting "avia-
11 tion-grade kerosene",
12 (2) by striking "section 4081(a)(2)(A)(iii)" and
13 inserting "section 4081(a)(2)(A)(iv)", and
14 (3) by striking "KEROSENE" in the heading
15 and inserting "AVIATION-GRADE KEROSENE".
16 (d) RETAIL TAX ON AVIATION FUEL.—
17 (1) EXEMPTION FOR PREVIOUSLY TAXED
18 FUEL.—Paragraph (2) of section 4041(c) of such
19 Code is amended by inserting "at the rate specified
20 in subsection (a)(2)(A)(iv) thereof" after "section
21 4081".
22 (2) RATE OF TAX.—Paragraph (3) of section
23 4041(c) of such Code is amended to read as follows:
24 "(3) RATE OF TAX.—The rate of tax imposed
25 by this subsection shall be the rate of tax in effect

1 under section 4081(a)(2)(A)(iv) (4.3 cents per gallon
2 with respect to any sale or use for commercial avia-
3 tion).".
4 (e) REFUNDS RELATING TO AVIATION-GRADE KER-
5 OSENE.—
6 (1) KEROSENE USED IN COMMERCIAL AVIA-
7 TION.—Clause (ii) of section 6427(l)(4)(A) of such
8 Code is amended by striking "specified in section
9 4041(c) or 4081(a)(2)(A)(iii), as the case may be,"
10 and inserting "so imposed".
11 (2) KEROSENE USED IN AVIATION.—Paragraph
12 (4) of section 6427(l) of such Code is amended—
13 (A) by striking subparagraph (B) and re-
14 designating subparagraph (C) as subparagraph
15 (B), and
16 (B) by amending subparagraph (B), as re-
17 designated by subparagraph (A), to read as fol-
18 lows:
19 "(B) PAYMENTS TO ULTIMATE, REG-
20 ISTERED VENDOR.—With respect to any ker-
21 osene used in aviation (other than kerosene to
22 which paragraph (6) applies), if the ultimate
23 purchaser of such kerosene waives (at such time
24 and in such form and manner as the Secretary
25 shall prescribe) the right to payment under

1 paragraph (1) and assigns such right to the ul-
2 timate vendor, then the Secretary shall pay
3 (without interest) the amount which would be
4 paid under paragraph (1) to such ultimate ven-
5 dor, but only if such ultimate vendor—
6 "(i) is registered under section 4101,
7 and
8 "(ii) meets the requirements of sub-
9 paragraph (A), (B), or (D) of section
10 6416(a)(1).".
11 (3) AVIATION-GRADE KEROSENE NOT USED IN
12 AVIATION.—Subsection (l) of section 6427 of such
13 Code is amended by redesignating paragraph (5) as
14 paragraph (6) and by inserting after paragraph (4)
15 the following new paragraph:
16 "(5) REFUNDS FOR AVIATION-GRADE KER-
17 OSENE NOT USED IN AVIATION.—If tax has been im-
18 posed under section 4081 at the rate specified in
19 section 4081(a)(2)(A)(iv) and the fuel is used other
20 than in an aircraft, the Secretary shall pay (without
21 interest) to the ultimate purchaser of such fuel an
22 amount equal to the amount of tax imposed on such
23 fuel reduced by the amount of tax that would be im-
24 posed under section 4041 if no tax under section
25 4081 had been imposed.".

1 (4) CONFORMING AMENDMENTS.—

2 (A) Section 6427(i)(4) of such Code is
3 amended—

4 (i) by striking "paragraph (4)(C) or
5 (5)" both places it appears and inserting
6 "paragraph (4)(B) or (6)", and

7 (ii) by striking ", (l)(4)(C)(ii), and
8 (l)(5)" and inserting "and (l)(6)".

9 (B) Section 6427(l)(1) of such Code is
10 amended by striking "paragraph (4)(C)(i)" and
11 inserting "paragraph (4)(B)(i)".

12 (C) Section 4082(d)(2)(B) of such Code is
13 amended by striking "6427(l)(5)(B)" and in-
14 serting "6427(l)(6)(B)".

15 (f) AIRPORT AND AIRWAY TRUST FUND.—

16 (1) EXTENSION OF TRUST FUND AUTHORI-
17 TIES.—

18 (A) EXPENDITURES FROM TRUST FUND.—
19 Paragraph (1) of section 9502(d) of such Code
20 is amended—

21 (i) by striking "October 1, 2009" in
22 the matter preceding subparagraph (A)
23 and inserting "October 1, 2012", and

1 (ii) by inserting "or the Aviation Safe-
2 ty and Investment Act of 2010" before the
3 semicolon at the end of subparagraph (A).
4 (B) LIMITATION ON TRANSFERS TO TRUST
5 FUND.—Paragraph (2) of section 9502(e) of
6 such Code is amended by striking "October 1,
7 2009" and inserting "October 1, 2012".
8 (2) TRANSFERS TO TRUST FUND.—Subpara-
9 graph (C) of section 9502(b)(1) of such Code is
10 amended to read as follows:
11 "(C) section 4081 with respect to aviation
12 gasoline and aviation-grade kerosene, and".
13 (3) TRANSFERS ON ACCOUNT OF CERTAIN RE-
14 FUNDS.—
15 (A) IN GENERAL.—Subsection (d) of sec-
16 tion 9502 of such Code is amended—
17 (i) by striking "(other than subsection
18 (l)(4) thereof)" in paragraph (2), and
19 (ii) by striking "(other than payments
20 made by reason of paragraph (4) of section
21 6427(l))" in paragraph (3).
22 (B) CONFORMING AMENDMENTS.—
23 (i) Section 9503(b)(4) of such Code is
24 amended by striking "or" at the end of
25 subparagraph (C), by striking the period

1 at the end of subparagraph (D) and insert-
2 ing a comma, and by inserting after sub-
3 paragraph (D) the following:
4 "(E) section 4081 to the extent attrib-
5 utable to the rate specified in clause (ii) or (iv)
6 of section 4081(a)(2)(A), or
7 "(F) section 4041(c).".
8 (ii) Section 9503(c) of such Code is
9 amended by striking the last paragraph
10 (relating to transfers from the Trust Fund
11 for certain aviation fuel taxes).
12 (iii) Section 9502(a) of such Code is
13 amended by striking ", section
14 9503(c)(7),".
15 (4) TRANSFERS ON ACCOUNT OF AVIATION-
16 GRADE KEROSENE NOT USED IN AVIATION.—Section
17 9502(d) of such Code is amended by adding at the
18 end the following new paragraph:
19 "(7) TRANSFERS FROM AIRPORT AND AIRWAY
20 TRUST FUND ON ACCOUNT OF AVIATION-GRADE
21 KEROSENE NOT USED IN AVIATION.—The Secretary
22 of the Treasury shall pay from time to time from the
23 Airport and Airway Trust Fund into the Highway
24 Trust Fund amounts as determined by the Secretary
25 of the Treasury equivalent to amounts transferred to

1 the Airport and Airway Trust Fund with respect to
2 aviation-grade kerosene not used in aviation.".
3 (5) EXPENDITURES FOR AIR TRAFFIC CONTROL
4 MODERNIZATION.—Section 9502(d) of such Code, as
5 amended by this title, is amended by adding at the
6 end the following new paragraph:
7 "(8) EXPENDITURES FOR AIR TRAFFIC CON-
8 TROL MODERNIZATION.—The following amounts
9 may be used only for making expenditures to carry
10 out air traffic control modernization:
11 "(A) So much of the amounts appropriated
12 under subsection (b)(1)(C) as the Secretary es-
13 timates are attributable to—
14 "(i) 14.1 cents per gallon of the tax
15 imposed at the rate specified in section
16 4081(a)(2)(A)(iv) in the case of aviation-
17 grade kerosene used other than in commer-
18 cial aviation (as defined in section
19 4083(b)), and
20 "(ii) 4.8 cents per gallon of the tax
21 imposed at the rate specified in section
22 4081(a)(2)(A)(ii) in the case of aviation
23 gasoline used other than in commercial
24 aviation (as so defined).

1 "(B) Any amounts credited to the Airport
2 and Airway Trust Fund under section 9602(b)
3 with respect to amounts described in this para-
4 graph.".
5 (g) EFFECTIVE DATE.—
6 (1) MODIFICATIONS.—Except as provided in
7 paragraph (2), the amendments made by this section
8 shall apply to fuels removed, entered, or sold after
9 December 31, 2009.
10 (2) EXTENSIONS.—The amendments made by
11 subsections (b) and (f)(1) shall take effect on the
12 date of the enactment of this Act.
13 (h) FLOOR STOCKS TAX.—
14 (1) IMPOSITION OF TAX.—In the case of avia-
15 tion fuel which is held on January 1, 2010, by any
16 person, there is hereby imposed a floor stocks tax on
17 aviation fuel equal to—
18 (A) the tax which would have been imposed
19 before such date on such fuel had the amend-
20 ments made by this section been in effect at all
21 times before such date, reduced by
22 (B) the sum of—
23 (i) the tax imposed before such date
24 on such fuel under section 4081 of the In-

1 ternal Revenue Code of 1986, as in effect
2 on such date, and
3 (ii) in the case of kerosene held exclu-
4 sively for such person's own use, the
5 amount which such person would (but for
6 this clause) reasonably expect (as of such
7 date) to be paid as a refund under section
8 6427(l) of such Code with respect to such
9 kerosene.
10 (2) LIABILITY FOR TAX AND METHOD OF PAY-
11 MENT.—
12 (A) LIABILITY FOR TAX.—A person hold-
13 ing aviation fuel on January 1, 2010, shall be
14 liable for such tax.
15 (B) TIME AND METHOD OF PAYMENT.—
16 The tax imposed by paragraph (1) shall be paid
17 on April 30, 2010, and in such manner as the
18 Secretary of the Treasury shall prescribe.
19 (3) TRANSFER OF FLOOR STOCK TAX REVE-
20 NUES TO TRUST FUNDS.—For purposes of deter-
21 mining the amount transferred to the Airport and
22 Airway Trust Fund, the tax imposed by this sub-
23 section shall be treated as imposed by the provision
24 of section 4081 of the Internal Revenue Code of

1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term "aviation fuel" means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

1 (A) IN GENERAL.—No tax shall be im-
2 posed by paragraph (1) on any aviation fuel
3 held on January 1, 2010, by any person if the
4 aggregate amount of such aviation fuel held by
5 such person on such date does not exceed 2,000
6 gallons. The preceding sentence shall apply only
7 if such person submits to the Secretary (at the
8 time and in the manner required by the Sec-
9 retary) such information as the Secretary shall
10 require for purposes of this subparagraph.
11 (B) EXEMPT FUEL.—For purposes of sub-
12 paragraph (A), there shall not be taken into ac-
13 count any aviation fuel held by any person
14 which is exempt from the tax imposed by para-
15 graph (1) by reason of paragraph (6).
16 (C) CONTROLLED GROUPS.—For purposes
17 of this subsection—
18 (i) CORPORATIONS.—
19 (I) IN GENERAL.—All persons
20 treated as a controlled group shall be
21 treated as 1 person.
22 (II) CONTROLLED GROUP.—The
23 term "controlled group" has the
24 meaning given to such term by sub-
25 section (a) of section 1563 of such

1 Code; except that for such purposes
2 the phrase "more than 50 percent"
3 shall be substituted for the phrase "at
4 least 80 percent" each place it ap-
5 pears in such subsection.
6 (ii) NONINCORPORATED PERSONS
7 UNDER COMMON CONTROL.—Under regula-
8 tions prescribed by the Secretary, prin-
9 ciples similar to the principles of subpara-
10 graph (A) shall apply to a group of per-
11 sons under common control if 1 or more of
12 such persons is not a corporation.
13 (7) OTHER LAWS APPLICABLE.—All provisions
14 of law, including penalties, applicable with respect to
15 the taxes imposed by section 4081 of such Code on
16 the aviation fuel involved shall, insofar as applicable
17 and not inconsistent with the provisions of this sub-
18 section, apply with respect to the floor stock taxes
19 imposed by paragraph (1) to the same extent as if
20 such taxes were imposed by such section.