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112TH CONGRESS
1ST SESSION

H. R. 658

[Report No. 112–29, Parts I and II]

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2011

Mr. MICA (for himself, Mr. PETRI, Mr. HULTGREN, Mr. YOUNG of Alaska, Mr. GRAVES of Missouri, Mr. LONG, Mr. MEEHAN, Mr. HANNA, Mr. SOUTHERLAND, Mr. WESTMORELAND, Mr. GIBBS, Mr. BUCSHON, Mr. COHEN, Mrs. CAPITO, Mr. DENHAM, Mr. BARLETTA, Mr. FARENTHOLD, Mr. REED, Mr. COBLE, Mr. LANKFORD, Mr. SHUSTER, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MARCH 10, 2011

Reported with an amendment and referred, for a period ending not later than March 23, 2011, to the Committee on Science, Space, and Technology, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X, and to the Committee on the Judiciary, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 16, 2011

Supplemental report filed by the Committee on Transportation and Infrastructure

MARCH 23, 2011

Additional sponsors: Mr. CRAVAACK, Mr. ROKITA, and Mr. GUINTA

MARCH 23, 2011

The Committees on Science, Space, and Technology and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 11, 2011]

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“FAA Reauthorization and Reform Act of 2011”.*

6 (b) *TABLE OF CONTENTS.*—

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. Funding for aviation programs.

Sec. 105. Delineation of Next Generation Air Transportation System projects.

Sec. 106. Funding for administrative expenses for airport programs.

Subtitle B—Passenger Facility Charges

Sec. 111. Passenger facility charges.

Sec. 112. Airport access flexibility program.

Sec. 113. GAO study of alternative means of collecting PFCs.

Sec. 114. Qualifications-based selection.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.

Sec. 122. Registration fees.

Subtitle D—Airport Improvement Program Modifications

Sec. 131. Airport master plans.

Sec. 132. Aerotropolis transportation systems.

Sec. 133. AIP definitions.

Sec. 134. Recycling plans for airports.

Sec. 135. Contents of competition plans.

Sec. 136. Grant assurances.

Sec. 137. Agreements granting through-the-fence access to general aviation airports.

Sec. 138. Government share of project costs.

Sec. 139. Allowable project costs.

Sec. 140. Veterans’ preference.

Sec. 141. Standardizing certification of disadvantaged business enterprises.

Sec. 142. Special apportionment rules.

Sec. 143. Apportionments.

- Sec. 144. Marshall Islands, Micronesia, and Palau.*
Sec. 145. Designating current and former military airports.
Sec. 146. Contract tower program.
Sec. 147. Resolution of disputes concerning airport fees.
Sec. 148. Sale of private airports to public sponsors.
Sec. 149. Repeal of certain limitations on Metropolitan Washington Airports Authority.
Sec. 150. Midway Island Airport.
Sec. 151. Miscellaneous amendments.
Sec. 152. Extension of grant authority for compatible land use planning and projects by State and local governments.
Sec. 153. Priority review of construction projects in cold weather States.
Sec. 154. Study on national plan of integrated airport systems.
Sec. 155. Transfers of terminal area air navigation equipment to airport sponsors.
Sec. 156. Airport privatization program.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

- Sec. 201. Definitions.*
Sec. 202. NextGen demonstrations and concepts.
Sec. 203. Clarification of authority to enter into reimbursable agreements.
Sec. 204. Chief NextGen Officer.
Sec. 205. Definition of air navigation facility.
Sec. 206. Clarification to acquisition reform authority.
Sec. 207. Assistance to foreign aviation authorities.
Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.
Sec. 209. Next Generation Air Transportation Senior Policy Committee.
Sec. 210. Improved management of property inventory.
Sec. 211. Automatic dependent surveillance-broadcast services.
Sec. 212. Expert review of enterprise architecture for NextGen.
Sec. 213. Acceleration of NextGen technologies.
Sec. 214. Performance metrics.
Sec. 215. Certification standards and resources.
Sec. 216. Surface systems acceleration.
Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
Sec. 218. Siting of wind farms near FAA navigational aids and other assets.
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. Design and production organization certificates.
Sec. 304. Aircraft certification process review and reform.
Sec. 305. Consistency of regulatory interpretation.
Sec. 306. Runway safety.
Sec. 307. Improved pilot licenses.
Sec. 308. Flight attendant fatigue.
Sec. 309. Flight Standards Evaluation Program.
Sec. 310. Cockpit smoke.

- Sec. 311. Safety of air ambulance operations.*
- Sec. 312. Off-airport, low-altitude aircraft weather observation technology.*
- Sec. 313. Feasibility of requiring helicopter pilots to use night vision goggles.*
- Sec. 314. Prohibition on personal use of electronic devices on flight deck.*
- Sec. 315. Noncertificated maintenance providers.*
- Sec. 316. Inspection of foreign repair stations.*
- Sec. 317. Sunset of line check.*

Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Definitions.*
- Sec. 322. Commercial unmanned aircraft systems integration plan.*
- Sec. 323. Special rules for certain unmanned aircraft systems.*
- Sec. 324. Public unmanned aircraft systems.*
- Sec. 325. Unmanned aircraft systems test ranges.*

Subtitle C—Safety and Protections

- Sec. 331. Postemployment restrictions for flight standards inspectors.*
- Sec. 332. Review of air transportation oversight system database.*
- Sec. 333. Improved voluntary disclosure reporting system.*
- Sec. 334. Aviation Whistleblower Investigation Office.*
- Sec. 335. Duty periods and flight time limitations applicable to flight crewmembers.*

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Essential Air Service

- Sec. 401. Essential air service marketing.*
- Sec. 402. Notice to communities prior to termination of eligibility for subsidized essential air service.*
- Sec. 403. Essential air service contract guidelines.*
- Sec. 404. Essential air service reform.*
- Sec. 405. Small community air service.*
- Sec. 406. Adjustments to compensation for significantly increased costs.*
- Sec. 407. Repeal of EAS local participation program.*
- Sec. 408. Sunset of essential air service program.*

Subtitle B—Passenger Air Service Improvements

- Sec. 421. Smoking prohibition.*
- Sec. 422. Monthly air carrier reports.*
- Sec. 423. Flight operations at Ronald Reagan Washington National Airport.*
- Sec. 424. Musical instruments.*
- Sec. 425. Passenger air service improvements.*
- Sec. 426. Airfares for members of the Armed Forces.*
- Sec. 427. Review of air carrier flight delays, cancellations, and associated causes.*
- Sec. 428. Denied boarding compensation.*
- Sec. 429. Compensation for delayed baggage.*
- Sec. 430. Schedule reduction.*
- Sec. 431. DOT airline consumer complaint investigations.*
- Sec. 432. Study of operators regulated under part 135.*
- Sec. 433. Use of cell phones on passenger aircraft.*

TITLE V—ENVIRONMENTAL STREAMLINING

- Sec. 501. Overflights of national parks.*

- Sec. 502. State block grant program.*
Sec. 503. NextGen environmental efficiency projects streamlining.
Sec. 504. Airport funding of special studies or reviews.
Sec. 505. Noise compatibility programs.
Sec. 506. Grant eligibility for assessment of flight procedures.
Sec. 507. Determination of fair market value of residential properties.
Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
Sec. 509. Aircraft departure queue management pilot program.
Sec. 510. High performance, sustainable, and cost-effective air traffic control facilities.
Sec. 511. Sense of Congress.
Sec. 512. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.*
Sec. 602. Presidential rank award program.
Sec. 603. FAA technical training and staffing.
Sec. 604. Safety critical staffing.
Sec. 605. FAA air traffic controller staffing.
Sec. 606. Air traffic control specialist qualification training.
Sec. 607. Assessment of training programs for air traffic controllers.
Sec. 608. Collegiate training initiative study.
Sec. 609. FAA facility conditions.
Sec. 610. Frontline manager staffing.

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.

TITLE VIII—MISCELLANEOUS

- Sec. 801. Disclosure of data to Federal agencies in interest of national security.*
Sec. 802. FAA access to criminal history records and database systems.
Sec. 803. Civil penalties technical amendments.
Sec. 804. Realignment and consolidation of FAA services and facilities.
Sec. 805. Limiting access to flight decks of all-cargo aircraft.
Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
Sec. 807. Prohibition on use of certain funds.
Sec. 808. Study on aviation fuel prices.
Sec. 809. Wind turbine lighting.
Sec. 810. Air-rail code sharing study.
Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.
Sec. 812. FAA review and reform.
Sec. 813. Cylinders of compressed oxygen or other oxidizing gases.

TITLE IX—NATIONAL MEDIATION BOARD

- Sec. 901. Authority of Inspector General.*
Sec. 902. Evaluation and audit of National Mediation Board.
Sec. 903. Repeal of rule.

TITLE X—COMMERCIAL SPACE TRANSPORTATION

Sec. 1001. Space flight passengers.

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

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

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

8 *Except as otherwise expressly provided, this Act and*
9 *the amendments made by this Act shall take effect on the*
10 *date of enactment of this Act.*

11 **TITLE I—AUTHORIZATIONS**

12 **Subtitle A—Funding of FAA**

13 **Programs**

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

17 *(a) AUTHORIZATION.—Section 48103 is amended to*
18 *read as follows:*

19 **“§48103. Airport planning and development and noise**
20 **compatibility planning and programs**

21 *“(a) IN GENERAL.—There shall be available to the Sec-*
22 *retary of Transportation out of the Airport and Airway*
23 *Trust Fund established under section 9502 of the Internal*
24 *Revenue Code of 1986 to make grants for airport planning*

1 *and airport development under section 47104, airport noise*
2 *compatibility planning under section 47505(a)(2), and car-*
3 *rying out noise compatibility programs under section*
4 *47504(c)—*

5 “(1) \$3,176,000,000 for fiscal year 2011;

6 “(2) \$3,000,000,000 for fiscal year 2012;

7 “(3) \$3,000,000,000 for fiscal year 2013; and

8 “(4) \$3,000,000,000 for fiscal year 2014.

9 “(b) *AVAILABILITY OF AMOUNTS.—Amounts made*
10 *available under subsection (a) shall remain available until*
11 *expended.*

12 “(c) *LIMITATION.—Amounts made available under*
13 *subsection (a) may not be used for carrying out the Airport*
14 *Cooperative Research Program or the Airports Technology*
15 *Research Program.”.*

16 “(b) *OBLIGATIONAL AUTHORITY.—Section 47104(c) is*
17 *amended by striking “March 31, 2011” and inserting “Sep-*
18 *tember 30, 2014”.*

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

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

23 “(1) \$2,700,000,000 for fiscal year 2011.

24 “(2) \$2,600,000,000 for fiscal year 2012.

25 “(3) \$2,600,000,000 for fiscal year 2013.

1 “(4) \$2,600,000,000 for fiscal year 2014.”.

2 (b) *SET-ASIDES*.—Section 48101 is amended—

3 (1) by striking subsections (c), (d), (e), (h), and
4 (i); and

5 (2) by redesignating subsections (f) and (g) as
6 subsections (c) and (d), respectively.

7 **SEC. 103. FAA OPERATIONS.**

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

11 “(A) \$9,403,000,000 for fiscal year 2011;

12 “(B) \$9,168,000,000 for fiscal year 2012;

13 “(C) \$9,168,000,000 for fiscal year 2013;

14 and

15 “(D) \$9,168,000,000 for fiscal year 2014.”.

16 (b) *AUTHORIZED EXPENDITURES*.—Section 106(k)(2)
17 is amended—

18 (1) by striking subparagraphs (A), (B), (C), and
19 (D);

20 (2) by redesignating subparagraphs (E), (F),
21 and (G) as subparagraphs (A), (B), and (C), respec-
22 tively; and

23 (3) in subparagraphs (A), (B), and (C) (as so re-
24 designated) by striking “2004 through 2007” and in-
25 serting “2011 through 2014”.

1 (c) *AUTHORITY TO TRANSFER FUNDS.*—Section
2 106(k) is amended by adding at the end the following:

3 “(3) *ADMINISTERING PROGRAM WITHIN AVAIL-*
4 *ABLE FUNDING.*—Notwithstanding any other provi-
5 *sion of law, in each of fiscal years 2011 through 2014,*
6 *if the Secretary determines that the funds appro-*
7 *priated under paragraph (1) are insufficient to meet*
8 *the salary, operations, and maintenance expenses of*
9 *the Federal Aviation Administration, as authorized*
10 *by this section, the Secretary shall reduce nonsafety-*
11 *related activities of the Administration as necessary*
12 *to reduce such expenses to a level that can be met by*
13 *the funding available under paragraph (1).”.*

14 **SEC. 104. FUNDING FOR AVIATION PROGRAMS.**

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

18 “(A) *IN GENERAL.*—The total budget re-
19 *sources made available from the Airport and*
20 *Airway Trust Fund each fiscal year pursuant to*
21 *sections 48101, 48102, 48103, and 106(k) shall—*

22 “(i) *in fiscal year 2011, be equal to 90*
23 *percent of the estimated level of receipts plus*
24 *interest credited to the Airport and Airway*
25 *Trust Fund for that fiscal year; and*

1 “(ii) in fiscal year 2012 and each fis-
2 cal year thereafter, be equal to the sum of—

3 “(I) 90 percent of the estimated
4 level of receipts plus interest credited to
5 the Airport and Airway Trust Fund
6 for that fiscal year; and

7 “(II) the actual level of receipts
8 plus interest credited to the Airport
9 and Airway Trust Fund for the second
10 preceding fiscal year minus the total
11 amount made available for obligation
12 from the Airport and Airway Trust
13 Fund for the second preceding fiscal
14 year.

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

17 (b) *ADDITIONAL AUTHORIZATIONS OF APPROPRIA-*
18 *TIONS FROM THE GENERAL FUND.*—Section 48114(a)(2) is
19 amended by striking “2007” and inserting “2014”.

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

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

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

4 (d) *ENFORCEMENT OF GUARANTEES.—Section*
5 *48114(c)(2) is amended by striking “2007” and inserting*
6 *“2014”.*

7 **SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANS-**
8 **PORTATION SYSTEM PROJECTS.**

9 *Section 44501(b) is amended—*

10 (1) *in paragraph (3) by striking “and” after the*
11 *semicolon;*

12 (2) *in paragraph (4)(B) by striking “defense.”*
13 *and inserting “defense; and”; and*

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

15 *“(5) a list of capital projects that are part of the*
16 *Next Generation Air Transportation System and*
17 *funded by amounts appropriated under section*
18 *48101(a).”.*

19 **SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**
20 **AIRPORT PROGRAMS.**

21 (a) *IN GENERAL.—Section 48105 is amended to read*
22 *as follows:*

23 **“§ 48105. Airport programs administrative expenses**

24 *“(a) IN GENERAL.—Of the funds made available under*
25 *section 48103, the following amounts may be available for*

1 *administrative expenses of the Federal Aviation Adminis-*
 2 *tration described in subsection (b):*

3 “(1) \$85,987,000 for fiscal year 2011.

4 “(2) \$80,676,000 for fiscal year 2012.

5 “(3) \$80,676,000 for fiscal year 2013.

6 “(4) \$80,676,000 for fiscal year 2014.

7 “(b) *ELIGIBLE ADMINISTRATIVE EXPENSES.—*
 8 *Amounts made available under subsection (a) may be used*
 9 *for administrative expenses relating to the airport improve-*
 10 *ment program, passenger facility charge approval and over-*
 11 *sight, national airport system planning, airport standards*
 12 *development and enforcement, airport certification, airport-*
 13 *related environmental activities (including legal services),*
 14 *and other airport-related activities.*

15 “(c) *AVAILABILITY OF AMOUNTS.—Amounts made*
 16 *available under subsection (a) shall remain available until*
 17 *expended.”.*

18 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
 19 *481 is amended by striking the item relating to section*
 20 *48105 and inserting the following:*

 “48105. *Airport programs administrative expenses.”.*

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

23 ***SEC. 111. PASSENGER FACILITY CHARGES.***

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

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

4 (b) *PILOT PROGRAM FOR PFC AUTHORIZATIONS AT*
5 *NONHUB AIRPORTS*.—Section 40117(l) is amended—

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

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

9 (c) *CORRECTION OF REFERENCES*.—

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

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

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

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

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

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

23 (F) in the heading for paragraph (1) of sub-
24 section (m) by striking “*FEEES*” and inserting
25 “*CHARGES*”;

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

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

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

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

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

11 (C) Section 47114(f).

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

13 (E) Section 47139(b).

14 (F) Section 47524(e).

15 (G) Section 47526(2).

16 (3) *CLERICAL AMENDMENT.*—The analysis for
 17 chapter 401 is amended by striking the item relating
 18 to section 40117 and inserting the following:

“40117. *Passenger facility charges.*”.

19 **SEC. 112. AIRPORT ACCESS FLEXIBILITY PROGRAM.**

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

22 “(n) *AIRPORT ACCESS FLEXIBILITY PROGRAM.*—

23 “(1) *PFC ELIGIBILITY.*—Subject to the require-
 24 ments of this subsection, the Secretary shall establish
 25 a pilot program under which the Secretary may au-

1 *thorize, at no more than 5 airports, a passenger facil-*
2 *ity charge imposed under subsection (b)(1) or (b)(4)*
3 *to be used to finance the eligible cost of an intermodal*
4 *ground access project.*

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

12 *“(3) ELIGIBLE COSTS.—*

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

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

21 *“(ii) the total number of the individ-*
22 *uals projected to use the facility.*

23 *“(B) DETERMINATIONS REGARDING PRO-*
24 *JECTED PROJECT USE.—*

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

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

17 **SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COL-**
18 **LECTING PFCS.**

19 *(a) IN GENERAL.*—*The Comptroller General shall con-*
20 *duct a study of alternative means of collecting passenger*
21 *facility charges imposed under section 40117 of title 49,*
22 *United States Code, that would permit such charges to be*
23 *collected without being included in the ticket price. In con-*
24 *ducting the study, the Comptroller General shall consider,*
25 *at a minimum—*

1 (1) *collection options for arriving, connecting,*
2 *and departing passengers at airports;*

3 (2) *cost sharing or allocation methods based on*
4 *passenger travel to address connecting traffic; and*

5 (3) *examples of airport charges collected by do-*
6 *mestic and international airports that are not in-*
7 *cluded in ticket prices.*

8 (b) *REPORT.*—*Not later than one year after the date*
9 *of enactment of this Act, the Comptroller General shall sub-*
10 *mit to the Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate and the Committee on Transportation*
12 *and Infrastructure of the House of Representatives a report*
13 *on the study, including the Comptroller General’s findings,*
14 *conclusions, and recommendations.*

15 **SEC. 114. QUALIFICATIONS-BASED SELECTION.**

16 (a) *QUALIFICATIONS-BASED SELECTION DEFINED.*—
17 *In this section, the term “qualifications-based selection”*
18 *means a competitive procurement process under which*
19 *firms compete for capital improvement projects on the basis*
20 *of qualifications, past experience, and specific expertise.*

21 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
22 *that airports should consider the use of qualifications-based*
23 *selection in carrying out capital improvement projects*
24 *funded using passenger facility charges collected under sec-*

1 tion 40117 of title 49, United States Code, with the goal
2 of serving the needs of all stakeholders.

3 **Subtitle C—Fees for FAA Services**

4 **SEC. 121. UPDATE ON OVERFLIGHTS.**

5 (a) *ESTABLISHMENT AND ADJUSTMENT OF FEES.*—
6 Section 45301(b) is amended to read as follows:

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

8 “(1) *IN GENERAL.*—In establishing and adjust-
9 ing fees under this section, the Administrator shall
10 ensure that the fees are reasonably related to the Ad-
11 ministration’s costs, as determined by the Adminis-
12 trator, of providing the services rendered.

13 “(2) *SERVICES FOR WHICH COSTS MAY BE RE-*
14 *COVERED.*—Services for which costs may be recovered
15 under this section include the costs of air traffic con-
16 trol, navigation, weather services, training, and emer-
17 gency services that are available to facilitate safe
18 transportation over the United States and the costs of
19 other services provided by the Administrator, or by
20 programs financed by the Administrator, to flights
21 that neither take off nor land in the United States.

22 “(3) *LIMITATIONS ON JUDICIAL REVIEW.*—Not-
23 withstanding section 702 of title 5 or any other provi-
24 sion of law, the following actions and other matters
25 shall not be subject to judicial review:

1 “(A) *The establishment or adjustment of a*
2 *fee by the Administrator under this section.*

3 “(B) *The validity of a determination of*
4 *costs by the Administrator under paragraph (1),*
5 *and the processes and procedures applied by the*
6 *Administrator when reaching such determina-*
7 *tion.*

8 “(C) *An allocation of costs by the Adminis-*
9 *trator under paragraph (1) to services provided,*
10 *and the processes and procedures applied by the*
11 *Administrator when establishing such allocation.*

12 “(4) *ADJUSTMENT OF OVERFLIGHT FEES.—In*
13 *accordance with section 106(f)(3)(A), the Adminis-*
14 *trator shall adjust the overflight fees established by*
15 *subsection (a)(1) by issuing a final rule with respect*
16 *to the notice of proposed rulemaking published in the*
17 *Federal Register on September 28, 2010 (75 Fed. Reg.*
18 *59661).*

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

23 “(6) *COSTS DEFINED.—In this subsection, the*
24 *term ‘costs’ includes operation and maintenance costs,*
25 *leasing costs, and overhead expenses associated with*

1 *the services provided and the facilities and equipment*
2 *used in providing such services.*

3 “(7) *SPECIAL RULE FOR FISCAL YEARS 2011*
4 *THROUGH 2015.—In each of fiscal years 2011 through*
5 *2015, section 45303(c) shall not apply to any increase*
6 *in fees collected pursuant to a final rule described in*
7 *paragraph (4).”.*

8 (b) *ADJUSTMENT OF FEES.—Section 45301 is amend-*
9 *ed by adding at the end the following:*

10 “(e) *ADJUSTMENT OF FEES.—In addition to adjust-*
11 *ments under subsection (b), the Administrator may periodi-*
12 *cally adjust the fees established under this section.”.*

13 **SEC. 122. REGISTRATION FEES.**

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

16 **“§ 45305. Registration, certification, and related fees**

17 “(a) *GENERAL AUTHORITY AND FEES.—Subject to*
18 *subsection (b), the Administrator of the Federal Aviation*
19 *Administration shall establish and collect a fee for each of*
20 *the following services and activities of the Administration*
21 *that does not exceed the estimated costs of the service or*
22 *activity:*

23 “(1) *Registering an aircraft.*

24 “(2) *Reregistering, replacing, or renewing an*
25 *aircraft registration certificate.*

1 “(3) *Issuing an original dealer’s aircraft reg-*
2 *istration certificate.*

3 “(4) *Issuing an additional dealer’s aircraft reg-*
4 *istration certificate (other than the original).*

5 “(5) *Issuing a special registration number.*

6 “(6) *Issuing a renewal of a special registration*
7 *number reservation.*

8 “(7) *Recording a security interest in an aircraft*
9 *or aircraft part.*

10 “(8) *Issuing an airman certificate.*

11 “(9) *Issuing a replacement airman certificate.*

12 “(10) *Issuing an airman medical certificate.*

13 “(11) *Providing a legal opinion pertaining to*
14 *aircraft registration or recordation.*

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

20 “(c) *FEEES CREDITED AS OFFSETTING COLLEC-*
21 *TIONS.—*

22 “(1) *IN GENERAL.—Notwithstanding section*
23 *3302 of title 31, any fee authorized to be collected*
24 *under this section shall—*

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

4 “(B) be available for expenditure only to
5 pay the costs of activities and services for which
6 the fee is imposed, including all costs associated
7 with collecting the fee; and

8 “(C) remain available until expended.

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

16 “(3) ADJUSTMENTS.—The Administrator shall
17 adjust a fee established under subsection (a) for a
18 service or activity if the Administrator determines
19 that the actual cost of the service or activity is higher
20 or lower than was indicated by the cost data used to
21 establish such fee.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chapter
23 453 is amended by adding at the end the following:

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

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

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

3 “(1) *IN GENERAL.—A fee*”; and

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

5 “(2) *EFFECT OF IMPOSITION OF OTHER FEES.—*
6 *A fee may not be imposed for a service or activity*
7 *under this section during any period in which a fee*
8 *for the same service or activity is imposed under sec-*
9 *tion 45305.*”.

10 ***Subtitle D—Airport Improvement*** 11 ***Program Modifications***

12 ***SEC. 131. AIRPORT MASTER PLANS.***

13 Section 47101(g)(2) is amended—

14 (1) in subparagraph (B) by striking “and” at
15 the end;

16 (2) by redesignating subparagraph (C) as sub-
17 paragraph (D); and

18 (3) by inserting after subparagraph (B) the fol-
19 lowing:

20 “(C) *consider passenger convenience, air-*
21 *port ground access, and access to airport facili-*
22 *ties; and*”.

23 ***SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.***

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

1 “(4) *AEROTROPOLIS TRANSPORTATION SYS-*
2 *TEMS.—Encourage the development of aerotropolis*
3 *transportation systems, which are planned and co-*
4 *ordinated multimodal freight and passenger transpor-*
5 *tation networks that, as determined by the Secretary,*
6 *provide efficient, cost-effective, sustainable, and inter-*
7 *modal connectivity to a defined region of economic*
8 *significance centered around a major airport.”.*

9 **SEC. 133. AIP DEFINITIONS.**

10 (a) *AIRPORT DEVELOPMENT.—Section 47102(3) is*
11 *amended—*

12 (1) *in subparagraph (B)(iv) by striking “20”*
13 *and inserting “9”;*

14 (2) *in subparagraph (G) by inserting “and in-*
15 *cluding acquiring glycol recovery vehicles,” after “air-*
16 *craft,”; and*

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

18 “(M) *construction of mobile refueler parking*
19 *within a fuel farm at a nonprimary airport*
20 *meeting the requirements of section 112.8 of title*
21 *40, Code of Federal Regulations.*

22 “(N) *terminal development under section*
23 *47119(a).*

24 “(O) *acquiring and installing facilities and*
25 *equipment to provide air conditioning, heating,*

1 *or electric power from terminal-based, nonexclu-*
2 *sive use facilities to aircraft parked at a public*
3 *use airport for the purpose of reducing energy*
4 *use or harmful emissions as compared to the pro-*
5 *vision of such air conditioning, heating, or elec-*
6 *tric power from aircraft-based systems.”.*

7 **(b) AIRPORT PLANNING.**—*Section 47102(5) is amend-*
8 *ed to read as follows:*

9 “*(5) ‘airport planning’ means planning as de-*
10 *finied by regulations the Secretary prescribes and in-*
11 *cludes—*

12 “(A) *integrated airport system planning;*

13 “(B) *developing an environmental manage-*
14 *ment system; and*

15 “(C) *developing a plan for recycling and*
16 *minimizing the generation of airport solid waste,*
17 *consistent with applicable State and local recy-*
18 *cling laws, including the cost of a waste audit.”.*

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

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

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

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

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

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

7 “(B) has scheduled service with less than
8 2,500 passenger boardings each year.”.

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

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

20 (e) *TERMINAL DEVELOPMENT*.—Section 47102 (as
21 amended by subsection (c) of this section) is further amend-
22 ed by adding at the end the following:

23 “(28) ‘terminal development’ means—

24 “(A) development of—

1 “(i) an airport passenger terminal
2 building, including terminal gates;

3 “(ii) access roads servicing exclusively
4 airport traffic that leads directly to or from
5 an airport passenger terminal building; and

6 “(iii) walkways that lead directly to or
7 from an airport passenger terminal build-
8 ing; and

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

11 **SEC. 134. RECYCLING PLANS FOR AIRPORTS.**

12 Section 47106(a) is amended—

13 (1) in paragraph (4) by striking “and” at the
14 end;

15 (2) in paragraph (5) by striking “proposed.”
16 and inserting “proposed; and”; and

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

18 “(6) if the project is for an airport that has an
19 airport master plan, the master plan addresses issues
20 relating to solid waste recycling at the airport, in-
21 cluding—

22 “(A) the feasibility of solid waste recycling
23 at the airport;

24 “(B) minimizing the generation of solid
25 waste at the airport;

1 “(C) operation and maintenance require-
2 ments;

3 “(D) the review of waste management con-
4 tracts; and

5 “(E) the potential for cost savings or the
6 generation of revenue.”.

7 **SEC. 135. CONTENTS OF COMPETITION PLANS.**

8 Section 47106(f)(2) is amended—

9 (1) by striking “patterns of air service,”;

10 (2) by inserting “and” before “whether”; and

11 (3) by striking “, and airfare levels” and all that
12 follows before the period.

13 **SEC. 136. GRANT ASSURANCES.**

14 (a) **GENERAL WRITTEN ASSURANCES.**—Section
15 47107(a)(16)(D)(ii) is amended by inserting before the
16 semicolon at the end the following: “, except in the case of
17 a relocation or replacement of an existing airport facility
18 that meets the conditions of section 47110(d)”.

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

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

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

3 “(4) In approving the reinvestment or transfer of pro-
4 ceeds under paragraph (2)(A)(iii), the Secretary shall give
5 preference, in descending order, to the following actions:

6 “(A) Reinvestment in an approved noise compat-
7 ibility project.

8 “(B) Reinvestment in an approved project that
9 is eligible for funding under section 47117(e).

10 “(C) Reinvestment in an approved airport devel-
11 opment project that is eligible for funding under sec-
12 tion 47114, 47115, or 47117.

13 “(D) Transfer to a sponsor of another public air-
14 port to be reinvested in an approved noise compat-
15 ibility project at such airport.

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

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

22 (d) *EXTENSION OF COMPETITIVE ACCESS REPORTS.*—
23 Section 47107(s) is amended by striking paragraph (3).

1 **SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE**
2 **ACCESS TO GENERAL AVIATION AIRPORTS.**

3 *(a) IN GENERAL.—Section 47107 is amended by add-*
4 *ing at the end the following:*

5 *“(t) AGREEMENTS GRANTING THROUGH-THE-FENCE*
6 *ACCESS TO GENERAL AVIATION AIRPORTS.—*

7 *“(1) IN GENERAL.—Subject to paragraph (2), a*
8 *sponsor of a general aviation airport shall not be con-*
9 *sidered to be in violation of this subtitle, or to be in*
10 *violation of a grant assurance made under this sec-*
11 *tion or under any other provision of law as a condi-*
12 *tion for the receipt of Federal financial assistance for*
13 *airport development, solely because the sponsor enters*
14 *into an agreement that grants to a person that owns*
15 *residential real property adjacent to the airport ac-*
16 *cess to the airfield of the airport for the following:*

17 *“(A) Aircraft of the person.*

18 *“(B) Aircraft authorized by the person.*

19 *“(2) THROUGH-THE-FENCE AGREEMENTS.—*

20 *“(A) IN GENERAL.—An agreement described*
21 *in paragraph (1) between an airport sponsor*
22 *and a property owner shall be a written agree-*
23 *ment that prescribes the rights, responsibilities,*
24 *charges, duration, and other terms the airport*
25 *sponsor determines are necessary to establish and*

1 *manage the airport sponsor’s relationship with*
2 *the property owner.*

3 “(B) *TERMS AND CONDITIONS.*—*An agree-*
4 *ment described in paragraph (1) between an air-*
5 *port sponsor and a property owner shall require*
6 *the property owner, at minimum—*

7 *“(i) to pay airport access charges that,*
8 *as determined by the airport sponsor, are*
9 *comparable to those charged to tenants and*
10 *operators on-airport making similar use of*
11 *the airport;*

12 *“(ii) to bear the cost of building and*
13 *maintaining the infrastructure that, as de-*
14 *termined by the airport sponsor, is nec-*
15 *essary to provide aircraft located on the*
16 *property adjacent to the airport access to*
17 *the airfield of the airport;*

18 *“(iii) to maintain the property for res-*
19 *idential, noncommercial use for the dura-*
20 *tion of the agreement; and*

21 *“(iv) to prohibit access to the airport*
22 *from other properties through the property*
23 *of the property owner.”.*

24 (b) *APPLICABILITY.*—*The amendment made by sub-*
25 *section (a) shall apply to an agreement between an airport*

1 *sponsor and a property owner entered into before, on, or*
2 *after the date of enactment of this Act.*

3 **SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.**

4 *Section 47109 is amended—*

5 *(1) in subsection (a) by striking “provided in*
6 *subsection (b) or subsection (c) of this section” and*
7 *inserting “otherwise provided in this section”; and*

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

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

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

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

21 *“(2) is located in an area that meets one or more*
22 *of the criteria established in section 301(a) of the*
23 *Public Works and Economic Development Act of 1965*
24 *(42 U.S.C. 3161(a)), as determined by the Secretary*
25 *of Commerce.”.*

1 **SEC. 139. ALLOWABLE PROJECT COSTS.**

2 (a) *ALLOWABLE PROJECT COSTS.*—Section
3 47110(b)(2)(D) is amended to read as follows:

4 “(D) if the cost is for airport development and
5 is incurred before execution of the grant agreement,
6 but in the same fiscal year as execution of the grant
7 agreement, and if—

8 “(i) the cost was incurred before execution
9 of the grant agreement due to climactic condi-
10 tions affecting the construction season in the vi-
11 cinity of the airport;

12 “(ii) the cost is in accordance with an air-
13 port layout plan approved by the Secretary and
14 with all statutory and administrative require-
15 ments that would have been applicable to the
16 project if the project had been carried out after
17 execution of the grant agreement, including sub-
18 mission of a complete grant application to the
19 appropriate regional or district office of the Fed-
20 eral Aviation Administration;

21 “(iii) the sponsor notifies the Secretary be-
22 fore authorizing work to commence on the
23 project;

24 “(iv) the sponsor has an alternative funding
25 source available to fund the project; and

1 “(v) the sponsor’s decision to proceed with
2 the project in advance of execution of the grant
3 agreement does not affect the priority assigned to
4 the project by the Secretary for the allocation of
5 discretionary funds;”.

6 (b) *INCLUSION OF MEASURES TO IMPROVE EFFI-*
7 *CIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT*
8 *PROJECTS.*—Section 47110(b) is amended—

9 (1) in paragraph (5) by striking “; and” and in-
10 serting a semicolon;

11 (2) in paragraph (6) by striking the period at
12 the end and inserting “; and”; and

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

14 “(7) if the cost is incurred on a measure to im-
15 prove the efficiency of an airport building (such as a
16 measure designed to meet one or more of the criteria
17 for being considered a high-performance green build-
18 ing as set forth under section 401(13) of the Energy
19 Independence and Security Act of 2007 (42 U.S.C.
20 17061(13))) and—

21 “(A) the measure is for a project for airport
22 development;

23 “(B) the measure is for an airport building
24 that is otherwise eligible for construction assist-
25 ance under this subchapter; and

1 “(C) if the measure results in an increase
2 in initial project costs, the increase is justified
3 by expected savings over the life cycle of the
4 project.”.

5 (c) *RELOCATION OF AIRPORT-OWNED FACILITIES.*—
6 Section 47110(d) is amended to read as follows:

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

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

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

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

19 (d) *NONPRIMARY AIRPORTS.*—Section 47110(h) is
20 amended—

21 (1) by inserting “construction” before “costs of
22 revenue producing”; and

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

1 **SEC. 140. VETERANS' PREFERENCE.**

2 *Section 47112(c) is amended—*

3 *(1) in paragraph (1)—*

4 *(A) in subparagraph (B) by striking “sepa-*
5 *rated from” and inserting “discharged or re-*
6 *leased from active duty in”; and*

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

8 *“(C) ‘Afghanistan-Iraq war veteran’ means an*
9 *individual who served on active duty (as defined in*
10 *section 101 of title 38) in the Armed Forces in sup-*
11 *port of Operation Enduring Freedom, Operation*
12 *Iraqi Freedom, or Operation New Dawn for more*
13 *than 180 consecutive days, any part of which oc-*
14 *curred after September 11, 2001, and before the date*
15 *prescribed by presidential proclamation or by law as*
16 *the last day of Operation Enduring Freedom, Oper-*
17 *ation Iraqi Freedom, or Operation New Dawn*
18 *(whichever is later), and who was discharged or re-*
19 *leased from active duty in the armed forces under*
20 *honorable conditions.*

21 *“(D) ‘Persian Gulf veteran’ means an individual*
22 *who served on active duty in the Armed Forces in the*
23 *Southwest Asia theater of operations during the Per-*
24 *sian Gulf War for more than 180 consecutive days,*
25 *any part of which occurred after August 2, 1990, and*
26 *before the date prescribed by presidential proclama-*

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

4 “(3) *PARTICIPANTS.*—*A person referred to in*
5 *paragraph (1) is an official or agent of an airport*
6 *sponsor—*

7 “(A) *who is required to provide a written*
8 *assurance under this section or section 47107(e)*
9 *that the airport owner or operator will meet the*
10 *percentage goal of subsection (b) of this section*
11 *or section 47107(e)(1), as the case may be; or*

12 “(B) *who is responsible for determining*
13 *whether or not a small business concern qualifies*
14 *as a small business concern owned and controlled*
15 *by socially and economically disadvantaged in-*
16 *dividuals under this section or section*
17 *47107(e).”.*

18 **SEC. 142. SPECIAL APPORTIONMENT RULES.**

19 “(a) *ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MIN-*
20 *IMUM APPORTIONMENT AMOUNT.*—*Section 47114(d) is*
21 *amended by adding at the end the following:*

22 “(7) *ELIGIBILITY TO RECEIVE PRIMARY AIRPORT*
23 *MINIMUM APPORTIONMENT AMOUNT.*—*Notwith-*
24 *standing any other provision of this subsection, the*
25 *Secretary may apportion to an airport sponsor in a*

1 *fiscal year an amount equal to the minimum appor-*
2 *tionment available under subsection (c)(1)(B) if the*
3 *Secretary finds that the airport—*

4 *“(A) received scheduled or unscheduled air*
5 *service from a large certificated air carrier (as*
6 *defined in part 241 of title 14, Code of Federal*
7 *Regulations, or such other regulations as may be*
8 *issued by the Secretary under the authority of*
9 *section 41709) in the calendar year used to cal-*
10 *culate the apportionment; and*

11 *“(B) had more than 10,000 passenger*
12 *boardings in the calendar year used to calculate*
13 *the apportionment.”.*

14 *(b) SPECIAL RULE FOR FISCAL YEARS 2011 AND*
15 *2012.—Section 47114(c)(1) is amended—*

16 *(1) by striking subparagraphs (F) and (G); and*

17 *(2) by inserting after subparagraph (E) the fol-*
18 *lowing:*

19 *“(F) SPECIAL RULE FOR FISCAL YEARS 2011*
20 *AND 2012.—Notwithstanding subparagraph (A),*
21 *for an airport that had more than 10,000 pas-*
22 *senger boardings and scheduled passenger air-*
23 *craft service in calendar year 2007, but in either*
24 *calendar year 2009 or 2010, or in both years, the*
25 *number of passenger boardings decreased to a*

1 *level below 10,000 boardings per year at such*
2 *airport, the Secretary may apportion in each of*
3 *fiscal years 2011 and 2012 to the sponsor of such*
4 *airport an amount equal to the amount appor-*
5 *tioned to that sponsor in fiscal year 2009.”.*

6 **SEC. 143. APPORTIONMENTS.**

7 *Chapter 471 is amended by striking “\$3,200,000,000”*
8 *and inserting “\$3,000,000,000” in each of the following sec-*
9 *tions:*

10 (1) 47114(c)(1)(C).

11 (2) 47114(c)(2)(C).

12 (3) 47114(d)(3).

13 (4) 47114(e)(4).

14 (5) 47117(e)(1)(C).

15 **SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

16 *Section 47115(j) is amended by striking “fiscal years*
17 *2004 through 2010, and for the portion of fiscal year 2011*
18 *ending before April 1, 2011,” and inserting “fiscal years*
19 *2010 through 2014.”.*

20 **SEC. 145. DESIGNATING CURRENT AND FORMER MILITARY**
21 **AIRPORTS.**

22 (a) *CONSIDERATIONS.*—*Section 47118(c) is amend-*
23 *ed—*

24 (1) *in paragraph (1) by striking “or” after the*
25 *semicolon;*

1 (2) *in paragraph (2) by striking “delays.” and*
2 *inserting “delays; or”; and*

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

4 “(3) *preserve or enhance minimum airfield in-*
5 *frastructure facilities at former military airports to*
6 *support emergency diversionary operations for trans-*
7 *oceanic flights in locations—*

8 “(A) *within United States jurisdiction or*
9 *control; and*

10 “(B) *where there is a demonstrable lack of*
11 *diversionary airports within the distance or*
12 *flight-time required by regulations governing*
13 *transoceanic flights.”.*

14 (b) *DESIGNATION OF GENERAL AVIATION AIRPORTS.—*

15 *Section 47118(g) is amended—*

16 (1) *in the subsection heading by striking “AIR-*
17 *PORT” and inserting “AIRPORTS”; and*

18 (2) *by striking “one of the airports bearing a*
19 *designation under subsection (a) may be a general*
20 *aviation airport that was a former military installa-*
21 *tion” and inserting “3 of the airports bearing des-*
22 *ignations under subsection (a) may be general avia-*
23 *tion airports that were former military installations”.*

24 (c) *SAFETY-CRITICAL AIRPORTS.—Section 47118 is*
25 *amended by adding at the end the following:*

1 “(h) *SAFETY-CRITICAL AIRPORTS.*—*Notwithstanding*
2 *any other provision of this chapter, a grant under section*
3 *47117(e)(1)(B) may be made for a federally owned airport*
4 *designated under subsection (a) if the grant is for a project*
5 *that is—*

6 “(1) *to preserve or enhance minimum airfield*
7 *infrastructure facilities described in subsection (c)(3);*
8 *and*

9 “(2) *necessary to meet the minimum safety and*
10 *emergency operational requirements established under*
11 *part 139 of title 14, Code of Federal Regulations.*”.

12 **SEC. 146. CONTRACT TOWER PROGRAM.**

13 “(a) *COST-BENEFIT REQUIREMENT.*—*Section 47124(b)*
14 *is amended—*

15 “(1) *by striking paragraph (1) and inserting the*
16 *following:*

17 “(1) *CONTRACT TOWER PROGRAM.*—

18 “(A) *CONTINUATION AND EXTENSION.*—*The*
19 *Secretary shall continue the low activity (Visual*
20 *Flight Rules) Level I air traffic control tower*
21 *contract program established under subsection*
22 *(a) for towers existing on December 30, 1987,*
23 *and shall extend the program to other low activ-*
24 *ity air traffic control towers for which a quali-*
25 *fied entity (as determined by the Secretary), a*

1 *State, or a subdivision of the State meeting the*
2 *requirements set forth by the Secretary has re-*
3 *quested to participate in the program.*

4 “(B) *SPECIAL RULE.—If the Secretary de-*
5 *termines that a tower already operating under*
6 *the program continued under this paragraph has*
7 *a benefit-to-cost ratio of less than 1.0, the airport*
8 *sponsor or State or local government having ju-*
9 *risdiction over the airport shall not be required*
10 *to pay the portion of the costs that exceeds the*
11 *benefit for a period of 18 months after such de-*
12 *termination is made.*

13 “(C) *USE OF EXCESS FUNDS.—If the Sec-*
14 *retary finds that all or part of an amount made*
15 *available to carry out the program continued*
16 *under this paragraph is not required during a*
17 *fiscal year, the Secretary may use, during such*
18 *fiscal year, the amount not so required to carry*
19 *out the program established under paragraph*
20 *(3).”;* and

21 *(2) by striking “(2) The Secretary” and insert-*
22 *ing the following:*

23 “(2) *GENERAL AUTHORITY.—The Secretary”.*

24 (b) *COSTS EXCEEDING BENEFITS.—Section*
25 47124(b)(3)(D) *is amended—*

1 (1) by striking “If the costs” and inserting the
2 following:

3 “(i) *COST SHARING.*—If the costs”; and
4 (2) by adding at the end the following:

5 “(ii) *MAXIMUM LOCAL COST SHARE.*—
6 The maximum allowable local cost share al-
7 located under clause (i) for an airport cer-
8 tified under part 139 of title 14, Code of
9 Federal Regulations, with fewer than 50,000
10 annual passenger enplanements shall be
11 capped at 20 percent of the cost of operating
12 an air traffic tower under the program.

13 “(iii) *SUNSET.*—Clause (ii) shall not
14 be in effect after September 30, 2014.”.

15 (c) *FUNDING; USE OF EXCESS FUNDS.*—Section
16 47124(b)(3) is amended by striking subparagraph (E) and
17 inserting the following:

18 “(E) *FUNDING.*—Of the amounts appro-
19 priated pursuant to section 106(k)(1), not more
20 than \$8,500,000 for each of fiscal years 2011
21 through 2014 may be used to carry out this
22 paragraph.

23 “(F) *USE OF EXCESS FUNDS.*—If the Sec-
24 retary finds that all or part of an amount made
25 available under this paragraph is not required

1 *during a fiscal year, the Secretary may use, dur-*
2 *ing such fiscal year, the amount not so required*
3 *to carry out the program continued under para-*
4 *graph (1).”.*

5 *(d) FEDERAL SHARE.—Section 47124(b)(4)(C) is*
6 *amended by striking “\$1,500,000” and inserting*
7 *“\$2,000,000”.*

8 *(e) SAFETY AUDITS.—Section 47124 is amended by*
9 *adding at the end the following:*

10 *“(c) SAFETY AUDITS.—The Secretary shall establish*
11 *uniform standards and requirements for regular safety as-*
12 *sessments of air traffic control towers that receive funding*
13 *under this section.”.*

14 **SEC. 147. RESOLUTION OF DISPUTES CONCERNING AIR-**
15 **PORT FEES.**

16 *(a) IN GENERAL.—Section 47129 is amended—*

17 *(1) by striking the section heading and inserting*
18 *the following:*

19 **“§47129. Resolution of disputes concerning airport**
20 **fees”;**

21 *(2) by inserting “AND FOREIGN AIR CARRIER”*
22 *after “CARRIER” in the heading for subsection (d);*

23 *(3) by inserting “AND FOREIGN AIR CARRIER”*
24 *after “CARRIER” in the heading for subsection (d)(2);*

1 (4) *by striking “air carrier” each place it ap-*
 2 *pears and inserting “air carrier or foreign air car-*
 3 *rier”;*

4 (5) *by striking “air carrier’s” each place it ap-*
 5 *pears and inserting “air carrier’s or foreign air car-*
 6 *rier’s”;*

7 (6) *by striking “air carriers” and inserting “air*
 8 *carriers or foreign air carriers”;* *and*

9 (7) *by striking “(as defined in section 40102 of*
 10 *this title)” in subsection (a) and inserting “(as those*
 11 *terms are defined in section 40102)”.*

12 (b) *CONFORMING AMENDMENT.—The analysis for*
 13 *chapter 471 is amended by striking the item relating to sec-*
 14 *tion 47129 and inserting the following:*

“47129. Resolution of disputes concerning airport fees.”.

15 **SEC. 148. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-**
 16 **SORS.**

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 149. REPEAL OF CERTAIN LIMITATIONS ON METRO-**
2 **POLITAN WASHINGTON AIRPORTS AUTHOR-**
3 **ITY.**

4 *Section 49108, and the item relating to section 49108*
5 *in the analysis for chapter 491, are repealed.*

6 **SEC. 150. MIDWAY ISLAND AIRPORT.**

7 *Section 186(d) of the Vision 100—Century of Aviation*
8 *Reauthorization Act (117 Stat. 2518) is amended by strik-*
9 *ing “October 1, 2010, and for the portion of fiscal year 2011*
10 *ending before April 1, 2011,” and inserting “October 1,*
11 *2014,”.*

12 **SEC. 151. MISCELLANEOUS AMENDMENTS.**

13 *(a) TECHNICAL CHANGES TO NATIONAL PLAN OF IN-*
14 *TEGRATED AIRPORT SYSTEMS.—Section 47103 is amend-*
15 *ed—*

16 *(1) in subsection (a)—*

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

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

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

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

26 *(2) in subsection (b)—*

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

3 (B) by striking paragraph (2) and redesignating
4 paragraph (3) as paragraph (2); and

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

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

10 (b) *CONSOLIDATION OF TERMINAL DEVELOPMENT*

11 *PROVISIONS.*—Section 47119 is amended—

12 (1) by redesignating subsections (a), (b), (c), and
13 (d) as subsections (b), (c), (d), and (e), respectively;

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

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

17 “(1) *IN GENERAL.*—The Secretary of Transpor-
18 tation may approve a project for terminal develop-
19 ment (including multimodal terminal development)
20 in a nonrevenue-producing public-use area of a com-
21 mercial service airport—

22 “(A) if the sponsor certifies that the airport,
23 on the date the grant application is submitted to
24 the Secretary, has—

1 “(i) all the safety equipment required
2 for certification of the airport under section
3 44706;

4 “(ii) all the security equipment re-
5 quired by regulation; and

6 “(iii) provided for access by passengers
7 to the area of the airport for boarding or
8 exiting aircraft that are not air carrier air-
9 craft;

10 “(B) if the cost is directly related to moving
11 passengers and baggage in air commerce within
12 the airport, including vehicles for moving pas-
13 sengers between terminal facilities and between
14 terminal facilities and aircraft; and

15 “(C) under terms necessary to protect the
16 interests of the Government.

17 “(2) *PROJECT IN REVENUE-PRODUCING AREAS*
18 *AND NONREVENUE-PRODUCING PARKING LOTS.—In*
19 *making a decision under paragraph (1), the Secretary*
20 *may approve as allowable costs the expenses of ter-*
21 *минаl development in a revenue-producing area and*
22 *construction, reconstruction, repair, and improvement*
23 *in a nonrevenue-producing parking lot if—*

24 “(A) except as provided in section
25 47108(e)(3), the airport does not have more than

1 *.05 percent of the total annual passenger*
2 *boardings in the United States; and*

3 *“(B) the sponsor certifies that any needed*
4 *airport development project affecting safety, secu-*
5 *rity, or capacity will not be deferred because of*
6 *the Secretary’s approval.”;*

7 *(3) in subsection (b)(4)(B) (as redesignated by*
8 *paragraph (1) of this subsection) by striking “Sec-*
9 *retary of Transportation” and inserting “Secretary”;*

10 *(4) in subsections (b)(3) and (b)(4)(A) (as redesi-*
11 *gnated by paragraph (1) of this subsection) by strik-*
12 *ing “section 47110(d)” and inserting “subsection*
13 *(a)”;*

14 *(5) in subsection (b)(5) (as redesignated by para-*
15 *graph (1) of this subsection) by striking “subsection*
16 *(b)(1) and (2)” and inserting “subsections (c)(1) and*
17 *(c)(2)”;*

18 *(6) in subsections (c)(2)(A), (c)(3), and (c)(4) (as*
19 *redesignated by paragraph (1) of this subsection) by*
20 *striking “section 47110(d) of this title” and inserting*
21 *“subsection (a)”;*

22 *(7) in subsection (c)(2)(B) (as redesignated by*
23 *paragraph (1) of this subsection) by striking “section*
24 *47110(d)” and inserting “subsection (a)”;*

1 (8) *in subsection (c)(5) (as redesignated by para-*
2 *graph (1) of this subsection) by striking “section*
3 *47110(d)” and inserting “subsection (a)”;* and

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

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

11 (c) *ANNUAL REPORT.—Section 47131(a) is amended—*

12 (1) *by striking “April 1” and inserting “June*
13 *1”;* and

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

16 “(1) *a summary of airport development and*
17 *planning completed;*

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

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

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

22 (d) *CORRECTION TO EMISSION CREDITS PROVISION.—*

23 *Section 47139 is amended—*

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

25 *and*

1 (2) *in subsection (b)—*

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

3 (B) *by striking “47103(3)(F),”.*

4 (e) *CONFORMING AMENDMENT TO CIVIL PENALTY AS-*
5 *SESSMENT AUTHORITY.—Section 46301(d)(2) is amended*
6 *by inserting “46319,” after “46318,”.*

7 (f) *OTHER CONFORMING AMENDMENTS.—*

8 (1) *Section 40117(a)(3)(B) is amended by strik-*
9 *ing “section 47110(d)” and inserting “section*
10 *47119(a)”.*

11 (2) *Section 47108(e)(3) is amended—*

12 (A) *by striking “section 47110(d)(2)” and*
13 *inserting “section 47119(a);” and*

14 (B) *by striking “section 47110(d)” and in-*
15 *serting “section 47119(a)”.*

16 (g) *CORRECTION TO SURPLUS PROPERTY AUTHOR-*
17 *ITY.—Section 47151(e) is amended by striking “(other than*
18 *real property” and all that follows through “(10 U.S.C.*
19 *2687 note))”.*

20 (h) *DEFINITIONS.—*

21 (1) *CONGESTED AIRPORT.—Section 47175(2) is*
22 *amended by striking “2001” and inserting “2004 or*
23 *any successor report”.*

24 (2) *JOINT USE AIRPORT.—Section 47175 is*
25 *amended by adding at the end the following:*

1 “(7) *JOINT USE AIRPORT.*—The term ‘joint use
2 *airport*’ means an airport owned by the Department
3 of Defense, at which both military and civilian air-
4 craft make shared use of the airfield.”.

5 **SEC. 152. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
6 **IBLE LAND USE PLANNING AND PROJECTS BY**
7 **STATE AND LOCAL GOVERNMENTS.**

8 Section 47141(f) is amended by striking “March 31,
9 2011” and inserting “September 30, 2014”.

10 **SEC. 153. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
11 **IN COLD WEATHER STATES.**

12 The Administrator of the Federal Aviation Adminis-
13 tration, to the extent practicable, shall schedule the Admin-
14 istrator’s review of construction projects so that projects to
15 be carried out in States in which the weather during a typ-
16 ical calendar year prevents major construction projects
17 from being carried out before May 1 are reviewed as early
18 as possible.

19 **SEC. 154. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**
20 **PORT SYSTEMS.**

21 (a) *IN GENERAL.*—Not later than 90 days after the
22 date of enactment of this Act, the Secretary of Transpor-
23 tation shall begin a study to evaluate the formulation of
24 the national plan of integrated airport systems (in this sec-

1 tion referred to as the “plan”) under section 47103 of title
2 49, United States Code.

3 (b) CONTENTS OF STUDY.—The study shall include a
4 review of the following:

5 (1) The criteria used for including airports in
6 the plan and the application of such criteria in the
7 most recently published version of the plan.

8 (2) The changes in airport capital needs as
9 shown in the 2005–2009 and 2007–2011 plans, com-
10 pared with the amounts apportioned or otherwise
11 made available to individual airports between 2005
12 and 2010.

13 (3) A comparison of the amounts received by air-
14 ports under the airport improvement program in air-
15 port apportionments, State apportionments, and dis-
16 cretionary grants during such fiscal years with cap-
17 ital needs as reported in the plan.

18 (4) The effect of transfers of airport apporportion-
19 ments under title 49, United States Code.

20 (5) An analysis on the feasibility and advis-
21 ability of apportioning amounts under section
22 47114(c)(1) of title 49, United States Code, to the
23 sponsor of each primary airport for each fiscal year
24 an amount that bears the same ratio to the amount
25 subject to the apportionment for fiscal year 2009 as

1 *the number of passenger boardings at the airport dur-*
2 *ing the prior calendar year bears to the aggregate of*
3 *all passenger boardings at all primary airports dur-*
4 *ing that calendar year.*

5 *(6) A documentation and review of the methods*
6 *used by airports to reach the 10,000 passenger*
7 *enplanement threshold, including whether such air-*
8 *ports subsidize commercial flights to reach such*
9 *threshold, at every airport in the United States that*
10 *reported between 10,000 and 15,000 passenger*
11 *enplanements during each of the 2 most recent cal-*
12 *endar years for which such data is available.*

13 *(7) Any other matters pertaining to the plan*
14 *that the Secretary determines appropriate.*

15 *(c) REPORT TO CONGRESS.—*

16 *(1) SUBMISSION.—Not later than 36 months*
17 *after the date that the Secretary begins the study*
18 *under this section, the Secretary shall submit to the*
19 *Committee on Transportation and Infrastructure of*
20 *the House of Representatives and the Committee on*
21 *Commerce, Science, and Transportation of the Senate*
22 *a report on the results of the study.*

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

24 *(A) the findings of the Secretary on each of*
25 *the issues described in subsection (b);*

1 (B) recommendations for any changes to
2 policies and procedures for formulating the plan;
3 and

4 (C) recommendations for any changes to the
5 methods of determining the amounts to be appor-
6 tioned or otherwise made available to individual
7 airports.

8 **SEC. 155. TRANSFERS OF TERMINAL AREA AIR NAVIGATION**
9 **EQUIPMENT TO AIRPORT SPONSORS.**

10 (a) *IN GENERAL.*—Chapter 445 is amended by adding
11 at the end the following:

12 **“§44518. Transfers of terminal area air navigation**
13 **equipment to airport sponsors**

14 “(a) *IN GENERAL.*—Subject to the requirements of this
15 section, the Administrator of the Federal Aviation Adminis-
16 trator may carry out a pilot program under which the Ad-
17 ministrator may transfer ownership, operating, and main-
18 tenance responsibilities for terminal area air navigation
19 equipment at an airport to the airport sponsor.

20 “(b) *PARTICIPATION.*—The Administrator may select
21 the sponsors of not more than 3 nonhub airports, 3 small
22 hub airports, 3 medium hub airports, and 1 large hub air-
23 port to participate in the pilot program.

24 “(c) *TERMS AND CONDITIONS OF TRANSFER FOR AIR-*
25 *PORT SPONSORS.*—As a condition of participating in the

1 *pilot program, the airport sponsor shall provide assurances*
2 *satisfactory to the Administrator that the sponsor will—*

3 “(1) *operate and maintain the terminal area air*
4 *navigation equipment transferred to the sponsor*
5 *under this section in accordance with standards to be*
6 *established by the Administrator;*

7 “(2) *permit the Administrator (or a person des-*
8 *ignated by the Administrator) to conduct inspections*
9 *of such terminal area air navigation equipment*
10 *under a schedule established by the Administrator;*
11 *and*

12 “(3) *acquire and maintain new terminal area*
13 *air navigation equipment at the airport as needed to*
14 *replace equipment at the end of its useful life or to*
15 *meet new standards established by the Administrator.*

16 “(d) *TERMS AND CONDITIONS OF TRANSFER FOR AD-*
17 *MINISTRATOR.—When the Administrator approves an air-*
18 *port sponsor’s participation in the pilot program, the Ad-*
19 *ministrator shall transfer, at no cost to the sponsor, all*
20 *rights, title, and interests of the United States in and to*
21 *the terminal area air navigation equipment to be trans-*
22 *ferred to the sponsor under the program, including the real*
23 *property on which the equipment is located.*

24 “(e) *TREATMENT OF AIRPORT COSTS.—Any costs in-*
25 *curred by an airport sponsor for ownership and mainte-*

1 nance of terminal area air navigation equipment trans-
2 ferred under this section shall be considered a cost of pro-
3 viding airfield facilities and services under standards and
4 guidelines issued by the Secretary of Transportation under
5 section 47129(b)(2) and may be recovered in rates and
6 charges assessed for use of the airport's airfield.

7 “(f) *DEFINITIONS.*—In this section, the following defi-
8 nitions apply:

9 “(1) *SPONSOR.*—The term ‘sponsor’ has the
10 meaning given that term in section 47102.

11 “(2) *TERMINAL AREA AIR NAVIGATION EQUIP-*
12 *MENT.*—The term ‘terminal area air navigation
13 equipment’ means an air navigation facility as de-
14 fined in section 40102 that exists to provide approach
15 and landing guidance to aircraft, but does not include
16 buildings used for air traffic control functions.

17 “(g) *GUIDELINES.*—The Administrator shall issue
18 guidelines on the implementation of the program.”.

19 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
20 445 is amended by adding at the end the following:

“44518. Transfers of terminal area air navigation equipment to airport spon-
sors.”.

21 **SEC. 156. AIRPORT PRIVATIZATION PROGRAM.**

22 (a) *APPROVAL OF APPLICATIONS.*—Section 47134(b) is
23 amended—

1 (1) *in the matter preceding paragraph (1) by*
2 *striking “5 airports” and inserting “10 airports”;*
3 *and*

4 (2) *paragraph (1)—*

5 (A) *by striking subparagraph (A) and in-*
6 *serting the following:*

7 “(A) *IN GENERAL.—The Secretary may*
8 *grant an exemption to an airport sponsor from*
9 *the requirements of sections 47107(b) and 47133*
10 *(and any other law, regulation, or grant assur-*
11 *ance) to the extent necessary to permit the spon-*
12 *sor to recover from the sale or lease of the airport*
13 *such amount as may be approved by the Sec-*
14 *retary after the sponsor has consulted—*

15 “(i) *in the case of a primary airport,*
16 *with each air carrier and foreign air car-*
17 *rier serving the airport, as determined by*
18 *the Secretary; and*

19 “(ii) *in the case of a nonprimary air-*
20 *port, with at least 65 percent of the owners*
21 *of aircraft based at that airport, as deter-*
22 *mined by the Secretary.”; and*

23 (B) *by striking subparagraph (C).*

24 (b) *TERMS AND CONDITIONS.—Section 47134(c) is*
25 *amended—*

1 (1) by striking paragraphs (4), (5), and (9);

2 (2) by redesignating paragraphs (6), (7), and (8)

3 as paragraphs (4), (5), and (6), respectively; and

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

5 “(7) A fee imposed by the airport on an air car-
6 rier or foreign air carrier may not include any por-
7 tion for a return on investment or recovery of prin-
8 cipal with respect to consideration paid to a public
9 agency for the lease or sale of the airport unless that
10 portion of the fee is approved by the air carrier or
11 foreign air carrier.”.

12 (c) *PARTICIPATION OF CERTAIN AIRPORTS.*—Section
13 47134 is amended—

14 (1) by striking subsection (d); and

15 (2) by redesignating subsections (e) through (m)
16 as subsections (d) through (l), respectively.

17 (d) *APPLICABILITY.*—The amendments made by this
18 section shall apply with respect to an exemption issued to
19 an airport under section 47134 of title 49, United States
20 Code, before, on, or after the date of enactment of this Act.

1 **TITLE II—NEXTGEN AIR TRANS-**
2 **PORTATION SYSTEM AND AIR**
3 **TRAFFIC CONTROL MOD-**
4 **ERNIZATION**

5 **SEC. 201. DEFINITIONS.**

6 *In this title, the following definitions apply:*

7 (1) *NEXTGEN.*—*The term “NextGen” means the*
8 *Next Generation Air Transportation System.*

9 (2) *ADS-B.*—*The term “ADS-B” means auto-*
10 *matic dependent surveillance-broadcast.*

11 (3) *ADS-B OUT.*—*The term “ADS-B Out”*
12 *means automatic dependent surveillance-broadcast*
13 *with the ability to transmit information from the air-*
14 *craft to ground stations and to other equipped air-*
15 *craft.*

16 (4) *ADS-B IN.*—*The term “ADS-B In” means*
17 *automatic dependent surveillance-broadcast with the*
18 *ability to transmit information from the aircraft to*
19 *ground stations and to other equipped aircraft as well*
20 *as the ability of the aircraft to receive information*
21 *from other transmitting aircraft and the ground in-*
22 *frastructure.*

23 (5) *RNAV.*—*The term “RNAV” means area*
24 *navigation.*

1 (6) *RNP.*—*The term “RNP” means required*
2 *navigation performance.*

3 **SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.**

4 *In allocating amounts appropriated pursuant to sec-*
5 *tion 48101(a) of title 49, United States Code, the Secretary*
6 *of Transportation shall give priority to the following*
7 *NextGen activities:*

8 (1) *NextGen demonstrations and infrastructure.*

9 (2) *NextGen trajectory-based operations.*

10 (3) *NextGen reduced weather impact.*

11 (4) *NextGen high-density arrivals/departures.*

12 (5) *NextGen collaborative air traffic manage-*
13 *ment.*

14 (6) *NextGen flexible terminals and airports.*

15 (7) *NextGen safety, security, and environmental*
16 *reviews.*

17 (8) *NextGen networked facilities.*

18 (9) *The Center for Advanced Aviation System*
19 *Development.*

20 (10) *NextGen system development.*

21 (11) *Data communications system implementa-*
22 *tion.*

23 (12) *ADS-B infrastructure deployment and*
24 *operational implementation.*

25 (13) *Systemwide information management.*

1 (14) *NextGen facility consolidation and realign-*
2 *ment.*

3 (15) *En route automation modernization.*

4 (16) *National airspace system voice switch.*

5 (17) *NextGen network enabled weather.*

6 **SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO**
7 **REIMBURSABLE AGREEMENTS.**

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

10 **SEC. 204. CHIEF NEXTGEN OFFICER.**

11 *Section 106 is amended by adding at the end the fol-*
12 *lowing:*

13 “(s) *CHIEF NEXTGEN OFFICER.*—

14 “(1) *IN GENERAL.*—

15 “(A) *APPOINTMENT.*—*There shall be a Chief*
16 *NextGen Officer appointed by the Administrator.*
17 *The Chief NextGen Officer shall report directly*
18 *to the Administrator and shall be subject to the*
19 *authority of the Administrator.*

20 “(B) *QUALIFICATIONS.*—*The Chief NextGen*
21 *Officer shall have a demonstrated ability in*
22 *management and knowledge of or experience in*
23 *aviation and systems engineering.*

24 “(C) *TERM.*—*The Chief NextGen Officer*
25 *shall be appointed for a term of 5 years.*

1 “(D) *REMOVAL.*—*The Chief NextGen Officer*
2 *shall serve at the pleasure of the Administrator,*
3 *except that the Administrator shall make every*
4 *effort to ensure stability and continuity in the*
5 *leadership of the implementation of NextGen.*

6 “(E) *VACANCY.*—*Any individual appointed*
7 *to fill a vacancy in the position of Chief NextGen*
8 *Officer occurring before the expiration of the*
9 *term for which the individual’s predecessor was*
10 *appointed shall be appointed for the remainder*
11 *of that term.*

12 “(2) *COMPENSATION.*—

13 “(A) *IN GENERAL.*—*The Chief NextGen Of-*
14 *ficer shall be paid at an annual rate of basic*
15 *pay to be determined by the Administrator. The*
16 *annual rate may not exceed the annual com-*
17 *penetration paid under section 102 of title 3. The*
18 *Chief NextGen Officer shall be subject to the*
19 *postemployment provisions of section 207 of title*
20 *18 as if the position of Chief NextGen Officer*
21 *were described in section 207(c)(2)(A)(i) of that*
22 *title.*

23 “(B) *BONUS.*—*In addition to the annual*
24 *rate of basic pay authorized by subparagraph*
25 *(A), the Chief NextGen Officer may receive a*

1 *bonus for any calendar year not to exceed 30*
2 *percent of the annual rate of basic pay, based*
3 *upon the Administrator’s evaluation of the Chief*
4 *NextGen Officer’s performance in relation to the*
5 *performance goals set forth in the performance*
6 *agreement described in paragraph (3).*

7 “(3) *ANNUAL PERFORMANCE AGREEMENT.—The*
8 *Administrator and the Chief NextGen Officer, in con-*
9 *sultation with the Federal Aviation Management Ad-*
10 *visory Council, shall enter into an annual perform-*
11 *ance agreement that sets forth measurable organiza-*
12 *tion and individual goals for the Chief NextGen Offi-*
13 *cer in key operational areas. The agreement shall be*
14 *subject to review and renegotiation on an annual*
15 *basis.*

16 “(4) *ANNUAL PERFORMANCE REPORT.—The*
17 *Chief NextGen Officer shall prepare and transmit to*
18 *the Secretary of Transportation, the Committee on*
19 *Transportation and Infrastructure of the House of*
20 *Representatives, the Committee on Science and Tech-*
21 *nology of the House of Representatives, and the Com-*
22 *mittee on Commerce, Science, and Transportation of*
23 *the Senate an annual management report containing*
24 *such information as may be prescribed by the Sec-*
25 *retary.*

1 “(5) *RESPONSIBILITIES.*—*The responsibilities of*
2 *the Chief NextGen Officer include the following:*

3 “(A) *Implementing NextGen activities and*
4 *budgets across all program offices of the Federal*
5 *Aviation Administration.*

6 “(B) *Coordinating the implementation of*
7 *NextGen activities with the Office of Manage-*
8 *ment and Budget.*

9 “(C) *Reviewing and providing advice on the*
10 *Administration’s modernization programs, budg-*
11 *et, and cost accounting system with respect to*
12 *NextGen.*

13 “(D) *With respect to the budget of the Ad-*
14 *ministration—*

15 “(i) *developing a budget request of the*
16 *Administration related to the implementa-*
17 *tion of NextGen;*

18 “(ii) *submitting such budget request to*
19 *the Administrator; and*

20 “(iii) *ensuring that the budget request*
21 *supports the annual and long-range stra-*
22 *tegic plans of the Administration with re-*
23 *spect to NextGen.*

1 “(E) Consulting with the Administrator on
2 the Capital Investment Plan of the Administra-
3 tion prior to its submission to Congress.

4 “(F) Developing an annual NextGen imple-
5 mentation plan.

6 “(G) Ensuring that NextGen implementa-
7 tion activities are planned in such a manner as
8 to require that system architecture is designed to
9 allow for the incorporation of novel and cur-
10 rently unknown technologies into NextGen in the
11 future and that current decisions do not bias fu-
12 ture decisions unfairly in favor of existing tech-
13 nology at the expense of innovation.

14 “(H) Coordinating with the NextGen Joint
15 Planning and Development Office with respect to
16 facilitating cooperation among all Federal agen-
17 cies whose operations and interests are affected
18 by the implementation of NextGen.

19 “(6) EXCEPTION.—If the Administrator appoints
20 as the Chief NextGen Officer, pursuant to paragraph
21 (1)(A), an Executive Schedule employee covered by
22 section 5315 of title 5, then paragraphs (1)(B),
23 (1)(C), (2), and (3) of this subsection shall not apply
24 to such employee.

1 “(7) *NEXTGEN DEFINED.*—*For purposes of this*
2 *subsection, the term ‘NextGen’ means the Next Gen-*
3 *eration Air Transportation System.*”.

4 **SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.**

5 *Section 40102(a)(4) is amended—*

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

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

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

12 “(C) *apparatus, equipment, software, or*
13 *service for distributing aeronautical and mete-*
14 *orological information to air traffic control fa-*
15 *cilities or aircraft;*

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

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

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

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

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

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

3 **SEC. 206. CLARIFICATION TO ACQUISITION REFORM AU-**
4 **THORITY.**

5 Section 40110(c) is amended—

6 (1) by inserting “and” after the semicolon in
7 paragraph (3);

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

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

11 **SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**
12 **TIES.**

13 Section 40113(e) is amended—

14 (1) in paragraph (1)—

15 (A) by inserting “(whether public or pri-
16 vate)” after “authorities”; and

17 (B) by striking “safety.” and inserting
18 “safety or efficiency. The Administrator is au-
19 thorized to participate in, and submit offers in
20 response to, competitions to provide these serv-
21 ices, and to contract with foreign aviation au-
22 thorities to provide these services consistent with
23 section 106(l)(6).”;

24 (2) in paragraph (2) by adding at the end the
25 following: “The Administrator is authorized, notwith-

1 *standing any other provision of law or policy, to ac-*
2 *cept payments for services provided under this sub-*
3 *section in arrears.”; and*

4 *(3) by striking paragraph (3) and inserting the*
5 *following:*

6 *“(3) CREDITING APPROPRIATIONS.—Funds re-*
7 *ceived by the Administrator pursuant to this section*
8 *shall—*

9 *“(A) be credited to the appropriation cur-*
10 *rent when the amount is received;*

11 *“(B) be merged with and available for the*
12 *purposes of such appropriation; and*

13 *“(C) remain available until expended.”.*

14 **SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYS-**
15 **TEM JOINT PLANNING AND DEVELOPMENT**
16 **OFFICE.**

17 *(a) REDESIGNATION OF JPDO DIRECTOR TO ASSO-*
18 *CIATE ADMINISTRATOR.—*

19 *(1) ASSOCIATE ADMINISTRATOR FOR NEXT GEN-*
20 *ERATION AIR TRANSPORTATION SYSTEM PLANNING,*
21 *DEVELOPMENT, AND INTERAGENCY COORDINATION.—*
22 *Section 709(a) of the Vision 100—Century of Avia-*
23 *tion Reauthorization Act (49 U.S.C. 40101 note; 117*
24 *Stat. 2582) is amended—*

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

4 (B) by inserting after paragraph (1) the fol-
5 lowing:

6 “(2) *The head of the Office shall be the Associate Ad-*
7 *ministrator for Next Generation Air Transportation Sys-*
8 *tem Planning, Development, and Interagency Coordination,*
9 *who shall be appointed by the Administrator of the Federal*
10 *Aviation Administration. The Administrator shall appoint*
11 *the Associate Administrator after consulting with the*
12 *Chairman of the Next Generation Senior Policy Committee*
13 *and providing advanced notice to the other members of that*
14 *Committee.”.*

15 (2) *RESPONSIBILITIES.*—Section 709(a)(3) of
16 such Act (as redesignated by paragraph (1) of this
17 subsection) is amended—

18 (A) in subparagraph (G) by striking “;
19 and” and inserting a semicolon;

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

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

23 “(I) *establishing specific quantitative goals*
24 *for the safety, capacity, efficiency, performance,*
25 *and environmental impacts of each phase of Next*

1 *Generation Air Transportation System planning*
2 *and development activities and measuring actual*
3 *operational experience against those goals, taking*
4 *into account noise pollution reduction concerns*
5 *of affected communities to the extent practicable*
6 *in establishing the environmental goals;*

7 “(J) *working to ensure global interoper-*
8 *ability of the Next Generation Air Transpor-*
9 *tation System;*

10 “(K) *working to ensure the use of weather*
11 *information and space weather information in*
12 *the Next Generation Air Transportation System*
13 *as soon as possible;*

14 “(L) *overseeing, with the Administrator and*
15 *in consultation with the Chief NextGen Officer,*
16 *the selection of products or outcomes of research*
17 *and development activities that should be moved*
18 *to a demonstration phase; and*

19 “(M) *maintaining a baseline modeling and*
20 *simulation environment for testing and evalu-*
21 *ating alternative concepts to satisfy Next Gen-*
22 *eration Air Transportation System enterprise*
23 *architecture requirements.”.*

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

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

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

7 *“(B) The Secretary of Defense, the Administrator of*
8 *the National Aeronautics and Space Administration, the*
9 *Secretary of Commerce, the Secretary of Homeland Secu-*
10 *rity, and the head of any other Federal agency from which*
11 *the Secretary of Transportation requests assistance under*
12 *subparagraph (A) shall designate a senior official in the*
13 *agency to be responsible for—*

14 *“(i) carrying out the activities of the agency re-*
15 *lating to the Next Generation Air Transportation*
16 *System in coordination with the Office, including the*
17 *execution of all aspects of the work of the agency in*
18 *developing and implementing the integrated work*
19 *plan described in subsection (b)(5);*

20 *“(ii) serving as a liaison for the agency in ac-*
21 *tivities of the agency relating to the Next Generation*
22 *Air Transportation System and coordinating with*
23 *other Federal agencies involved in activities relating*
24 *to the System; and*

1 “(iii) ensuring that the agency meets its obliga-
2 tions as set forth in any memorandum of under-
3 standing executed by or on behalf of the agency relat-
4 ing to the Next Generation Air Transportation Sys-
5 tem.

6 “(C) The head of a Federal agency referred to in sub-
7 paragraph (B) shall—

8 “(i) ensure that the responsibilities of the agency
9 relating to the Next Generation Air Transportation
10 System are clearly communicated to the senior offi-
11 cial of the agency designated under subparagraph
12 (B);

13 “(ii) ensure that the performance of the senior of-
14 ficial in carrying out the responsibilities of the agen-
15 cy relating to the Next Generation Air Transpor-
16 tation System is reflected in the official’s annual per-
17 formance evaluations and compensation;

18 “(iii) establish or designate an office within the
19 agency to carry out its responsibilities under the
20 memorandum of understanding under the supervision
21 of the designated official; and

22 “(iv) ensure that the designated official has suffi-
23 cient budgetary authority and staff resources to carry
24 out the agency’s Next Generation Air Transportation

1 *System responsibilities as set forth in the integrated*
2 *plan under subsection (b).*

3 *“(D) Not later than 6 months after the date of enact-*
4 *ment of this subparagraph, the head of each Federal agency*
5 *that has responsibility for carrying out any activity under*
6 *the integrated plan under subsection (b) shall execute a*
7 *memorandum of understanding with the Office obligating*
8 *that agency to carry out the activity.”.*

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

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

19 *“(B) The Director of the Office of Management and*
20 *Budget, to the extent practicable, shall—*

21 *“(i) ensure that—*

22 *“(I) each Federal agency covered by the*
23 *plan has sufficient funds requested in the Presi-*
24 *dent’s budget, as submitted under section*
25 *1105(a) of title 31, United States Code, for each*

1 *fiscal year covered by the plan to carry out its*
2 *responsibilities under the plan; and*

3 “(II) *the development and implementation*
4 *of the Next Generation Air Transportation Sys-*
5 *tem remains on schedule;*

6 “(ii) *include, in the President’s budget, a state-*
7 *ment of the portion of the estimated budget of each*
8 *Federal agency covered by the plan that relates to the*
9 *activities of the agency under the Next Generation Air*
10 *Transportation System; and*

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

14 “(7) *The Associate Administrator of the Next Genera-*
15 *tion Air Transportation System Planning, Development,*
16 *and Interagency Coordination shall be a voting member of*
17 *the Joint Resources Council of the Federal Aviation Admin-*
18 *istration.”.*

19 (b) *INTEGRATED PLAN.—Section 709(b) of such Act*
20 *(117 Stat. 2583) is amended—*

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

22 (A) *by striking “meets air” and inserting*
23 *“meets anticipated future air”; and*

1 (B) by striking “beyond those currently in-
2 cluded in the Federal Aviation Administration’s
3 operational evolution plan”;

4 (2) at the end of paragraph (3) by striking
5 “and”;

6 (3) at the end of paragraph (4) by striking the
7 period and inserting “; and”; and

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

9 “(5) a multiagency integrated work plan for the
10 Next Generation Air Transportation System that in-
11 cludes—

12 “(A) an outline of the activities required to
13 achieve the end-state architecture, as expressed in
14 the concept of operations and enterprise architec-
15 ture documents, that identifies each Federal
16 agency or other entity responsible for each activ-
17 ity in the outline;

18 “(B) details on a year-by-year basis of spe-
19 cific accomplishments, activities, research re-
20 quirements, rulemakings, policy decisions, and
21 other milestones of progress for each Federal
22 agency or entity conducting activities relating to
23 the Next Generation Air Transportation System;

24 “(C) for each element of the Next Genera-
25 tion Air Transportation System, an outline, on

1 *a year-by-year basis, of what is to be accom-*
2 *plished in that year toward meeting the Next*
3 *Generation Air Transportation System’s end-*
4 *state architecture, as expressed in the concept of*
5 *operations and enterprise architecture docu-*
6 *ments, as well as identifying each Federal agen-*
7 *cy or other entity that will be responsible for*
8 *each component of any research, development, or*
9 *implementation program;*

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

17 *“(E) a clear explanation of how each step*
18 *in the development of the Next Generation Air*
19 *Transportation System will lead to the following*
20 *step and of the implications of not successfully*
21 *completing a step in the time period described in*
22 *the integrated work plan;*

23 *“(F) a transition plan for the implementa-*
24 *tion of the Next Generation Air Transportation*
25 *System that includes date-specific milestones for*

1 *the implementation of new capabilities into the*
2 *national airspace system;*

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

6 “(H) *a description of potentially significant*
7 *operational or workforce changes resulting from*
8 *deployment of the Next Generation Air Trans-*
9 *portation System.”.*

10 (c) *NEXTGEN IMPLEMENTATION PLAN.—Section*
11 *709(d) of such Act (117 Stat. 2584) is amended to read*
12 *as follows:*

13 “(d) *NEXTGEN IMPLEMENTATION PLAN.—The Admin-*
14 *istrator shall develop and publish annually the document*
15 *known as the NextGen Implementation Plan, or any suc-*
16 *cessor document, that provides a detailed description of how*
17 *the agency is implementing the Next Generation Air Trans-*
18 *portation System.”.*

19 (d) *CONTINGENCY PLANNING.—The Associate Admin-*
20 *istrator for the Next Generation Air Transportation System*
21 *Planning, Development, and Interagency Coordination*
22 *shall, as part of the design of the System, develop contin-*
23 *gency plans for dealing with the degradation of the System*
24 *in the event of a natural disaster, major equipment failure,*
25 *or act of terrorism.*

1 **SEC. 209. NEXT GENERATION AIR TRANSPORTATION SEN-**
2 **IOR POLICY COMMITTEE.**

3 (a) *MEETINGS.*—Section 710(a) of the Vision 100—
4 *Century 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 than
12 one year after the date of enactment of this subsection,
13 and annually thereafter on the date of submission of
14 the President’s budget request to Congress under sec-
15 tion 1105(a) of title 31, United States Code, the Sec-
16 retary shall submit to Congress a report summarizing
17 the progress made in carrying out the integrated work
18 plan required by section 709(b)(5) and any changes
19 in that plan.

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

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

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

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

3 “(C) a detailed description of—

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

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

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

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

20 **SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
21 **TORY.**

22 Section 40110(a) is amended by striking paragraphs
23 (2) and (3) and inserting the following:

24 “(2) may construct and improve laboratories
25 and other test facilities; and

1 “(3) may dispose of any interest in property for
2 adequate compensation, and the amount so received
3 shall—

4 “(A) be credited to the appropriation cur-
5 rent when the amount is received;

6 “(B) be merged with and available for the
7 purposes of such appropriation; and

8 “(C) remain available until expended.”.

9 **SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
10 **CAST SERVICES.**

11 *(a) REVIEW BY DOT INSPECTOR GENERAL.—*

12 *(1) IN GENERAL.—The Inspector General of the*
13 *Department of Transportation shall conduct a review*
14 *concerning the Federal Aviation Administration’s*
15 *award and oversight of any contracts entered into by*
16 *the Administration to provide ADS–B services for the*
17 *national airspace system.*

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

20 *(A) an examination of how the Administra-*
21 *tion manages program risks;*

22 *(B) an assessment of expected benefits at-*
23 *tributable to the deployment of ADS–B services,*
24 *including the Administration’s plans for imple-*
25 *mentation of advanced operational procedures*

1 *and air-to-air applications, as well as the extent*
2 *to which ground radar will be retained;*

3 *(C) an assessment of the Administration's*
4 *analysis of specific operational benefits, and ben-*
5 *efit/costs analyses of planned operational benefits*
6 *conducted by the Administration, for ADS-B In*
7 *and ADS-B Out avionics equipage for airspace*
8 *users;*

9 *(C) a determination of whether the Admin-*
10 *istration has established sufficient mechanisms to*
11 *ensure that all design, acquisition, operation,*
12 *and maintenance requirements have been met by*
13 *the contractor;*

14 *(D) an assessment of whether the Adminis-*
15 *tration 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 how security issues are*
21 *being addressed in the overall design and imple-*
22 *mentation of the ADS-B system; and*

23 *(F) any other matters or aspects relating to*
24 *contract implementation and oversight that the*
25 *Inspector General determines merit attention.*

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

8 (b) *RULEMAKINGS.*—

9 (1) *ADS-B IN.*—*Not later than one year after*
10 *the date of enactment of this Act, the Administrator*
11 *of the Federal Aviation Administration shall initiate*
12 *a rulemaking proceeding to issue guidelines and regu-*
13 *lations relating to ADS-B In technology that—*

14 (A) *identify the ADS-B In technology that*
15 *will be required under NextGen;*

16 (B) *subject to paragraph (2), require all*
17 *aircraft operating in capacity constrained air-*
18 *space, at capacity constrained airports, or in*
19 *any other airspace deemed appropriate by the*
20 *Administrator to be equipped with ADS-B In*
21 *technology by 2020; and*

22 (C) *identify—*

23 (i) *the type of avionics required of air-*
24 *craft for all classes of airspace;*

- 1 (ii) the expected costs associated with
2 the avionics; and
3 (iii) the expected uses and benefits of
4 the avionics.

5 (2) *READINESS VERIFICATION.*—Before the date
6 on which all aircraft are required to be equipped with
7 *ADS–B In* technology pursuant to rulemakings con-
8 ducted under paragraph (1), the Chief NextGen Offi-
9 cer shall verify that—

10 (A) the necessary ground infrastructure is
11 installed and functioning properly;

12 (B) certification standards have been ap-
13 proved; and

14 (C) appropriate operational platforms
15 interface safely and efficiently.

16 (c) *USE OF ADS–B TECHNOLOGY.*—

17 (1) *PLANS.*—Not later than 18 months after the
18 date of enactment of this Act, the Administrator shall
19 develop, in consultation with appropriate employee
20 and industry groups, a plan for the use of *ADS–B*
21 technology for surveillance and active air traffic con-
22 trol.

23 (2) *CONTENTS.*—The plan shall—

24 (A) include provisions to test the use of
25 *ADS–B* technology for surveillance and active

1 *air traffic control in specific regions of the*
2 *United States with the most congested airspace;*

3 *(B) identify the equipment required at air*
4 *traffic control facilities and the training re-*
5 *quired for air traffic controllers;*

6 *(C) identify procedures, to be developed in*
7 *consultation with appropriate employee and in-*
8 *dustry groups, to conduct air traffic manage-*
9 *ment in mixed equipage environments; and*

10 *(D) establish a policy in test regions re-*
11 *ferred to in subparagraph (A), in consultation*
12 *with appropriate employee and industry groups,*
13 *to provide incentives for equipage with ADS-B*
14 *technology, including giving priority to aircraft*
15 *equipped with such technology before the 2020*
16 *equipage deadline.*

17 **SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**
18 **FOR NEXTGEN.**

19 *(a) REVIEW.—The Administrator of the Federal Avia-*
20 *tion Administration shall enter into an arrangement with*
21 *the National Research Council to review the enterprise ar-*
22 *chitecture for the NextGen.*

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

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

8 (2) *assess technical, cost, and schedule risk for*
9 *the software development that will be necessary to*
10 *achieve the expected benefits from a highly automated*
11 *air traffic management system and the implications*
12 *for ongoing modernization projects; and*

13 (3) *determine how risks with automation efforts*
14 *for the NextGen can be mitigated based on the experi-*
15 *ences of other public or private entities in developing*
16 *complex, software-intensive systems.*

17 (c) *REPORT.*—*Not later than one year after the date*
18 *of enactment of this Act, the Administrator shall submit*
19 *to the Committee on Transportation and Infrastructure of*
20 *the House of Representatives and the Committee on Com-*
21 *merce, Science, and Transportation of the Senate a report*
22 *containing the results of the review conducted pursuant to*
23 *subsection (a).*

24 **SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.**

25 (a) *AIRPORT PROCEDURES.*—

1 (1) *IN GENERAL.*—Not later than 6 months after
2 the date of enactment of this Act, the Administrator
3 of the Federal Aviation Administration shall publish
4 a report, after consultation with representatives of ap-
5 propriate Administration employee groups, airport
6 operators, air carriers, general aviation representa-
7 tives, flight path service providers, and aircraft man-
8 ufacturers that includes the following:

9 (A) *RNP/RNAV OPERATIONS.*—The re-
10 quired navigation performance and area naviga-
11 tion operations, including the procedures to be
12 developed, certified, and published and the air
13 traffic control operational changes, to maximize
14 the efficiency and capacity of NextGen commer-
15 cial operations at the 35 operational evolution
16 partnership airports identified by the Adminis-
17 tration.

18 (B) *COORDINATION AND IMPLEMENTATION*
19 *ACTIVITIES.*—A description of the activities and
20 operational changes and approvals required to
21 coordinate and utilize those procedures at those
22 airports.

23 (C) *IMPLEMENTATION PLAN.*—A plan for
24 implementing those procedures that establishes—

1 (i) clearly defined budget, schedule,
2 project organization, and leadership re-
3 quirements;

4 (ii) specific implementation and tran-
5 sition steps; and

6 (iii) baseline and performance metrics
7 for—

8 (I) measuring the Administra-
9 tion’s progress in implementing the
10 plan, including the percentage utiliza-
11 tion of required navigation perform-
12 ance in the national airspace system;
13 and

14 (II) achieving measurable fuel
15 burn and carbon dioxide emissions re-
16 ductions compared to current perform-
17 ance; and

18 (iv) expedited environmental review
19 procedures for timely environmental ap-
20 proval of area navigation and required
21 navigation performance that offer signifi-
22 cant efficiency improvements as determined
23 by baseline and performance metrics under
24 clause (iii).

1 (D) *ADDITIONAL PROCEDURES.*—A process
2 for the identification, certification, and publica-
3 tion of additional required navigation perform-
4 ance and area navigation procedures that may
5 be required at such airports in the future.

6 (2) *IMPLEMENTATION SCHEDULE.*—The Admin-
7 istrator shall certify, publish, and implement—

8 (A) 30 percent of the required procedures
9 not later than 18 months after the date of enact-
10 ment of this Act;

11 (B) 60 percent of the procedures not later
12 than 36 months after the date of enactment of
13 this Act; and

14 (C) 100 percent of the procedures before
15 June 30, 2015.

16 (b) *ESTABLISHMENT OF PRIORITIES.*—The Adminis-
17 trator shall extend the charter of the Performance Based
18 Navigation Aviation Rulemaking Committee as necessary
19 to establish priorities for the development, certification,
20 publication, and implementation of the navigation perform-
21 ance and area navigation procedures based on their poten-
22 tial safety and efficiency benefits to other airports in the
23 national airspace system, including small and medium hub
24 airports.

1 (c) *COORDINATED AND EXPEDITED REVIEW.*—*Navigation*
2 *performance and area navigation procedures devel-*
3 *oped, certified, published, and implemented under this sec-*
4 *tion shall be presumed to be covered by a categorical exclu-*
5 *sion (as defined in section 1508.4 of title 40, Code of Fed-*
6 *eral Regulations) under chapter 3 of FAA Order 1050.1E*
7 *unless the Administrator determines that extraordinary cir-*
8 *cumstances exist with respect to the procedure.*

9 (d) *DEPLOYMENT PLAN FOR NATIONWIDE DATA COM-*
10 *MUNICATIONS SYSTEM.*—*Not later than one year after the*
11 *date of enactment of this Act, the Administrator shall sub-*
12 *mit to the Committee on Commerce, Science, and Transpor-*
13 *tation of the Senate and the Committee on Transportation*
14 *and Infrastructure of the House of Representatives a plan*
15 *for implementation of a nationwide data communications*
16 *system. The plan shall include—*

17 (1) *clearly defined budget, schedule, project orga-*
18 *nization, and leadership requirements;*

19 (2) *specific implementation and transition steps;*
20 *and*

21 (3) *baseline and performance metrics for meas-*
22 *uring the Administration’s progress in implementing*
23 *the plan.*

24 (e) *IMPROVED PERFORMANCE STANDARDS.*—

1 (1) *ASSESSMENT OF WORK BEING PERFORMED*
2 *UNDER NEXTGEN IMPLEMENTATION PLAN.*—*The Ad-*
3 *ministrators shall clearly outline in the NextGen Im-*
4 *plementation Plan document of the Administration*
5 *the work being performed under the plan to deter-*
6 *mine—*

7 (A) *whether utilization of ADS-B, RNP,*
8 *and other technologies as part of NextGen imple-*
9 *mentation will display the position of aircraft*
10 *more accurately and frequently so as to enable a*
11 *more efficient use of existing airspace and result*
12 *in reduced consumption of aviation fuel and air-*
13 *craft engine emissions; and*

14 (B) *the feasibility of reducing aircraft sepa-*
15 *ration standards in a safe manner as a result of*
16 *the implementation of such technologies.*

17 (2) *AIRCRAFT SEPARATION STANDARDS.*—*If the*
18 *Administrator determines that the standards referred*
19 *to in paragraph (1)(B) can be reduced safely, the Ad-*
20 *ministrators shall include in the NextGen Implementa-*
21 *tion Plan a timetable for implementation of such re-*
22 *duced standards.*

23 (f) *THIRD-PARTY USAGE.*—*The Administration shall*
24 *establish a program under which the Administration will*

1 *use third parties in the development, testing, and mainte-*
2 *nance of flight procedures.*

3 **SEC. 214. PERFORMANCE METRICS.**

4 *(a) IN GENERAL.—Not later than 180 days after the*
5 *date of enactment of this Act, the Administrator of the Fed-*
6 *eral Aviation Administration shall establish and begin*
7 *tracking national airspace system performance metrics, in-*
8 *cluding, at a minimum, metrics with respect to—*

9 *(1) actual arrival and departure rates per hour*
10 *measured against the currently published aircraft ar-*
11 *rival rate and aircraft departure rate for the 35 oper-*
12 *ational evolution partnership airports;*

13 *(2) average gate-to-gate times;*

14 *(3) fuel burned between key city pairs;*

15 *(4) operations using the advanced navigation*
16 *procedures, including performance based navigation*
17 *procedures;*

18 *(5) the average distance flown between key city*
19 *pairs;*

20 *(6) the time between pushing back from the gate*
21 *and taking off;*

22 *(7) continuous climb or descent;*

23 *(8) average gate arrival delay for all arrivals;*

24 *(9) flown versus filed flight times for key city*
25 *pairs;*

1 (10) *implementation of NextGen Implementation*
2 *Plan, or any successor document, capabilities de-*
3 *signed to reduce emissions and fuel consumption;*

4 (11) *the Administration’s unit cost of providing*
5 *air traffic control services; and*

6 (12) *runway safety, including runway incur-*
7 *sions, operational errors, and loss of standard separa-*
8 *tion events.*

9 (b) *BASELINES.*—*The Administrator, in consultation*
10 *with aviation industry stakeholders, shall identify baselines*
11 *for each of the metrics established under subsection (a) and*
12 *appropriate methods to measure deviations from the base-*
13 *lines.*

14 (c) *PUBLICATION.*—*The Administrator shall make*
15 *data obtained under subsection (a) available to the public*
16 *in a searchable, sortable, and downloadable format through*
17 *the Web site of the Administration and other appropriate*
18 *media.*

19 (d) *REPORT.*—*Not later than 180 days after the date*
20 *of enactment of this Act, the Administrator shall submit*
21 *to the Committee on Commerce, Science, and Transpor-*
22 *tation of the Senate and the Committee on Transportation*
23 *and Infrastructure of the House of Representatives a report*
24 *that contains—*

1 (1) a description of the metrics that will be used
2 to measure the Administration's progress in imple-
3 menting NextGen capabilities and operational results;

4 (2) information on any additional metrics devel-
5 oped; and

6 (3) a process for holding the Administration ac-
7 countable for meeting or exceeding the metrics base-
8 lines identified in subsection (b).

9 **SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Administrator of the Federal Aviation Ad-
12 ministration shall develop a plan to accelerate and stream-
13 line the process for certification of NextGen technologies, in-
14 cluding—

15 (1) establishment of updated project plans and
16 timelines;

17 (2) identification of the specific activities needed
18 to certify NextGen technologies, including the estab-
19 lishment of NextGen technical requirements for the
20 manufacture of equipage, installation of equipage,
21 airline operational procedures, pilot training stand-
22 ards, air traffic control procedures, and air traffic
23 controller training;

24 (3) identification of staffing requirements for the
25 Air Certification Service and the Flight Standards

1 *Service, taking into consideration the leveraging of*
2 *assistance from third parties and designees;*

3 *(4) establishment of a program under which the*
4 *Administration will use third parties in the certifi-*
5 *cation process; and*

6 *(5) establishment of performance metrics to*
7 *measure the Administration's progress.*

8 **SEC. 216. SURFACE SYSTEMS ACCELERATION.**

9 *(a) IN GENERAL.—The Chief Operating Officer of the*
10 *Air Traffic Organization shall—*

11 *(1) evaluate the Airport Surface Detection*
12 *Equipment-Model X program for its potential con-*
13 *tribution to implementation of the NextGen initiative;*

14 *(2) evaluate airport surveillance technologies and*
15 *associated collaborative surface management software*
16 *for potential contributions to implementation of*
17 *NextGen surface management;*

18 *(3) accelerate implementation of the program re-*
19 *ferred to in paragraph (1); and*

20 *(4) carry out such additional duties as the Ad-*
21 *ministrator of the Federal Aviation Administration*
22 *may require.*

23 ***(b) EXPEDITED CERTIFICATION AND UTILIZATION.—***
24 *The Administrator shall—*

1 (1) *consider options for expediting the certifi-*
2 *cation of Ground-Based Augmentation System tech-*
3 *nology; and*

4 (2) *develop a plan to utilize such a system at the*
5 *35 operational evolution partnership airports by Sep-*
6 *tember 30, 2012.*

7 **SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**
8 **CONTROL MODERNIZATION PROJECTS.**

9 (a) *PROCESS FOR EMPLOYEE INCLUSION.*—*Notwith-*
10 *standing any other law or agreement, the Administrator of*
11 *the Federal Aviation Administration shall establish a proc-*
12 *ess or processes for including qualified employees to serve*
13 *in a collaborative and expert capacity in the planning and*
14 *development of air traffic control modernization projects,*
15 *including NextGen.*

16 (b) *ADHERENCE TO DEADLINES.*—*Participants in*
17 *these processes shall adhere to all deadlines and milestones*
18 *established pursuant to this title.*

19 (c) *NO CHANGE IN EMPLOYEE STATUS.*—*Participa-*
20 *tion in these processes by an employee shall not—*

21 (1) *serve as a waiver of any bargaining obliga-*
22 *tions or rights;*

23 (2) *entitle the employee to any additional com-*
24 *penetration or benefits; or*

1 (3) *entitle the employee to prevent or unduly*
 2 *delay the exercise of management prerogatives.*

3 (d) *WORKING GROUPS.—Except in extraordinary cir-*
 4 *cumstances, the Administrator shall not pay overtime re-*
 5 *lated to work group participation.*

6 (e) *REPORT.—Not later than 180 days after the date*
 7 *of enactment of this Act, the Administrator shall report to*
 8 *Committee on Transportation and Infrastructure of the*
 9 *House of Representatives and the Committee on Commerce,*
 10 *Science, and Transportation of the Senate concerning the*
 11 *disputes between participating employees and Administra-*
 12 *tion management that have led to delays to the implementa-*
 13 *tion of NextGen, including information on the source of the*
 14 *dispute, the resulting length of delay, and associated cost*
 15 *increases.*

16 **SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGATIONAL**
 17 **AIDS AND OTHER ASSETS.**

18 (a) *SURVEY AND ASSESSMENT.—*

19 (1) *IN GENERAL.—Not later than 180 days after*
 20 *the date of enactment of this Act, in order to address*
 21 *safety and operational concerns associated with the*
 22 *construction, alteration, establishment, or expansion*
 23 *of wind farms in proximity to critical Federal Avia-*
 24 *tion Administration facilities, the Administrator of*
 25 *the Federal Aviation Administration shall complete a*

1 *survey and assessment of leases for critical Adminis-*
2 *tration facility sites, including—*

3 *(A) an inventory of the leases that describes,*
4 *for each such lease—*

5 *(i) the periodic cost, location, site,*
6 *terms, number of years remaining, and les-*
7 *sor;*

8 *(ii) other Administration facilities that*
9 *share the leasehold, including surveillance*
10 *and communications equipment; and*

11 *(iii) the type of transmission services*
12 *supported, including the terms of service,*
13 *cost, and support contract obligations for*
14 *the services; and*

15 *(B) a list of those leases for facilities located*
16 *in or near areas suitable for the construction*
17 *and operation of wind farms, as determined by*
18 *the Administrator in consultation with the Sec-*
19 *retary of Energy.*

20 *(2) MEMORANDUM OF UNDERSTANDING.—The*
21 *Administrator and the Secretary of Energy shall*
22 *enter into a memorandum of understanding regard-*
23 *ing the use and distribution of the list referred to in*
24 *paragraph (1)(B), including considerations of privacy*

1 *and proprietary information, database development,*
2 *or other relevant applications.*

3 (3) *REPORT.*—*Upon completion of the survey*
4 *and assessment, the Administrator shall submit a re-*
5 *port to the Committee on Commerce, Science, and*
6 *Transportation of the Senate, the Committee on*
7 *Transportation and Infrastructure of the House of*
8 *Representatives, and the Comptroller General con-*
9 *taining the Administrator’s findings, conclusions, and*
10 *recommendations.*

11 (b) *GAO ASSESSMENT.*—*Not later than 180 days after*
12 *receiving the Administrator’s report under subsection*
13 *(a)(3), the Comptroller General, in consultation with the*
14 *Administrator and other interested parties, shall report*
15 *on—*

16 (1) *the current and potential impact of wind*
17 *farms on the national airspace system;*

18 (2) *the extent to which the Department of De-*
19 *fense and the Administration have guidance, proc-*
20 *esses, and procedures in place to evaluate the impact*
21 *of wind farms on the implementation of the NextGen*
22 *air traffic control system; and*

23 (3) *potential mitigation strategies, if necessary,*
24 *to ensure that wind farms do not have an adverse im-*
25 *act on the implementation of the Next Generation*

1 *air traffic control system, including the installation*
2 *of navigational aids associated with that system.*

3 *(c) ISSUANCE OF GUIDELINES.—Not later than 180*
4 *days after the Administrator receives the Comptroller’s rec-*
5 *ommendations, the Administrator shall consult with State,*
6 *Federal, and industry stakeholders and publish guidelines*
7 *for the construction and operation of wind farms that are*
8 *to be located in proximity to critical Administration facili-*
9 *ties. The guidelines may include—*

10 *(1) the establishment of a zone system for wind*
11 *farms based on proximity to critical Administration*
12 *assets;*

13 *(2) the establishment of turbine height and den-*
14 *sity limitations on such wind farms; and*

15 *(3) any other requirements or recommendations*
16 *designed to address Administration safety or oper-*
17 *ational concerns related to the construction, alter-*
18 *ation, establishment, or expansion of such wind*
19 *farms.*

20 *(d) REPORTS.—The Administrator and the Comp-*
21 *troller General shall provide a copy of reports under sub-*
22 *sections (a) and (b), respectively, to—*

23 *(1) the Committee on Commerce, Science, and*
24 *Transportation, the Committee on Homeland Secu-*

1 *riety and Governmental Affairs, the Committee on*
2 *Armed Services of the Senate; and*

3 *(2) the Committee on Transportation and Infra-*
4 *structure, the Committee on Homeland Security, the*
5 *Committee on Armed Services, and the Committee on*
6 *Science and Technology of the House of Representa-*
7 *tives.*

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

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

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

16 *(2) The critical importance of airspace redesign*
17 *efforts is underscored by the fact that they are high-*
18 *lighted in strategic plans of the Administration, in-*
19 *cluding Flight Plan 2009–2013 and the NextGen Im-*
20 *plementation Plan.*

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

1 (4) *Several new runways planned for the period*
2 *of fiscal years 2011 and 2012 will not provide esti-*
3 *mated capacity benefits without additional funds.*

4 **(b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/**
5 **PHILADELPHIA METROPOLITAN AREA AIRSPACE REDE-**
6 **SIGN.—**

7 (1) *MONITORING.—The Administrator of the*
8 *Federal Aviation Administration, in conjunction with*
9 *the Port Authority of New York and New Jersey and*
10 *the Philadelphia International Airport, shall monitor*
11 *the noise impacts of the New York/New Jersey/Phila-*
12 *delphia Metropolitan Area Airspace Redesign.*

13 (2) *REPORT.—Not later than one year following*
14 *the first day of completion of the New York/New Jer-*
15 *sey/Philadelphia Metropolitan Area Airspace Rede-*
16 *sign, the Administrator shall submit to Congress a re-*
17 *port on the findings of the Administrator with respect*
18 *to monitoring conducted under paragraph (1).*

19 **TITLE III—SAFETY**

20 **Subtitle A—General Provisions**

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

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

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

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

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

16 *Section 44704(a) is amended by adding at the end the*
17 *following:*

18 “(5) *RELEASE OF DATA.—*

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

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

5 “(i) *the certificate containing the re-*
6 *quested data has been inactive for 3 or more*
7 *years, except that the Administrator may*
8 *reduce this time if required to address an*
9 *unsafe condition associated with the prod-*
10 *uct;*

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

16 “(iii) *making such data available will*
17 *enhance aviation safety.*

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

1 *for individual parts or components approved as*
2 *part of the particular certificate for the aircraft,*
3 *engine, propeller, or appliance.*

4 “(C) *REQUIREMENT TO MAINTAIN DATA.—*

5 *The Administrator shall maintain engineering*
6 *data in the possession of the Administration re-*
7 *lating to a type certificate or a supplemental*
8 *type certificate that has been inactive for 3 or*
9 *more years.”.*

10 **SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CER-**
11 **TIFICATES.**

12 *(a) IN GENERAL.—Section 44704(e) is amended to*
13 *read as follows:*

14 “(e) *DESIGN AND PRODUCTION ORGANIZATION CER-*
15 *TIFICATES.—*

16 “(1) *ISSUANCE.—Beginning January 1, 2013,*
17 *the Administrator may issue a certificate to a design*
18 *organization, production organization, or design and*
19 *production organization to authorize the organization*
20 *to certify compliance of aircraft, aircraft engines,*
21 *propellers, and appliances with the requirements and*
22 *minimum standards prescribed under section*
23 *44701(a). An organization holding a certificate issued*
24 *under this subsection shall be known as a certified de-*

1 *sign and production organization (in this subsection*
2 *referred to as a ‘CDPO’).*

3 “(2) *APPLICATIONS.*—*On receiving an applica-*
4 *tion for a CDPO certificate, the Administrator shall*
5 *examine and rate the organization submitting the ap-*
6 *plication, in accordance with regulations to be pre-*
7 *scribed by the Administrator, to determine whether*
8 *the organization has adequate engineering, design,*
9 *and production capabilities, standards, and safe-*
10 *guards to make certifications of compliance as de-*
11 *scribed in paragraph (1).*

12 “(3) *ISSUANCE OF CERTIFICATES BASED ON*
13 *CDPO FINDINGS.*—*The Administrator may rely on*
14 *certifications of compliance by a CDPO when making*
15 *determinations under this section.*

16 “(4) *PUBLIC SAFETY.*—*The Administrator shall*
17 *include in a CDPO certificate terms required in the*
18 *interest of safety.*

19 “(5) *NO EFFECT ON POWER OF REVOCATION.*—
20 *Nothing in this subsection affects the authority of the*
21 *Secretary of Transportation to revoke a certificate.”.*

22 (b) *APPLICABILITY.*—*Before January 1, 2013, the Ad-*
23 *ministrator of the Federal Aviation Administration may*
24 *continue to issue certificates under section 44704(e) of title*

1 49, United States Code, as in effect on the day before the
2 date of enactment of this Act.

3 (c) *CLERICAL AMENDMENTS.*—Chapter 447 is amend-
4 ed—

5 (1) in the heading for section 44704 by striking
6 “**and design organization certificates**” and
7 inserting “, **and design and production or-**
8 **ganization certificates**”; and

9 (2) in the analysis for such chapter by striking
10 the item relating to section 44704 and inserting the
11 following:

“44704. Type certificates, production certificates, airworthiness certificates, and
design and production organization certificates.”.

12 **SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND**
13 **REFORM.**

14 (a) *GENERAL.*—The Administrator of the Federal
15 Aviation Administration, in consultation with representa-
16 tives of the aviation industry, shall conduct an assessment
17 of the certification and approval process under section
18 44704 of title 49, United States Code.

19 (b) *CONTENTS.*—In conducting the assessment, the Ad-
20 ministrator shall consider—

21 (1) the expected number of applications for prod-
22 uct certifications and approvals the Administrator
23 will receive under section 44704 of such title in the

1 1-year, 5-year, and 10-year periods following the date
2 of enactment of this Act;

3 (2) process reforms and improvements necessary
4 to allow the Administrator to review and approve the
5 applications in a fair and timely fashion;

6 (3) the status of recommendations made in pre-
7 vious reports on the Administration's certification
8 process;

9 (4) methods for enhancing the effective use of del-
10 egation systems, including organizational designation
11 authorization;

12 (5) methods for training the Administration's
13 field office employees in the safety management sys-
14 tem and auditing; and

15 (6) the status of updating airworthiness require-
16 ments, including implementing recommendations in
17 the Administration's report entitled "Part 23—Small
18 Airplane Certification Process Study" (OK-09-3468,
19 dated July 2009).

20 (c) *RECOMMENDATIONS.*—In conducting the assess-
21 ment, the Administrator shall make recommendations to
22 improve efficiency and reduce costs through streamlining
23 and reengineering the certification process under section
24 44704 of such title to ensure that the Administrator can
25 conduct certifications and approvals under such section in

1 *a manner that supports and enables the development of new*
2 *products and technologies and the global competitiveness of*
3 *the United States aviation industry.*

4 *(d) REPORT.—Not later than 180 days after the date*
5 *of enactment of this Act, the Administrator shall submit*
6 *to the Committee on Transportation and Infrastructure of*
7 *the House of Representatives and the Committee on Com-*
8 *merce, Science, and Transportation of the Senate a report*
9 *on the results of the assessment, together with an expla-*
10 *nation of how the Administrator will implement rec-*
11 *ommendations made under subsection (c) and measure the*
12 *effectiveness of the recommendations.*

13 *(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not*
14 *later than one year after the date of enactment of this Act,*
15 *the Administrator shall begin to implement the rec-*
16 *ommendations made under subsection (c).*

17 **SEC. 305. CONSISTENCY OF REGULATORY INTERPRETA-**
18 **TION.**

19 *(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later*
20 *than 90 days after the date of enactment of this Act, the*
21 *Administrator of the Federal Aviation Administration shall*
22 *establish an advisory panel comprised of both Government*
23 *and industry representatives to—*

1 (1) *review the October 2010 report by the Gov-*
2 *ernment Accountability Office on certification and*
3 *approval processes (GAO–11–14); and*

4 (2) *develop recommendations to address the find-*
5 *ings in the report and other concerns raised by inter-*
6 *ested parties, including representatives of the aviation*
7 *industry.*

8 (b) *MATTERS TO BE CONSIDERED.*—*The advisory*
9 *panel shall—*

10 (1) *determine the root causes of inconsistent in-*
11 *terpretation of regulations by the Administration’s*
12 *Flight Standards Service and Aircraft Certification*
13 *Service;*

14 (2) *develop recommendations to improve the con-*
15 *sistency of interpreting regulations by the Adminis-*
16 *tration’s Flight Standards Service and Aircraft Cer-*
17 *tification Service; and*

18 (3) *develop recommendations to improve commu-*
19 *nications between the Administration’s Flight Stand-*
20 *ards Service and Aircraft Certification Service and*
21 *applicants and certificate and approval holders for*
22 *the identification and resolution of potentially ad-*
23 *verse issues in an expeditious and fair manner.*

24 (c) *REPORT.*—*Not later than 6 months after the date*
25 *of enactment of this Act, the Administrator shall transmit*

1 *to 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 a report*
4 *on the findings of the advisory panel, together with an ex-*
5 *planation of how the Administrator will implement the rec-*
6 *ommendations of the advisory panel and measure the effec-*
7 *tiveness of the recommendations.*

8 **SEC. 306. RUNWAY SAFETY.**

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

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

15 (2) *CONTENTS OF PLAN.*—*The strategic runway*
16 *safety plan—*

17 (A) *shall include, at a minimum—*

18 (i) *goals to improve runway safety;*

19 (ii) *near and long term actions de-*
20 *signed to reduce the severity, number, and*
21 *rate of runway incursions, losses of stand-*
22 *ard separation, and operational errors;*

23 (iii) *time frames and resources needed*
24 *for the actions described in clause (ii);*

1 (iv) a continuous evaluative process to
2 track performance toward the goals referred
3 to in clause (i); and

4 (v) a review of every commercial serv-
5 ice airport (as defined in section 47102 of
6 title 49, United States Code) in the United
7 States and proposed action to improve air-
8 port lighting, provide better signs, and im-
9 prove runway and taxiway markings; and
10 (B) shall address the increased runway safe-
11 ty risk associated with the expected increased
12 volume of air traffic.

13 (b) *PROCESS.*—Not later than 6 months after the date
14 of enactment of this Act, the Administrator shall develop
15 a process for tracking and investigating operational errors,
16 losses of standard separation, and runway incursions that
17 includes procedures for—

18 (1) identifying who is responsible for tracking
19 operational errors, losses of standard separation, and
20 runway incursions, including a process for lower level
21 employees to report to higher supervisory levels and
22 for frontline managers to receive the information in
23 a timely manner;

24 (2) conducting periodic random audits of the
25 oversight process; and

1 (3) *ensuring proper accountability.*

2 (c) *PLAN FOR INSTALLATION AND DEPLOYMENT OF*
3 *SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY IN-*
4 *CURSIONS.*—*Not later than December 31, 2011, the Admin-*
5 *istrator shall submit to Congress a report containing a plan*
6 *for the installation and deployment of systems the Adminis-*
7 *trator is installing to alert controllers or flight crew-*
8 *members, or both, of potential runway incursions. The plan*
9 *shall be integrated into the annual NextGen Implementa-*
10 *tion Plan document of the Administration or any successor*
11 *document.*

12 **SEC. 307. IMPROVED PILOT LICENSES.**

13 (a) *IN GENERAL.*—*Not later than 9 months after the*
14 *date of enactment of this Act, the Administrator of the Fed-*
15 *eral Aviation Administration shall begin to issue improved*
16 *pilot licenses consistent with the requirements of title 49,*
17 *United States Code, and title 14, Code of Federal Regula-*
18 *tions.*

19 (b) *REQUIREMENTS.*—*Improved pilot licenses issued*
20 *under subsection (a) shall—*

21 (1) *be resistant to tampering, alteration, and*
22 *counterfeiting;*

23 (2) *include a photograph of the individual to*
24 *whom the license is issued; and*

1 (3) *be capable of accommodating a digital photo-*
2 *graph, a biometric identifier, and any other unique*
3 *identifier that the Administrator considers necessary.*

4 (c) *TAMPERING.—To the extent practical, the Admin-*
5 *istrator shall develop methods to determine or reveal wheth-*
6 *er any component or security feature of a license issued*
7 *under subsection (a) has been tampered with, altered, or*
8 *counterfeited.*

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

12 (e) *REPORT.—*

13 (1) *IN GENERAL.—Not later than one year after*
14 *the date of enactment of this Act, and annually there-*
15 *after, the Administrator shall submit to the Com-*
16 *mittee on Transportation and Infrastructure of the*
17 *House of Representatives and the Committee on Com-*
18 *merce, Science, and Transportation of the Senate a*
19 *report on the issuance of improved pilot licenses*
20 *under this section.*

21 (2) *EXPIRATION.—The Administrator shall not*
22 *be required to submit annual reports under this sub-*
23 *section after the date on which the Administrator be-*
24 *gins issuing improved pilot licenses under this section*
25 *or December 31, 2015, whichever occurs first.*

1 **SEC. 308. FLIGHT ATTENDANT FATIGUE.**

2 (a) *STUDY.*—*The Administrator of the Federal Avia-*
3 *tion Administration, acting through the Civil Aerospace*
4 *Medical Institute, shall conduct a study on the issue of*
5 *flight attendant fatigue.*

6 (b) *CONTENTS.*—*The study shall include the following:*

7 (1) *A survey of field operations of flight attend-*
8 *ants.*

9 (2) *A study of incident reports regarding flight*
10 *attendant fatigue.*

11 (3) *A review of international policies and prac-*
12 *tices regarding flight limitations and rest of flight at-*
13 *tendants.*

14 (4) *An analysis of potential benefits of training*
15 *flight attendants regarding fatigue.*

16 (c) *REPORT.*—*Not later than September 30, 2012, the*
17 *Administrator shall submit to Congress a report on the re-*
18 *sults of the study.*

19 **SEC. 309. FLIGHT STANDARDS EVALUATION PROGRAM.**

20 (a) *IN GENERAL.*—*Not later than 180 days after the*
21 *date of enactment of this Act, the Administrator of the Fed-*
22 *eral Aviation Administration shall modify the Flight*
23 *Standards Evaluation Program—*

24 (1) *to include periodic and random reviews as*
25 *part of the Administration's oversight of air carriers;*
26 *and*

1 (2) *to prohibit an individual from participating*
2 *in a review or audit of an office with responsibility*
3 *for an air carrier under the program if the indi-*
4 *vidual, at any time in the 5-year period preceding*
5 *the date of the review or audit, had responsibility for*
6 *inspecting, or overseeing the inspection of, the oper-*
7 *ations of that carrier.*

8 (b) *ANNUAL REPORT.*—*Not later than one year after*
9 *the date of enactment of this Act, and annually thereafter,*
10 *the Administrator shall submit to the Committee on Com-*
11 *merce, Science, and Transportation of the Senate and the*
12 *Committee on Transportation and Infrastructure of the*
13 *House of Representatives a report on the Flight Standards*
14 *Evaluation Program, including the Administrator’s find-*
15 *ings and recommendations with respect to the program.*

16 (c) *FLIGHT STANDARDS EVALUATION PROGRAM DE-*
17 *FINED.*—*In this section, the term “Flight Standards Eval-*
18 *uation Program” means the program established by the*
19 *Federal Aviation Administration in FS 1100.1B CHG3,*
20 *including any subsequent revisions thereto.*

21 **SEC. 310. COCKPIT SMOKE.**

22 (a) *STUDY.*—*The Comptroller General shall conduct a*
23 *study on the effectiveness of oversight activities of the Fed-*
24 *eral Aviation Administration relating to the use of new*

1 *technologies to prevent or mitigate the effects of dense, con-*
2 *tinuous smoke in the cockpit of a commercial aircraft.*

3 **(b) REPORT.**—*Not later than one year after the date*
4 *of enactment of this Act, the Comptroller General shall sub-*
5 *mit to Congress a report on the results of the study.*

6 **SEC. 311. SAFETY OF AIR AMBULANCE OPERATIONS.**

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

9 **“§ 44730. Helicopter air ambulance operations**

10 **“(a) COMPLIANCE REGULATIONS.**—

11 **“(1) IN GENERAL.**—*Except as provided in para-*
12 *graph (2), not later than 6 months after the date of*
13 *enactment of this section, part 135 certificate holders*
14 *providing air ambulance services shall comply, when-*
15 *ever medical personnel are onboard the aircraft, with*
16 *regulations pertaining to weather minimums and*
17 *flight and duty time under part 135.*

18 **“(2) EXCEPTION.**—*If a certificate holder de-*
19 *scribed in paragraph (1) is operating, or carrying out*
20 *training, under instrument flight rules, the weather*
21 *reporting requirement at the destination shall not*
22 *apply until such time as the Administrator of the*
23 *Federal Aviation Administration determines that*
24 *portable, reliable, and accurate ground-based weather*
25 *measuring and reporting systems are available.*

1 “(b) *RULEMAKING.*—*The Administrator shall conduct*
2 *a rulemaking proceeding to improve the safety of flight*
3 *crewmembers, medical personnel, and passengers onboard*
4 *helicopters providing air ambulance services under part*
5 *135.*

6 “(c) *MATTERS TO BE ADDRESSED.*—*In conducting*
7 *the rulemaking proceeding under subsection (b), the Admin-*
8 *istrator shall address the following:*

9 “(1) *Flight request and dispatch procedures, in-*
10 *cluding performance-based flight dispatch procedures.*

11 “(2) *Pilot training standards, including—*

12 “(A) *mandatory training requirements, in-*
13 *cluding a minimum time for completing the*
14 *training requirements;*

15 “(B) *training subject areas, such as commu-*
16 *nications procedures and appropriate technology*
17 *use; and*

18 “(C) *establishment of training standards*
19 *in—*

20 “(i) *crew resource management;*

21 “(ii) *flight risk evaluation;*

22 “(iii) *preventing controlled flight into*
23 *terrain;*

24 “(iv) *recovery from inadvertent flight*
25 *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 recorders,
12 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 re-
17 sistant clothing to enhance crash survivability.

18 “(4) Such other matters as the Administrator
19 considers appropriate.

20 “(d) *MINIMUM REQUIREMENTS.*—In issuing a final
21 rule under subsection (b), the Administrator, at a min-
22 imum, shall provide for the following:

23 “(1) *FLIGHT RISK EVALUATION PROGRAM.*—The
24 Administrator shall ensure that a part 135 certificate
25 holder providing helicopter air ambulance services—

1 “(A) establishes a flight risk evaluation pro-
2 gram, based on FAA Notice 8000.301 issued by
3 the Administration on August 1, 2005, including
4 any updates thereto;

5 “(B) as part of the flight risk evaluation
6 program, develops a checklist for use by pilots in
7 determining whether a flight request should be
8 accepted; and

9 “(C) requires the pilots of the certificate
10 holder to use the checklist.

11 “(2) OPERATIONAL CONTROL CENTER.—The Ad-
12 ministrator shall ensure that a part 135 certificate
13 holder providing helicopter air ambulance services
14 using 10 or more helicopters has an operational con-
15 trol center that meets such requirements as the Ad-
16 ministrator may prescribe.

17 “(e) RULEMAKING.—The Administrator shall—

18 “(1) not later than 180 days after the date of en-
19 actment of this section, issue a notice of proposed
20 rulemaking under subsection (b); and

21 “(2) not later than 16 months after the last day
22 of the comment period on the proposed rule, issue a
23 final rule.

24 “(f) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 “(1) *PART 135.*—*The term ‘part 135’ means part*
2 *135 of title 14, Code of Federal Regulations.*

3 “(2) *PART 135 CERTIFICATE HOLDER.*—*The term*
4 *‘part 135 certificate holder’ means a person holding*
5 *a certificate issued under part 135.*

6 **“§44731. Collection of data on helicopter air ambu-**
7 **lance operations**

8 “(a) *IN GENERAL.*—*The Administrator of the Federal*
9 *Aviation Administration shall require a part 135 certificate*
10 *holder providing helicopter air ambulance services to sub-*
11 *mit to the Administrator, not later than one year after the*
12 *date of enactment of this section, and annually thereafter,*
13 *a report containing, at a minimum, the following data:*

14 “(1) *The number of helicopters that the certifi-*
15 *cate holder uses to provide helicopter air ambulance*
16 *services and the base locations of the helicopters.*

17 “(2) *The number of flights and hours flown, by*
18 *registration number, during which helicopters oper-*
19 *ated by the certificate holder were providing heli-*
20 *copter air ambulance services.*

21 “(3) *The number of flight requests for a heli-*
22 *copter providing air ambulance services that were ac-*
23 *cepted or declined by the certificate holder and the*
24 *type of each such flight request (such as scene re-*

1 *sponse, interfacility transport, organ transport, or*
2 *ferry or repositioning flight).*

3 *“(4) The number of accidents, if any, involving*
4 *helicopters operated by the certificate holder while*
5 *providing air ambulance services and a description of*
6 *the accidents.*

7 *“(5) The number of flights and hours flown*
8 *under instrument flight rules by helicopters operated*
9 *by the certificate holder while providing air ambu-*
10 *lance services.*

11 *“(6) The time of day of each flight flown by heli-*
12 *copters operated by the certificate holder while pro-*
13 *viding air ambulance services.*

14 *“(7) The number of incidents, if any, in which*
15 *a helicopter was not directly dispatched and arrived*
16 *to transport patients but was not utilized for patient*
17 *transport.*

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

22 *“(c) DATABASE.—Not later than 6 months after the*
23 *date of enactment of this section, the Administrator shall*
24 *develop a method to collect and store the data collected*
25 *under subsection (a), including a method to protect the con-*

1 *fidentiality of any trade secret or proprietary information*
2 *provided in response to this section.*

3 “(d) *REPORT TO CONGRESS.*—*Not later than 24*
4 *months after the date of enactment of this section, and an-*
5 *nually thereafter, the Administrator shall submit to the*
6 *Committee on Transportation and Infrastructure of the*
7 *House of Representatives and the Committee on Commerce,*
8 *Science, and Transportation of the Senate a report con-*
9 *taining a summary of the data collected under subsection*
10 *(a).*

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

15 (b) *AUTHORIZED EXPENDITURES.*—*Section*
16 *106(k)(2)(C) (as redesignated by this Act) is amended by*
17 *inserting before the period the following: “and the develop-*
18 *ment and maintenance of helicopter approach procedures”.*

19 (c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
20 *447 is amended by adding at the end the following:*

“444730. Helicopter air ambulance operations.

“444731. Collection of data on helicopter air ambulance operations.”.

1 **SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**
2 **ER OBSERVATION TECHNOLOGY.**

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

6 (b) *SPECIFIC REVIEW.*—*The review shall include, at*
7 *a minimum, an examination of off-airport, low-altitude*
8 *weather reporting needs, an assessment of technical alter-*
9 *natives (including automated weather observation stations),*
10 *an investment analysis, and recommendations for improv-*
11 *ing weather reporting.*

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

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

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

23 (b) *CONSIDERATIONS.*—*In conducting the study, the*
24 *Administrator shall consult with owners and operators of*
25 *helicopters providing air ambulance services under such*
26 *part 135 and aviation safety professionals to determine the*

1 *benefits, financial considerations, and risks associated with*
2 *requiring the use of night vision goggles.*

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

9 **SEC. 314. PROHIBITION ON PERSONAL USE OF ELECTRONIC**
10 **DEVICES ON FLIGHT DECK.**

11 *(a) IN GENERAL.—Chapter 447 (as amended by this*
12 *Act) is further amended by adding at the end the following:*

13 **“§44732. Prohibition on personal use of electronic de-**
14 **vices on flight deck**

15 *“(a) IN GENERAL.—It is unlawful for a flight crew-*
16 *member of an aircraft used to provide air transportation*
17 *under part 121 of title 14, Code of Federal Regulations,*
18 *to use a personal wireless communications device or laptop*
19 *computer while at the flight crewmember’s duty station on*
20 *the flight deck of such an aircraft while the aircraft is being*
21 *operated.*

22 *“(b) EXCEPTIONS.—Subsection (a) shall not apply to*
23 *the use of a personal wireless communications device or*
24 *laptop computer for a purpose directly related to operation*
25 *of the aircraft, or for emergency, safety-related, or employ-*

1 *ment-related communications, in accordance with proce-*
2 *dures established by the air carrier and the Administrator*
3 *of the Federal Aviation Administration.*

4 “(c) *ENFORCEMENT.*—*In addition to the penalties pro-*
5 *vided under section 46301 applicable to any violation of*
6 *this section, the Administrator of the Federal Aviation Ad-*
7 *ministration may enforce compliance with this section*
8 *under section 44709 by amending, modifying, suspending,*
9 *or revoking a certificate under this chapter.*

10 “(d) *PERSONAL WIRELESS COMMUNICATIONS DEVICE*
11 *DEFINED.*—*In this section, the term ‘personal wireless com-*
12 *munications device’ means a device through which personal*
13 *wireless services (as defined in section 332(c)(7)(C)(i) of the*
14 *Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)))*
15 *are transmitted.”.*

16 (b) *PENALTY.*—*Section 44711(a) is amended—*

17 (1) *by striking “or” after the semicolon in para-*
18 *graph (8);*

19 (2) *by striking “title.” in paragraph (9) and in-*
20 *serting “title; or”; and*

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

22 “(10) *violate section 44732 or any regulation*
23 *issued thereunder.”.*

1 (c) *CONFORMING AMENDMENT.*—*The analysis for*
2 *chapter 447 (as amended by this Act) is further amended*
3 *by adding at the end the following:*

“44732. Prohibition on personal use of electronic devices on flight deck.”.

4 (d) *REGULATIONS.*—*Not later than 90 days after the*
5 *date of enactment of this Act, the Administrator of the Fed-*
6 *eral Aviation Administration shall initiate a rulemaking*
7 *procedure for regulations to carry out section 44733 of title*
8 *49, United States Code, and shall issue a final rule there-*
9 *under not later than 2 years after the date of enactment*
10 *of this Act.*

11 (e) *STUDY.*—

12 (1) *IN GENERAL.*—*The Administrator of the Fed-*
13 *eral Aviation Administration shall review relevant*
14 *air carrier data and carry out a study—*

15 (A) *to identify common sources of distrac-*
16 *tion for the flight crewmembers on the flight deck*
17 *of a commercial aircraft; and*

18 (B) *to determine the safety impacts of such*
19 *distractions.*

20 (2) *REPORT.*—*Not later than one year after the*
21 *date of enactment of this Act, the Administrator shall*
22 *submit to the Committee on Commerce, Science, and*
23 *Transportation of the Senate and the Committee on*
24 *Transportation and Infrastructure of the House of*
25 *Representatives a report that contains—*

1 (A) *the findings of the study conducted*
2 *under paragraph (1); and*

3 (B) *recommendations regarding how to re-*
4 *duce distractions for flight crewmembers on the*
5 *flight deck of a commercial aircraft.*

6 **SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.**

7 (a) *REGULATIONS.—Not later than 3 years after the*
8 *date of enactment of this Act, the Administrator of the Fed-*
9 *eral Aviation Administration shall issue regulations requir-*
10 *ing that covered work on an aircraft used to provide air*
11 *transportation under part 121 of title 14, Code of Federal*
12 *Regulations, be performed by persons in accordance with*
13 *subsection (b).*

14 (b) *PERSONS AUTHORIZED TO PERFORM CERTAIN*
15 *WORK.—A person may perform covered work on aircraft*
16 *used to provide air transportation under part 121 of title*
17 *14, Code of Federal Regulations, only if the person is em-*
18 *ployed by—*

19 (1) *a part 121 air carrier;*

20 (2) *a part 145 repair station or a person author-*
21 *ized under section 43.17 of title 14, Code of Federal*
22 *Regulations; or*

23 (3) *subject to subsection (c), a person that—*

1 (A) provides contract maintenance workers,
2 services, or maintenance functions to a part 145
3 repair station or part 121 air carrier; and

4 (B) meets the requirements of the part 121
5 air carrier or the part 145 repair station.

6 (c) *TERMS AND CONDITIONS.*—Covered work per-
7 formed by a person who is employed by a person described
8 in subsection (b)(3) shall be subject to the following terms
9 and conditions:

10 (1) The part 121 air carrier or the part 145 re-
11 pair station shall be directly in charge of the covered
12 work being performed.

13 (2) The covered work shall be carried out in ac-
14 cordance with the part 121 air carrier’s maintenance
15 manual.

16 (d) *DEFINITIONS.*—In this section, the following defi-
17 nitions apply:

18 (1) *COVERED WORK.*—The term “covered work”
19 means a required inspection item, as defined by the
20 Administrator.

21 (2) *PART 121 AIR CARRIER.*—The term “part 121
22 air carrier” means an air carrier that holds a certifi-
23 cate issued under part 121 of title 14, Code of Federal
24 Regulations.

1 (3) *PART 145 REPAIR STATION.*—The term “part
2 145 repair station” means a repair station that holds
3 a certificate issued under part 145 of title 14, Code
4 of Federal Regulations.

5 **SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.**

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

8 **“§ 44733. Inspection of foreign repair stations**

9 “(a) *IN GENERAL.*—Not later than one year after the
10 date of enactment of this section, the Administrator of the
11 Federal Aviation Administration shall establish and imple-
12 ment a safety assessment system for each part 145 repair
13 station based on the type, scope, and complexity of work
14 being performed by the repair station, which shall—

15 “(1) ensure that repair stations outside the
16 United States are subject to appropriate inspections
17 that are based on identified risks and consistent with
18 United States requirements;

19 “(2) accept consideration of inspection results
20 and findings submitted by foreign civil aviation au-
21 thorities operating under a maintenance safety or
22 maintenance implementation agreement with the
23 United States in meeting the requirements of the safe-
24 ty assessment system; and

1 “(3) require all maintenance safety or mainte-
2 nance implementation agreements with the United
3 States to provide an opportunity for the Federal
4 Aviation Administration to conduct independent in-
5 spections of covered part 145 repair stations when
6 safety concerns warrant such inspections.

7 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The
8 Administrator shall notify the Committee on Commerce,
9 Science, and Transportation of the Senate and the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives on or before the 30th day after initiating
12 formal negotiations with a foreign aviation authority or
13 other appropriate foreign government agency on a new
14 maintenance safety or maintenance implementation agree-
15 ment.

16 “(c) ANNUAL REPORT.—Not later than one year after
17 the date of enactment of this section, and annually there-
18 after, the Administrator shall publish a report on the Ad-
19 ministration’s oversight of part 145 repair stations and im-
20 plementation of the safety assessment system required by
21 subsection (a), which shall—

22 “(1) describe in detail any improvements in the
23 Federal Aviation Administration’s ability to identify
24 and track where part 121 air carrier repair work is
25 performed;

1 “(2) include a staffing model to determine the
2 best placement of inspectors and the number of in-
3 spectors needed for the oversight and implementation;

4 “(3) describe the training provided to inspectors
5 with respect to the oversight and implementation;

6 “(4) include an assessment of the quality of mon-
7 itoring and surveillance by the Federal Aviation Ad-
8 ministration of work provided by its inspectors and
9 the inspectors of foreign authorities operating under
10 a maintenance safety or maintenance implementation
11 agreement with the United States; and

12 “(5) specify the number of sample inspections
13 performed by Federal Aviation Administration in-
14 spectors at each repair station that is covered by a
15 maintenance safety or maintenance implementation
16 agreement with the United States.

17 “(d) *ALCOHOL AND CONTROLLED SUBSTANCE TEST-*
18 *ING PROGRAM REQUIREMENTS.*—

19 “(1) *IN GENERAL.*—*The Secretary of State and*
20 *the Secretary of Transportation shall request, jointly,*
21 *the governments of foreign countries that are members*
22 *of the International Civil Aviation Organization to*
23 *establish international standards for alcohol and con-*
24 *trolled substances testing of persons that perform safe-*

1 *ty-sensitive maintenance functions on commercial air*
2 *carrier aircraft.*

3 “(2) *APPLICATION TO PART 121 AIRCRAFT*
4 *WORK.*—*Not later than one year after the date of en-*
5 *actment of this section, the Administrator shall pro-*
6 *mulgate a proposed rule requiring that all part 145*
7 *repair station employees responsible for safety-sen-*
8 *sitive maintenance functions on part 121 air carrier*
9 *aircraft are subject to an alcohol and controlled sub-*
10 *stances testing program that is determined acceptable*
11 *by the Administrator and is consistent with the ap-*
12 *plicable laws of the country in which the repair sta-*
13 *tion is located.*

14 “(e) *INSPECTIONS.*—*The Administrator shall require*
15 *part 145 repair stations to be inspected as frequently as*
16 *determined warranted by the safety assessment system re-*
17 *quired by subsection (a), regardless of where the station is*
18 *located, and in a manner consistent with United States ob-*
19 *ligations under international agreements.*

20 “(f) *DEFINITIONS.*—*In this section, the following defi-*
21 *nitions apply:*

22 “(1) *PART 121 AIR CARRIER.*—*The term ‘part*
23 *121 air carrier’ means an air carrier that holds a*
24 *certificate issued under part 121 of title 14, Code of*
25 *Federal Regulations.*

1 “(2) *PART 145 REPAIR STATION.*—*The term ‘part*
 2 *145 repair station’ means a repair station that holds*
 3 *a certificate issued under part 145 of title 14, Code*
 4 *of Federal Regulations.’”.*

5 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 6 *chapter 447 (as amended by this Act) is further amended*
 7 *by adding at the end the following:*

 “44733. *Inspection of foreign repair stations.’”.*

8 **SEC. 317. SUNSET OF LINE CHECK.**

9 *Section 44729(h) is amended by adding at the end the*
 10 *following:*

11 “(4) *SUNSET OF LINE CHECK.*—*Paragraph (2)*
 12 *shall cease to be effective following the one-year period*
 13 *beginning on the date of enactment of the FAA Reau-*
 14 *thorization and Reform Act of 2011 unless the Sec-*
 15 *retary certifies that the requirements of paragraph (2)*
 16 *are necessary to ensure safety.’”.*

17 ***Subtitle B—Unmanned Aircraft***
 18 ***Systems***

19 **SEC. 321. DEFINITIONS.**

20 *In this subtitle, the following definitions apply:*

21 (1) *CERTIFICATE OF WAIVER; CERTIFICATE OF*
 22 *AUTHORIZATION.*—*The term “certificate of waiver” or*
 23 *“certificate of authorization” means a Federal Avia-*
 24 *tion Administration grant of approval for a specific*
 25 *flight operation.*

1 (2) *SENSE AND AVOID CAPABILITY.*—*The term*
2 *“sense and avoid capability” means the capability of*
3 *an unmanned aircraft to remain a safe distance from*
4 *and to avoid collisions with other airborne aircraft.*

5 (3) *PUBLIC UNMANNED AIRCRAFT SYSTEM.*—*The*
6 *term “public unmanned aircraft system” means an*
7 *unmanned aircraft system that meets the qualifica-*
8 *tions and conditions required for operation of a pub-*
9 *lic aircraft, as defined by section 40102 of title 49,*
10 *United States Code.*

11 (4) *SMALL UNMANNED AIRCRAFT.*—*The term*
12 *“small unmanned aircraft” means an unmanned air-*
13 *craft weighing less than 55 pounds.*

14 (5) *TEST RANGE.*—*The term “test range” means*
15 *a defined geographic area where research and develop-*
16 *ment are conducted.*

17 (6) *UNMANNED AIRCRAFT.*—*The term “un-*
18 *manned aircraft” means an aircraft that is operated*
19 *without the possibility of direct human intervention*
20 *from within or on the aircraft.*

21 (7) *UNMANNED AIRCRAFT SYSTEM.*—*The term*
22 *“unmanned aircraft system” means an unmanned*
23 *aircraft and associated elements (including commu-*
24 *nication links and the components that control the*
25 *unmanned aircraft) that are required for the pilot in*

1 *command to operate safely and efficiently in the na-*
2 *tional airspace system.*

3 **SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN-**
4 **TEGRATION PLAN.**

5 *(a) INTEGRATION PLAN.—*

6 *(1) COMPREHENSIVE PLAN.—Not later than 270*
7 *days after the date of enactment of this Act, the Sec-*
8 *retary of Transportation, in consultation with rep-*
9 *resentatives of the aviation industry and the un-*
10 *manned aircraft systems industry, shall develop a*
11 *comprehensive plan to safely integrate commercial*
12 *unmanned aircraft systems into the national airspace*
13 *system.*

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

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

21 *(B) provide recommendations or projections*
22 *for the rulemaking to be conducted under sub-*
23 *section (b)—*

1 (i) to define the acceptable standards
2 for operations and certification of commer-
3 cial unmanned aircraft systems;

4 (ii) to ensure that commercial un-
5 manned aircraft systems include a sense
6 and avoid capability, if necessary for safety
7 purposes; and

8 (iii) to develop standards and require-
9 ments for the operator and pilot of a com-
10 mercial unmanned aircraft system, includ-
11 ing standards and requirements for reg-
12 istration and licensing;

13 (C) recommend how best to enhance the
14 technologies and subsystems necessary to provide
15 for the safe and routine operations of commercial
16 unmanned aircraft systems in the national air-
17 space system; and

18 (D) recommend how a phased-in approach
19 for the integration of commercial unmanned air-
20 craft systems into the national airspace system
21 can best be achieved and a timeline upon which
22 such a phase-in shall occur.

23 (3) *DEADLINE.*—The plan to be developed under
24 paragraph (1) shall provide for the safe integration of
25 commercial unmanned aircraft systems into the na-

1 *tional airspace system not later than September 30,*
2 *2015.*

3 (4) *REPORT TO CONGRESS.—The Secretary shall*
4 *submit to Congress—*

5 (A) *not later than one year after the date*
6 *of enactment of this Act, a copy of the plan de-*
7 *veloped under paragraph (1); and*

8 (B) *annually thereafter, a report on the ac-*
9 *tivities of the Secretary under this section.*

10 (b) *RULEMAKING.—Not later than 18 months after the*
11 *date on which the integration plan is submitted to Congress*
12 *under subsection (a)(4), the Administrator of the Federal*
13 *Aviation Administration shall publish in the Federal Reg-*
14 *ister a notice of proposed rulemaking to implement the rec-*
15 *ommendations of the integration plan.*

16 **SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**
17 **CRAFT SYSTEMS.**

18 (a) *IN GENERAL.—Not later than 180 days after the*
19 *date of enactment of this Act, the Secretary shall determine*
20 *if certain unmanned aircraft systems may operate safely*
21 *in the national airspace system. The Secretary may make*
22 *such determination before completion of the plan and rule-*
23 *making required by section 322 of this Act or the guidance*
24 *required by section 324 of this Act.*

1 **(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-**
2 *TEMS.—In making the determination under subsection (a),*
3 *the Secretary shall determine, at a minimum—*

4 *(1) which types of unmanned aircraft systems, if*
5 *any, as a result of their size, weight, speed, oper-*
6 *ational capability, proximity to airports and popu-*
7 *lation areas, and operation within visual line-of-sight*
8 *do not create a hazard to users of the national air-*
9 *space system or the public or pose a threat to na-*
10 *tional security; and*

11 *(2) whether a certificate of waiver, certificate of*
12 *authorization, or airworthiness certification under*
13 *section 44704 of title 49, United States Code, is re-*
14 *quired for the operation of unmanned aircraft systems*
15 *identified under paragraph (1).*

16 **(c) REQUIREMENTS FOR SAFE OPERATION.—***If the*
17 *Secretary determines under this section that certain un-*
18 *manned aircraft systems may operate safely in the national*
19 *airspace system, the Secretary shall establish requirements*
20 *for the safe operation of such aircraft systems in the na-*
21 *tional airspace system.*

22 **SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

23 **(a) GUIDANCE.—***Not later than 270 days after the date*
24 *of enactment of this Act, the Secretary shall issue guidance*

1 *regarding the operation of public unmanned aircraft sys-*
2 *tems to—*

3 *(1) expedite the issuance of a certificate of au-*
4 *thorization process;*

5 *(2) provide for a collaborative process with pub-*
6 *lic agencies to allow for an incremental expansion of*
7 *access to the national airspace system as technology*
8 *matures. the necessary safety analysis and data be-*
9 *come available, and until standards are completed*
10 *and technology issues are resolved; and*

11 *(3) facilitate the capability of public agencies to*
12 *develop and use test ranges, subject to operating re-*
13 *strictions required by the Federal Aviation Adminis-*
14 *tration, to test and operate unmanned aircraft sys-*
15 *tems.*

16 *(b) STANDARDS FOR OPERATION AND CERTIFI-*
17 *CATION.—Not later than December 31, 2015, the Secretary*
18 *shall develop and implement operational and certification*
19 *standards for operation of public unmanned aircraft sys-*
20 *tems.*

21 **SEC. 325. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.**

22 *(a) IN GENERAL.—Not later than one year after the*
23 *date of enactment of this Act, the Administrator of the Fed-*
24 *eral Aviation Administration shall establish a program to*

1 *integrate unmanned aircraft systems into the national air-*
2 *space system at 4 test ranges.*

3 (b) *PROGRAM REQUIREMENTS.—In establishing the*
4 *program under subsection (a), the Administrator shall—*

5 (1) *safely designate nonexclusionary airspace for*
6 *integrated manned and unmanned flight operations*
7 *in the national airspace system;*

8 (2) *develop certification standards and air traf-*
9 *fic requirements for unmanned flight operations at*
10 *test ranges;*

11 (3) *coordinate with and leverage the resources of*
12 *the National Aeronautics and Space Administration*
13 *and the Department of Defense;*

14 (4) *address both commercial and public un-*
15 *manned aircraft systems;*

16 (5) *ensure that the program is coordinated with*
17 *the Next Generation Air Transportation System; and*

18 (6) *provide for verification of the safety of un-*
19 *manned aircraft systems and related navigation pro-*
20 *cedures before integration into the national airspace*
21 *system.*

22 (c) *TEST RANGE LOCATIONS.—In determining the lo-*
23 *cation of the 4 test ranges of the program under subsection*
24 *(a), the Administrator shall—*

1 (1) *take into consideration geographic and cli-*
2 *matic diversity; and*

3 (2) *after consulting with the Administrator of*
4 *the National Aeronautics and Space Administration*
5 *and the Secretary of the Air Force, take into consider-*
6 *ation the location of available research radars.*

7 ***Subtitle C—Safety and Protections***

8 ***SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT***
9 ***STANDARDS INSPECTORS.***

10 (a) *IN GENERAL.*—*Section 44711 is amended by add-*
11 *ing at the end the following:*

12 “(d) *POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT*
13 *STANDARDS INSPECTORS.*—

14 “(1) *PROHIBITION.*—*A person holding an oper-*
15 *ating certificate issued under title 14, Code of Federal*
16 *Regulations, may not knowingly employ, or make a*
17 *contractual arrangement that permits, an individual*
18 *to act as an agent or representative of the certificate*
19 *holder in any matter before the Federal Aviation Ad-*
20 *ministration if the individual, in the preceding 2-*
21 *year period—*

22 “(A) *served as, or was responsible for over-*
23 *sight of, a flight standards inspector of the Ad-*
24 *ministration; and*

1 “(B) had responsibility to inspect, or over-
2 see inspection of, the operations of the certificate
3 holder.

4 “(2) WRITTEN AND ORAL COMMUNICATIONS.—
5 For purposes of paragraph (1), an individual shall be
6 considered to be acting as an agent or representative
7 of a certificate holder in a matter before the Adminis-
8 tration if the individual makes any written or oral
9 communication on behalf of the certificate holder to
10 the Administration (or any of its officers or employ-
11 ees) in connection with a particular matter, whether
12 or not involving a specific party and without regard
13 to whether the individual has participated in, or had
14 responsibility for, the particular matter while serving
15 as a flight standards inspector of the Administra-
16 tion.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall not apply to an individual employed by
19 a certificate holder as of the date of enactment of this Act.

20 **SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT**
21 **SYSTEM DATABASE.**

22 (a) REVIEWS.—The Administrator of the Federal
23 Aviation Administration shall establish a process by which
24 the air transportation oversight system database of the Ad-
25 ministration is reviewed by regional teams of employees of

1 *the Administration, including at least one employee on each*
2 *team representing aviation safety inspectors, on a monthly*
3 *basis to ensure that—*

4 (1) *any trends in regulatory compliance are*
5 *identified; and*

6 (2) *appropriate corrective actions are taken in*
7 *accordance with Administration regulations, advisory*
8 *directives, policies, and procedures.*

9 *(b) MONTHLY TEAM REPORTS.—*

10 (1) *IN GENERAL.—A regional team of employees*
11 *conducting a monthly review of the air transportation*
12 *oversight system database under subsection (a) shall*
13 *submit to the Administrator, the Associate Adminis-*
14 *trator for Aviation Safety, and the Director of Flight*
15 *Standards Service a report each month on the results*
16 *of the review.*

17 (2) *CONTENTS.—A report submitted under para-*
18 *graph (1) shall identify—*

19 (A) *any trends in regulatory compliance*
20 *discovered by the team of employees in con-*
21 *ducting the monthly review; and*

22 (B) *any corrective actions taken or proposed*
23 *to be taken in response to the trends.*

24 (c) *BIENNIAL REPORTS TO CONGRESS.—The Admin-*
25 *istrator, on a biannual basis, shall submit to the Committee*

1 *on Transportation and Infrastructure of the House of Rep-*
2 *resentatives and the Committee on Commerce, Science, and*
3 *Transportation of the Senate a report on the results of the*
4 *reviews of the air transportation oversight system database*
5 *conducted under this section, including copies of reports re-*
6 *ceived under subsection (b).*

7 **SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING**
8 **SYSTEM.**

9 (a) *VOLUNTARY DISCLOSURE REPORTING PROGRAM*
10 *DEFINED.*—*In this section, the term “Voluntary Disclosure*
11 *Reporting Program” means the program established by the*
12 *Federal Aviation Administration through Advisory Cir-*
13 *cular 00–58A, dated September 8, 2006, including any sub-*
14 *sequent revisions thereto.*

15 (b) *VERIFICATION.*—*The Administrator of the Federal*
16 *Aviation Administration shall modify the Voluntary Dis-*
17 *closure Reporting Program to require inspectors to—*

18 (1) *verify that air carriers are implementing*
19 *comprehensive solutions to correct the underlying*
20 *causes of the violations voluntarily disclosed by such*
21 *air carriers; and*

22 (2) *confirm, before approving a final report of a*
23 *violation, that a violation with the same root causes,*
24 *has not been previously discovered by an inspector or*
25 *self-disclosed by the air carrier.*

1 (c) *SUPERVISORY REVIEW OF VOLUNTARY SELF-DIS-*
2 *CLOSURES.*—*The Administrator shall establish a process by*
3 *which voluntary self-disclosures received from air carriers*
4 *are reviewed and approved by a supervisor after the initial*
5 *review by an inspector.*

6 (d) *INSPECTOR GENERAL STUDY.*—

7 (1) *IN GENERAL.*—*The Inspector General of the*
8 *Department of Transportation shall conduct a study*
9 *of the Voluntary Disclosure Reporting Program.*

10 (2) *REVIEW.*—*In conducting the study, the In-*
11 *spector General shall examine, at a minimum, if the*
12 *Administration—*

13 (A) *conducts comprehensive reviews of vol-*
14 *untary disclosure reports before closing a vol-*
15 *untary disclosure report under the provisions of*
16 *the program;*

17 (B) *evaluates the effectiveness of corrective*
18 *actions taken by air carriers; and*

19 (C) *effectively prevents abuse of the vol-*
20 *untary disclosure reporting program through its*
21 *secondary review of self-disclosures before they*
22 *are accepted and closed by the Administration.*

23 (3) *REPORT.*—*Not later than one year after the*
24 *date of enactment of this Act, the Inspector General*
25 *shall submit to the Committee on Transportation and*

1 *Infrastructure of the House of Representatives and*
 2 *Committee on Commerce, Science, and Transpor-*
 3 *tation of the Senate a report on the results of the*
 4 *study conducted under this section.*

5 **SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OF-**
 6 ****FICE.****

7 *Section 106 (as amended by this Act) is further*
 8 *amended by adding at the end the following:*

9 *“(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGA-*
 10 *TION OFFICE.—*

11 *“(1) ESTABLISHMENT.—There is established in*
 12 *the Federal Aviation Administration (in this section*
 13 *referred to as the ‘Agency’) an Aviation Safety Whis-*
 14 *tleblower Investigation Office (in this subsection re-*
 15 *ferred to as the ‘Office’).*

16 *“(2) DIRECTOR.—*

17 *“(A) APPOINTMENT.—The head of the Office*
 18 *shall be the Director, who shall be appointed by*
 19 *the Secretary of Transportation.*

20 *“(B) QUALIFICATIONS.—The Director shall*
 21 *have a demonstrated ability in investigations*
 22 *and knowledge of or experience in aviation.*

23 *“(C) TERM.—The Director shall be ap-*
 24 *pointed for a term of 5 years.*

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

7 “(3) COMPLAINTS AND INVESTIGATIONS.—

8 “(A) AUTHORITY OF DIRECTOR.—The Di-
9 rector shall—

10 “(i) receive complaints and informa-
11 tion submitted by employees of persons
12 holding certificates issued under title 14,
13 Code of Federal Regulations, and employees
14 of the Agency concerning the possible exist-
15 ence of an activity relating to a violation of
16 an order, regulation, or standard of the
17 Agency or any other provision of Federal
18 law relating to aviation safety;

19 “(ii) assess complaints and informa-
20 tion submitted under clause (i) and deter-
21 mine whether a substantial likelihood exists
22 that a violation of an order, regulation, or
23 standard of the Agency or any other provi-
24 sion of Federal law relating to aviation
25 safety has occurred; and

1 “(iii) based on findings of the assess-
2 ment conducted under clause (ii), make rec-
3 ommendations to the Administrator in
4 writing for further investigation or correc-
5 tive actions.

6 “(B) DISCLOSURE OF IDENTITIES.—The Di-
7 rector shall not disclose the identity of an indi-
8 vidual who submits a complaint or information
9 under subparagraph (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 required by regulation, statute, or
15 court order, or is otherwise unavoidable, in
16 which case the Director shall provide the in-
17 dividual reasonable advanced notice of the
18 disclosure.

19 “(C) INDEPENDENCE OF DIRECTOR.—The
20 Secretary, the Administrator, or any officer or
21 employee of the Agency may not prevent or pro-
22 hibit the Director from initiating, carrying out,
23 or completing any assessment of a complaint or
24 information submitted under subparagraph

1 (A)(i) or from reporting to Congress on any such
2 assessment.

3 “(D) ACCESS TO INFORMATION.—In con-
4 ducting an assessment of a complaint or infor-
5 mation submitted under subparagraph (A)(i),
6 the Director shall have access to all records, re-
7 ports, audits, reviews, documents, papers, rec-
8 ommendations, and other material necessary to
9 determine whether a substantial likelihood exists
10 that a violation of an order, regulation, or
11 standard of the Agency or any other provision of
12 Federal law relating to aviation safety may have
13 occurred.

14 “(4) RESPONSES TO RECOMMENDATIONS.—Not
15 later than 60 days after the date on which the Ad-
16 ministrator receives a report with respect to an inves-
17 tigation, the Administrator shall respond to a rec-
18 ommendation made by the Director under subpara-
19 graph (A)(iii) in writing and retain records related
20 to any further investigations or corrective actions
21 taken in response to the recommendation.

22 “(5) INCIDENT REPORTS.—If the Director deter-
23 mines there is a substantial likelihood that a viola-
24 tion of an order, regulation, or standard of the Agen-
25 cy or any other provision of Federal law relating to

1 *aviation safety has occurred that requires immediate*
2 *corrective action, the Director shall report the poten-*
3 *tial violation expeditiously to the Administrator and*
4 *the Inspector General of the Department of Transpor-*
5 *tation.*

6 “(6) *REPORTING OF CRIMINAL VIOLATIONS TO*
7 *INSPECTOR GENERAL.—If the Director has reasonable*
8 *grounds to believe that there has been a violation of*
9 *Federal criminal law, the Director shall report the*
10 *violation expeditiously to the Inspector General.*

11 “(7) *ANNUAL REPORTS TO CONGRESS.—Not later*
12 *than October 1 of each year, the Director shall submit*
13 *to Congress a report containing—*

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

18 “(B) *summaries of those submissions;*

19 “(C) *summaries of further investigations*
20 *and corrective actions recommended in response*
21 *to the submissions; and*

22 “(D) *summaries of the responses of the Ad-*
23 *ministrator to such recommendations.”.*

1 **SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**
2 **APPLICABLE TO FLIGHT CREWMEMBERS.**

3 (a) *RULEMAKING ON APPLICABILITY OF PART 121*
4 *DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART*
5 *91 OPERATIONS.*—Not later than 180 days after the date
6 of enactment of this Act, the Administrator of the Federal
7 Aviation Administration shall initiate a rulemaking pro-
8 ceeding, if such a proceeding has not already been initiated,
9 to require a flight crewmember who is employed by an air
10 carrier conducting operations under part 121 of title 14,
11 Code of Federal Regulations, and who accepts an additional
12 assignment for flying under part 91 of such title from the
13 air carrier or from any other air carrier conducting oper-
14 ations under part 121 or 135 of such title, to apply the
15 period of the additional assignment (regardless of whether
16 the assignment is performed by the flight crewmember before
17 or after an assignment to fly under part 121 of such title)
18 toward any limitation applicable to the flight crewmember
19 relating to duty periods or flight times under part 121 of
20 such title.

21 (b) *RULEMAKING ON APPLICABILITY OF PART 135*
22 *DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART*
23 *91 OPERATIONS.*—Not later than one year after the date
24 of enactment of this Act, the Administrator shall initiate
25 a rulemaking proceeding to require a flight crewmember
26 who is employed by an air carrier conducting operations

1 *under part 135 of title 14, Code of Federal Regulations,*
2 *and who accepts an additional assignment for flying under*
3 *part 91 of such title from the air carrier or any other air*
4 *carrier conducting operations under part 121 or 135 of such*
5 *title, to apply the period of the additional assignment (re-*
6 *gardless of whether the assignment is performed by the flight*
7 *crewmember before or after an assignment to fly under part*
8 *135 of such title) toward any limitation applicable to the*
9 *flight crewmember relating to duty periods or flight times*
10 *under part 135 of such title.*

11 *(c) SEPARATE RULEMAKING PROCEEDINGS RE-*
12 *QUIRED.—The rulemaking proceeding required under sub-*
13 *section (b) shall be separate from the rulemaking proceeding*
14 *required under subsection (a).*

15 **TITLE IV—AIR SERVICE**
16 **IMPROVEMENTS**
17 **Subtitle A—Essential Air Service**

18 **SEC. 401. ESSENTIAL AIR SERVICE MARKETING.**

19 *Section 41733(c)(1) is amended—*

20 *(1) by redesignating subparagraph (E) as sub-*
21 *paragraph (F);*

22 *(2) by striking “and” at the end of subpara-*
23 *graph (D); and*

24 *(3) by inserting after subparagraph (D) the fol-*
25 *lowing:*

1 “(E) whether the air carrier has included a plan
2 in its proposal to market its services to the commu-
3 nity; and”.

4 **SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
5 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
6 **SENTIAL AIR SERVICE.**

7 Section 41733 is amended by adding at the end the
8 following:

9 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
10 NATION OF ELIGIBILITY.—

11 “(1) IN GENERAL.—The Secretary shall notify
12 each community receiving basic essential air service
13 for which compensation is being paid under this sub-
14 chapter on or before the 45th day before issuing any
15 final decision to end the payment of such compensa-
16 tion due to a determination by the Secretary that
17 providing such service requires a rate of subsidy per
18 passenger in excess of the subsidy cap.

19 “(2) PROCEDURES TO AVOID TERMINATION.—
20 The Secretary shall establish, by order, procedures by
21 which each community notified of an impending loss
22 of subsidy under paragraph (1) may work directly
23 with an air carrier to ensure that the air carrier is
24 able to submit a proposal to the Secretary to provide
25 essential air service to such community for an

1 amount of compensation that would not exceed the
2 subsidy cap.

3 “(3) ASSISTANCE PROVIDED.—The Secretary
4 shall provide, by order, to each community notified
5 under paragraph (1) information regarding—

6 “(A) the procedures established pursuant to
7 paragraph (2); and

8 “(B) the maximum amount of compensation
9 that could be provided under this subchapter to
10 an air carrier serving such community that
11 would comply with the subsidy cap.

12 “(4) SUBSIDY CAP DEFINED.—In this subsection,
13 the term ‘subsidy cap’ means the subsidy cap estab-
14 lished by section 332 of Public Law 106–69 (113
15 Stat. 1022).”.

16 **SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

17 (a) COMPENSATION GUIDELINES.—Section
18 41737(a)(1) is amended—

19 (1) by striking “and” at the end of subpara-
20 graph (B);

21 (2) in subparagraph (C) by striking the period
22 at the end and inserting a semicolon; and

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

24 “(D) include provisions under which the Sec-
25 retary may encourage an air carrier to improve air

1 *service for which compensation is being paid under*
2 *this subchapter by incorporating financial incentives*
3 *in an essential air service contract based on specified*
4 *performance goals, including goals related to improv-*
5 *ing on-time performance, reducing the number of*
6 *flight cancellations, establishing convenient connec-*
7 *tions to flights providing service beyond hub airports,*
8 *and increasing marketing efforts; and*

9 *“(E) include provisions under which the Sec-*
10 *retary may execute a long-term essential air service*
11 *contract to encourage an air carrier to provide air*
12 *service to an eligible place if it would be in the public*
13 *interest to do so.”.*

14 *(b) DEADLINE FOR ISSUANCE OF REVISED GUID-*
15 *ANCE.—Not later than 18 months after the date of enact-*
16 *ment of this Act, the Secretary of Transportation shall issue*
17 *revised guidelines governing the rate of compensation pay-*
18 *able under subchapter II of chapter 417 of title 49, United*
19 *States Code, that incorporate the amendments made by this*
20 *section.*

21 *(c) REPORT.—Not later than 2 years after the date of*
22 *issuance of revised guidelines pursuant to subsection (b),*
23 *the Secretary shall submit to the Committee on Transpor-*
24 *tation and Infrastructure of the House of Representatives*
25 *and the Committee on Commerce, Science, and Transpor-*

1 *tation of the Senate a report on the extent to which the*
2 *revised guidelines have been implemented and the impact,*
3 *if any, such implementation has had on air carrier per-*
4 *formance and community satisfaction with air service for*
5 *which compensation is being paid under subchapter II of*
6 *chapter 417 of title 49, United States Code.*

7 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

8 (a) *AUTHORIZATION.*—Section 41742(a)(1) is amend-
9 *ed—*

10 (1) *by striking “the sum of \$50,000,000 is” and*
11 *inserting “the following sums are”; and*

12 (2) *by striking “subchapter for each fiscal year.”*
13 *and inserting “subchapter:*

14 (A) *\$50,000,000 for each fiscal year*
15 *through fiscal year 2013.*

16 (B) *The amount necessary, as determined*
17 *by the Secretary, to carry out the essential air*
18 *service program in Alaska and Hawaii for fiscal*
19 *year 2014 and each fiscal year thereafter.”.*

20 (b) *ADDITIONAL FUNDS.*—Section 41742(a)(2) is
21 *amended by striking “there is authorized to be appropriated*
22 *\$77,000,000 for each fiscal year” and inserting “there is*
23 *authorized to be appropriated out of the Airport and Air-*
24 *way Trust Fund established under section 9502 of the Inter-*
25 *nal Revenue Code of 1986 \$97,500,000 for fiscal year 2011,*

1 \$60,000,000 for fiscal year 2012, and \$30,000,000 for fiscal
2 year 2013”.

3 (c) *ADMINISTERING PROGRAM WITHIN AVAILABLE*
4 *FUNDING.*—Section 41742(b) is amended to read as follows:

5 “(b) *ADMINISTERING PROGRAM WITHIN AVAILABLE*
6 *FUNDING.*—Notwithstanding any other provision of law,
7 the Secretary is authorized to take such actions as may be
8 necessary to administer the essential air service program
9 under this subchapter within the amount of funding made
10 available for the program.”.

11 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

12 (a) *PRIORITIES.*—Section 41743(c)(5) is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (D);

15 (2) in subparagraph (E) by striking “fashion.”
16 and inserting “fashion; and”; and

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

18 “(F) multiple communities cooperate to sub-
19 mit a regional or multistate application to con-
20 solidate air service into one regional airport.”.

21 (b) *AUTHORITY TO MAKE AGREEMENTS.*—Section
22 41743(e) is amended to read as follows:

23 “(e) *AUTHORITY TO MAKE AGREEMENTS.*—Subject to
24 the availability of amounts made available under section

1 41742(a)(4)(A), the Secretary may make agreements to pro-
2 vide assistance under this section.”.

3 **SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
4 **CANTLY INCREASED COSTS.**

5 (a) *EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.*—
6 Subject to the availability of funds, the Secretary of Trans-
7 portation may increase the rates of compensation payable
8 to air carriers under subchapter II of chapter 417 of title
9 49, United States Code, to compensate such carriers for in-
10 creased aviation fuel costs without regard to any agreement
11 or requirement relating to the renegotiation of contracts or
12 any notice requirement under section 41734 of such title.

13 (b) *EXPEDITED PROCESS FOR ADJUSTMENTS TO INDI-*
14 *VIDUAL CONTRACTS.*—

15 (1) *IN GENERAL.*—Section 41734(d) is amended
16 by striking “continue to pay” and all that follows
17 through “compensation sufficient” and inserting
18 “provide the carrier with compensation sufficient”.

19 (2) *EFFECTIVE DATE.*—The amendment made by
20 paragraph (1) shall apply to compensation to air car-
21 riers for air service provided after the 30th day fol-
22 lowing the date of enactment of this Act.

23 (c) *SUBSIDY CAP.*—Subject to the availability of funds,
24 the Secretary may waive, on a case-by-case basis, the sub-
25 sidy-per-passenger cap established by section 332 of Public

1 *Law 106–69 (113 Stat. 1022). A waiver issued under this*
 2 *subsection shall remain in effect for a limited period of*
 3 *time, as determined by the Secretary.*

4 **SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PRO-**
 5 **GRAM.**

6 *Section 41747, and the item relating to section 41747*
 7 *in the analysis for chapter 417, are repealed.*

8 **SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.**

9 *(a) IN GENERAL.—Subchapter II of chapter 417 is*
 10 *amended by adding at the end the following:*

11 **“§41749. Sunset**

12 *“(a) IN GENERAL.—Except as provided in subsection*
 13 *(b), the authority of the Secretary of Transportation to*
 14 *carry out the essential air service program under this sub-*
 15 *chapter shall sunset on October 1, 2013.*

16 *“(b) ALASKA AND HAWAII.—The Secretary may con-*
 17 *tinue to carry out the essential air service program under*
 18 *this subchapter in Alaska and Hawaii following the sunset*
 19 *date specified in subsection (a).”.*

20 *(b) CONFORMING AMENDMENT.—The analysis for*
 21 *chapter 417 is amended by inserting after the item relating*
 22 *to section 41748 the following:*

“41749. Sunset.”.

1 ***Subtitle B—Passenger Air Service***
2 ***Improvements***

3 ***SEC. 421. SMOKING PROHIBITION.***

4 *(a) IN GENERAL.—Section 41706 is amended—*

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

7 *(2) by striking subsections (a) and (b) and in-*
8 *serting the following:*

9 ***“(a) SMOKING PROHIBITION IN INTERSTATE AND***
10 ***INTRASTATE AIR TRANSPORTATION.—An individual may***
11 ***not smoke—***

12 ***“(1) in an aircraft in scheduled passenger inter-***
13 ***state or intrastate air transportation; or***

14 ***“(2) in an aircraft in nonscheduled passenger***
15 ***interstate or intrastate air transportation, if a flight***
16 ***attendant is a required crewmember on the aircraft***
17 ***(as determined by the Administrator of the Federal***
18 ***Aviation Administration).***

19 ***“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANS-***
20 ***PORTATION.—The Secretary of Transportation shall require***
21 ***all air carriers and foreign air carriers to prohibit smok-***
22 ***ing—***

23 ***“(1) in an aircraft in scheduled passenger for-***
24 ***eign air transportation; and***

1 “(2) *in an aircraft in nonscheduled passenger*
2 *foreign air transportation, if a flight attendant is a*
3 *required crewmember on the aircraft (as determined*
4 *by the Administrator or a foreign government).”.*

5 **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*
6 *417 is amended by striking the item relating to section*
7 *41706 and inserting the following:*

“41706. Prohibitions against smoking on passenger flights.”.

8 **SEC. 422. MONTHLY AIR CARRIER REPORTS.**

9 **(a) IN GENERAL.**—*Section 41708 is amended by add-*
10 *ing at the end the following:*

11 **“(c) DIVERTED AND CANCELLED FLIGHTS.**—

12 **“(1) MONTHLY REPORTS.**—*The Secretary shall*
13 *require an air carrier referred to in paragraph (2) to*
14 *file with the Secretary a monthly report on each flight*
15 *of the air carrier that is diverted from its scheduled*
16 *destination to another airport and each flight of the*
17 *air carrier that departs the gate at the airport at*
18 *which the flight originates but is cancelled before*
19 *wheels-off time.*

20 **“(2) APPLICABILITY.**—*An air carrier that is re-*
21 *quired to file a monthly airline service quality per-*
22 *formance report pursuant to part 234 of title 14,*
23 *Code of Federal Regulations, shall be subject to the re-*
24 *quirement 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 air-*
13 *port;*

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 the*
20 *diverted airport;*

21 “(II) *the wheels-off time at the di-*
22 *verted 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 depar-
4 ture—

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 compile
16 the information provided in the monthly reports filed
17 pursuant to paragraph (1) in a single monthly report
18 and publish such report on the Internet Web site of
19 the Department of Transportation.”.

20 (b) EFFECTIVE DATE.—Beginning not later than 90
21 days after the date of enactment of this Act, the Secretary
22 of Transportation shall require monthly reports pursuant
23 to the amendment made by subsection (a).

1 **SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASH-**
2 **INGTON NATIONAL AIRPORT.**

3 (a) *BEYOND-PERIMETER EXEMPTIONS.*—Section
4 41718(a) is amended—

5 (1) by striking “Secretary” the first place it ap-
6 pears and inserting “Secretary of Transportation”;
7 and

8 (2) by striking “24” and inserting “34”.

9 (b) *LIMITATIONS.*—Section 41718(c)(2) is amended by
10 striking “3 operations” and inserting “5 operations”.

11 (c) *SLOTS.*—Section 41718(c) is amended—

12 (1) by redesignating paragraphs (3) and (4) as
13 paragraphs (4) and (5), respectively; and

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

16 “(3) *SLOTS.*—The Secretary shall reduce the
17 hourly air carrier slot quota for Ronald Reagan
18 Washington National Airport under section 93.123(a)
19 of title 14, Code of Federal Regulations, by a total of
20 10 slots that are available for allocation. Such reduc-
21 tions shall be taken in the 6:00 a.m., 10:00 p.m., or
22 11:00 p.m. hours, as determined by the Secretary, in
23 order to grant exemptions under subsection (a).”.

24 (d) *SCHEDULING PRIORITY.*—Section 41718 is amend-
25 ed—

1 (1) *by redesignating subsections (e) and (f) as*
2 *subsections (f) and (g), respectively; and*

3 (2) *by inserting after subsection (d) the fol-*
4 *lowing:*

5 “(e) *SCHEDULING PRIORITY.—Operations conducted*
6 *by new entrant air carriers and limited incumbent air car-*
7 *riers shall be provided a scheduling priority over operations*
8 *conducted by other air carriers granted exemptions pursu-*
9 *ant to this section, with the highest scheduling priority pro-*
10 *vided to beyond-perimeter operations conducted by the new*
11 *entrant air carriers and limited incumbent air carriers.”.*

12 **SEC. 424. MUSICAL INSTRUMENTS.**

13 (a) *IN GENERAL.—Subchapter I of chapter 417 is*
14 *amended by adding at the end the following:*

15 **“§ 41724. Musical instruments**

16 “(a) *INSTRUMENTS IN PASSENGER COMPARTMENT.—*
17 *An air carrier providing air transportation shall permit*
18 *a passenger to carry a musical instrument in a closet, bag-*
19 *gage compartment, or cargo stowage compartment (ap-*
20 *proved by the Administrator of the Federal Aviation Ad-*
21 *ministration) in the passenger compartment of the aircraft*
22 *used to provide such transportation if—*

23 “(1) *the instrument can be stowed in accordance*
24 *with the requirements for carriage of carry-on bag-*
25 *gage or cargo set forth by the Administrator; and*

1 “(2) *there is space for such stowage on the air-*
2 *craft.*

3 “(b) *LARGE INSTRUMENTS IN PASSENGER COMPART-*
4 *MENT.—An air carrier providing air transportation shall*
5 *permit a passenger to carry a musical instrument that is*
6 *too large to be secured in a closet, baggage compartment,*
7 *or cargo stowage compartment pursuant to subsection (a)*
8 *in the passenger compartment of the aircraft used to pro-*
9 *vide such transportation if—*

10 “(1) *the instrument can be stowed in accordance*
11 *with the requirements for carriage of carry-on bag-*
12 *gage or cargo set forth by the Administrator; and*

13 “(2) *the passenger has purchased a seat to ac-*
14 *commodate the instrument.*

15 “(c) *INSTRUMENTS AS CHECKED BAGGAGE.—An air*
16 *carrier providing air transportation shall transport as bag-*
17 *gage a musical instrument that may not be carried in the*
18 *passenger compartment of the aircraft used to provide such*
19 *transportation pursuant to subsection (a) or (b) and that*
20 *is the property of a passenger on the aircraft if—*

21 “(1) *the sum of the length, width, and height of*
22 *the instrument (measured in inches of the outside lin-*
23 *ear dimensions of the instrument, including the case)*
24 *does not exceed 150 inches or the size restrictions for*
25 *that aircraft;*

1 “(2) *the weight of the instrument does not exceed*
 2 *165 pounds or the weight restrictions for that air-*
 3 *craft; and*

4 “(3) *the instrument can be stowed in accordance*
 5 *with the requirements for carriage of baggage or cargo*
 6 *set forth by the Administrator.*

7 “(d) *AIR CARRIER TERMS.—Nothing in this section*
 8 *shall be construed as prohibiting an air carrier from lim-*
 9 *iting the carrier’s liability for carrying a musical instru-*
 10 *ment or requiring a passenger to purchase insurance to*
 11 *cover the value of a musical instrument transported by the*
 12 *carrier.”.*

13 “(b) *REGULATIONS.—The Secretary of Transportation*
 14 *may prescribe such regulations as may be necessary or ap-*
 15 *propriate to implement the amendment made by subsection*
 16 *(a).*

17 “(c) *CLERICAL AMENDMENT.—The analysis for such*
 18 *subchapter is amended by adding at the end the following:*
 “41724. Musical instruments.”.

19 **SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.**

20 “(a) *IN GENERAL.—Subtitle VII is amended by insert-*
 21 *ing after chapter 421 the following:*

22 **“CHAPTER 423—PASSENGER AIR SERVICE**
 23 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

1 **“§ 42301. Emergency contingency plans**

2 “(a) *SUBMISSION OF AIR CARRIER AND AIRPORT*
3 *PLANS.*—*Not later than 90 days after the date of enactment*
4 *of this section, each of the following air carriers and airport*
5 *operators shall submit to the Secretary of Transportation*
6 *for review and approval an emergency contingency plan in*
7 *accordance with the requirements of this section:*

8 “(1) *An air carrier providing covered air trans-*
9 *portation at a large hub or medium hub airport.*

10 “(2) *An operator of a large hub or medium hub*
11 *airport.*

12 “(3) *An operator of an airport used by an air*
13 *carrier described in paragraph (1) for diversions.*

14 “(b) *AIR CARRIER PLANS.*—

15 “(1) *PLANS FOR INDIVIDUAL AIRPORTS.*—*An air*
16 *carrier shall submit an emergency contingency plan*
17 *under subsection (a) for—*

18 “(A) *each large hub and medium hub air-*
19 *port at which the carrier provides covered air*
20 *transportation; and*

21 “(B) *each large hub and medium hub air-*
22 *port at which the carrier has flights for which*
23 *the carrier has primary responsibility for inven-*
24 *tory control.*

1 “(2) *CONTENTS.—An emergency contingency*
2 *plan submitted by an air carrier for an airport under*
3 *subsection (a) shall contain a description of how the*
4 *carrier will—*

5 “(A) *provide food, potable water, restroom*
6 *facilities, and access to medical treatment for*
7 *passengers onboard an aircraft at the airport*
8 *that is on the ground for an extended period of*
9 *time without access to the terminal;*

10 “(B) *allow passengers to deplane following*
11 *excessive tarmac delays; and*

12 “(C) *share facilities and make gates avail-*
13 *able at the airport in an emergency.*

14 “(c) *AIRPORT PLANS.—An emergency contingency*
15 *plan submitted by an airport operator under subsection (a)*
16 *shall contain a description of how the operator, to the max-*
17 *imum extent practicable, will—*

18 “(1) *provide for the deplanement of passengers*
19 *following excessive tarmac delays;*

20 “(2) *provide for the sharing of facilities and*
21 *make gates available at the airport in an emergency;*
22 *and*

23 “(3) *provide a sterile area following excessive*
24 *tarmac delays for passengers who have not yet cleared*
25 *U.S. Customs and Border Protection.*

1 “(d) *UPDATES.*—

2 “(1) *AIR CARRIERS.*—*An air carrier shall up-*
3 *date the emergency contingency plan submitted by the*
4 *carrier under subsection (a) every 3 years and submit*
5 *the update to the Secretary for review and approval.*

6 “(2) *AIRPORTS.*—*An airport operator shall up-*
7 *date the emergency contingency plan submitted by the*
8 *operator under subsection (a) every 5 years and sub-*
9 *mit the update to the Secretary for review and ap-*
10 *proval.*

11 “(e) *APPROVAL.*—

12 “(1) *IN GENERAL.*—*Not later than 60 days after*
13 *the date of the receipt of an emergency contingency*
14 *plan submitted under subsection (a) or an update*
15 *submitted under subsection (d), the Secretary shall re-*
16 *view and approve or, if necessary, require modifica-*
17 *tions to the plan or update to ensure that the plan*
18 *or update will effectively address emergencies and*
19 *provide for the health and safety of passengers.*

20 “(2) *FAILURE TO APPROVE OR REQUIRE MODI-*
21 *FICATIONS.*—*If the Secretary fails to approve or re-*
22 *quire modifications to a plan or update under para-*
23 *graph (1) within the timeframe specified in that*
24 *paragraph, the plan or update shall be deemed to be*
25 *approved.*

1 “(3) *ADHERENCE REQUIRED.*—*An air carrier or*
2 *airport operator shall adhere to an emergency contin-*
3 *gency plan of the carrier or operator approved under*
4 *this section.*

5 “(f) *MINIMUM STANDARDS.*—*The Secretary may estab-*
6 *lish, as necessary or desirable, minimum standards for ele-*
7 *ments in an emergency contingency plan required to be sub-*
8 *mitted under this section.*

9 “(g) *PUBLIC ACCESS.*—*An air carrier or airport oper-*
10 *ator required to submit an emergency contingency plan*
11 *under this section shall ensure public access to the plan*
12 *after its approval under this section on the Internet Web*
13 *site of the carrier or operator or by such other means as*
14 *determined by the Secretary.*

15 “(h) *DEFINITIONS.*—*In this section, the following defi-*
16 *initions apply:*

17 “(1) *COVERED AIR TRANSPORTATION.*—*The term*
18 *‘covered air transportation’ means scheduled or public*
19 *charter passenger air transportation provided by an*
20 *air carrier that operates an aircraft that as origi-*
21 *nally designed has a passenger capacity of 30 or more*
22 *seats.*

23 “(2) *TARMAC DELAY.*—*The term ‘tarmac delay’*
24 *means the period during which passengers are on*
25 *board an aircraft on the tarmac—*

1 “(A) awaiting takeoff after the aircraft
2 doors have been closed or after passengers have
3 been boarded if the passengers have not been ad-
4 vised they are free to deplane; or

5 “(B) awaiting deplaning after the aircraft
6 has landed.

7 **“§ 42302. Consumer complaints**

8 “(a) *IN GENERAL.*—The Secretary of Transportation
9 shall establish a consumer complaints toll-free hotline tele-
10 phone number for the use of passengers in air transpor-
11 tation and shall take actions to notify the public of—

12 “(1) that telephone number; and

13 “(2) the Internet Web site of the Aviation Con-
14 sumer Protection Division of the Department of
15 Transportation.

16 “(b) *NOTICE TO PASSENGERS ON THE INTERNET.*—An
17 air carrier or foreign air carrier providing scheduled air
18 transportation using any aircraft that as originally de-
19 signed has a passenger capacity of 30 or more passenger
20 seats shall include on the Internet Web site of the carrier—

21 “(1) the hotline telephone number established
22 under subsection (a);

23 “(2) the email address, telephone number, and
24 mailing address of the air carrier for the submission

1 of complaints by passengers about air travel service
2 problems; and

3 “(3) the Internet Web site and mailing address
4 of the Aviation Consumer Protection Division of the
5 Department of Transportation for the submission of
6 complaints by passengers about air travel service
7 problems.

8 “(c) *NOTICE TO PASSENGERS ON BOARDING DOCU-*
9 *MENTATION.*—An air carrier or foreign air carrier pro-
10 viding scheduled air transportation using any aircraft that
11 as originally designed has a passenger capacity of 30 or
12 more passenger seats shall include the hotline telephone
13 number established under subsection (a) on—

14 “(1) prominently displayed signs of the carrier
15 at the airport ticket counters in the United States
16 where the air carrier operates; and

17 “(2) any electronic confirmation of the purchase
18 of a passenger ticket for air transportation issued by
19 the air carrier.

20 **“§ 42303. Use of insecticides in passenger aircraft**

21 “(a) *INFORMATION TO BE PROVIDED ON THE INTER-*
22 *NET.*—The Secretary of Transportation shall establish, and
23 make available to the general public, an Internet Web site
24 that contains a listing of countries that may require an
25 air carrier or foreign air carrier to treat an aircraft pas-

1 senger cabin with insecticides prior to a flight in foreign
 2 air transportation to that country or to apply an aerosol
 3 insecticide in an aircraft cabin used for such a flight when
 4 the cabin is occupied with passengers.

5 “(b) *REQUIRED DISCLOSURES.*—An air carrier, for-
 6 eign air carrier, or ticket agent selling, in the United
 7 States, a ticket for a flight in foreign air transportation
 8 to a country listed on the Internet Web site established
 9 under subsection (a) shall refer the purchaser of the ticket
 10 to the Internet Web site established under subsection (a) for
 11 additional information.”.

12 (b) *PENALTIES.*—Section 46301 is amended in sub-
 13 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter 423,”
 14 after “chapter 421,”.

15 (c) *APPLICABILITY OF REQUIREMENTS.*—Except as
 16 otherwise provided, the requirements of chapter 423 of title
 17 49, United States Code, as added by this section, shall begin
 18 to apply 60 days after the date of enactment of this Act.

19 (d) *CLERICAL AMENDMENT.*—The analysis for subtitle
 20 VII is amended by inserting after the item relating to chap-
 21 ter 421 the following:

“423. Passenger Air Service Improvements 42301”.

22 **SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

23 (a) *FINDINGS.*—Congress finds that—

24 (1) the Armed Forces is comprised of approxi-
 25 mately 1,450,000 members who are stationed on ac-

1 *tive duty at more than 6,000 military bases in 146*
2 *different countries;*

3 *(2) the United States is indebted to the members*
4 *of the Armed Forces, many of whom are in grave*
5 *danger due to their engagement in, or exposure to,*
6 *combat;*

7 *(3) military service, especially in the current*
8 *war against terrorism, often requires members of the*
9 *Armed Forces to be separated from their families on*
10 *short notice, for long periods of time, and under very*
11 *stressful conditions;*

12 *(4) the unique demands of military service often*
13 *preclude members of the Armed Forces from pur-*
14 *chasing discounted advance airline tickets in order to*
15 *visit their loved ones at home; and*

16 *(5) it is the patriotic duty of the people of the*
17 *United States to support the members of the Armed*
18 *Forces who are defending the Nation's interests*
19 *around the world at great personal sacrifice.*

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

22 *(1) all United States commercial air carriers*
23 *should seek to lend their support with flexible, gen-*
24 *erous policies applicable to members of the Armed*

1 *Forces who are traveling on leave or liberty at their*
2 *own expense; and*

3 *(2) each United States air carrier, for all mem-*
4 *bers of the Armed Forces who have been granted leave*
5 *or liberty and who are traveling by air at their own*
6 *expense, should—*

7 *(A) seek to provide reduced air fares that*
8 *are comparable to the lowest airfare for ticketed*
9 *flights and that eliminate to the maximum ex-*
10 *tent possible advance purchase requirements;*

11 *(B) seek to eliminate change fees or charges*
12 *and any penalties;*

13 *(C) seek to eliminate or reduce baggage and*
14 *excess weight fees;*

15 *(D) offer flexible terms that allow members*
16 *to purchase, modify, or cancel tickets without*
17 *time restrictions, and to waive fees (including*
18 *baggage fees), ancillary costs, or penalties; and*

19 *(E) seek to take proactive measures to en-*
20 *sure that all airline employees, particularly*
21 *those who issue tickets and respond to members*
22 *of the Armed Forces and their family members,*
23 *are trained in the policies of the airline aimed*
24 *at benefitting members of the Armed Forces who*
25 *are on leave.*

1 **SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**
2 **CELLATIONS, AND ASSOCIATED CAUSES.**

3 (a) *REVIEW.*—*The Inspector General of the Depart-*
4 *ment of Transportation shall conduct a review regarding*
5 *air carrier flight delays, cancellations, and associated*
6 *causes to update its 2000 report numbered CR–2000–112*
7 *and titled “Audit of Air Carrier Flight Delays and Can-*
8 *cancellations”.*

9 (b) *ASSESSMENTS.*—*In conducting the review under*
10 *subsection (a), the Inspector General shall assess—*

11 (1) *the need for an update on delay and can-*
12 *cellation statistics, including with respect to the num-*
13 *ber of chronically delayed flights and taxi-in and*
14 *taxi-out times;*

15 (2) *air carriers’ scheduling practices;*

16 (3) *the need for a reexamination of capacity*
17 *benchmarks at the Nation’s busiest airports;*

18 (4) *the impact of flight delays and cancellations*
19 *on air travelers, including recommendations for pro-*
20 *grams that could be implemented to address the im-*
21 *pect of flight delays on air travelers;*

22 (5) *the effect that limited air carrier service op-*
23 *tions on routes have on the frequency of delays and*
24 *cancellations on such routes;*

1 (6) *the effect of the rules and regulations of the*
2 *Department of Transportation on the decisions of air*
3 *carriers to delay or cancel flights; and*

4 (7) *the impact of flight delays and cancellations*
5 *on the airline industry.*

6 (c) *REPORT.*—*Not later than one year after the date*
7 *of enactment of this Act, the Inspector General shall submit*
8 *to the Committee on Transportation and Infrastructure of*
9 *the House of Representatives and the Committee on Com-*
10 *merce, Science, and Transportation of the Senate a report*
11 *on the results of the review conducted under this section,*
12 *including the assessments described in subsection (b).*

13 **SEC. 428. DENIED BOARDING COMPENSATION.**

14 (a) *EVALUATION OF DENIED BOARDING COMPENSA-*
15 *TION.*—*Not later than 6 months after the date of enactment*
16 *of this Act, and every 2 years thereafter, the Secretary of*
17 *Transportation shall evaluate the amount provided by air*
18 *carriers for denied boarding compensation.*

19 (b) *ADJUSTMENT OF AMOUNT.*—*If, upon completing*
20 *an evaluation required under subsection (a), the Secretary*
21 *determines that the amount provided for denied boarding*
22 *compensation should be adjusted, the Secretary shall issue*
23 *a regulation to adjust such compensation.*

1 **SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.**

2 (a) *STUDY.*—*The Comptroller General shall conduct a*
3 *study to—*

4 (1) *examine delays in the delivery of checked*
5 *baggage to passengers of air carriers; and*

6 (2) *assess the options for and examine the im-*
7 *pect of establishing minimum standards to com-*
8 *pensate a passenger in the case of an unreasonable*
9 *delay in the delivery of checked baggage.*

10 (b) *CONSIDERATION.*—*In conducting the study, the*
11 *Comptroller General shall take into account the additional*
12 *fees for checked baggage that are imposed by many air car-*
13 *riers and how the additional fees should improve an air*
14 *carrier's baggage performance.*

15 (c) *REPORT.*—*Not later than 180 days after the date*
16 *of enactment of this Act, the Comptroller General shall*
17 *transmit to Congress a report on the results of the study.*

18 **SEC. 430. SCHEDULE REDUCTION.**

19 (a) *IN GENERAL.*—*If the Administrator of the Federal*
20 *Aviation Administration determines that—*

21 (1) *the aircraft operations of air carriers during*
22 *any hour at an airport exceed the hourly maximum*
23 *departure and arrival rate established by the Admin-*
24 *istrator for such operations; and*

25 (2) *the operations in excess of the maximum de-*
26 *parture and arrival rate for such hour at such air-*

1 port are likely to have a significant adverse effect on
2 the safe and efficient use of navigable airspace,
3 the Administrator shall convene a meeting of such carriers
4 to reduce pursuant to section 41722 of title 49, United
5 States Code, on a voluntary basis, the number of such oper-
6 ations so as not to exceed the maximum departure and ar-
7 rival rate.

8 (b) *NO AGREEMENT.*—If the air carriers participating
9 in a meeting with respect to an airport under subsection
10 (a) are not able to agree to a reduction in the number of
11 flights to and from the airport so as not to exceed the max-
12 imum departure and arrival rate, the Administrator shall
13 take such action as is necessary to ensure such reduction
14 is implemented.

15 **SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGA-**
16 **TIONS.**

17 The Secretary of Transportation may investigate con-
18 sumer complaints regarding—

19 (1) flight cancellations;

20 (2) compliance with Federal regulations con-
21 cerning overbooking seats on flights;

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

24 (4) problems in obtaining refunds for unused or
25 lost tickets or fare adjustments;

1 (5) *incorrect or incomplete information about*
2 *fares, discount fare conditions and availability, over-*
3 *charges, and fare increases;*

4 (6) *the rights of passengers who hold frequent*
5 *flyer miles or equivalent redeemable awards earned*
6 *through customer-loyalty programs; and*

7 (7) *deceptive or misleading advertising.*

8 **SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART**
9 **135.**

10 (a) *STUDY REQUIRED.*—*The Administrator of the Fed-*
11 *eral Aviation Administration, in consultation with inter-*
12 *ested parties, shall conduct a study of operators regulated*
13 *under part 135 of title 14, Code of Federal Regulations.*

14 (b) *CONTENTS.*—*In conducting the study under sub-*
15 *section (a), the Administrator shall analyze the part 135*
16 *fleet in the United States, which shall include analysis of—*

17 (1) *the size and type of aircraft in the fleet;*

18 (2) *the equipment utilized by the fleet;*

19 (3) *the hours flown each year by the fleet;*

20 (4) *the utilization rates with respect to the fleet;*

21 (5) *the safety record of various categories of use*
22 *and aircraft types with respect to the fleet, through a*
23 *review of the database of the National Transportation*
24 *Safety Board;*

25 (6) *the sales revenues of the fleet; and*

1 (7) *the number of passengers and airports served*
2 *by the fleet.*

3 (c) *REPORT.—*

4 (1) *INITIAL REPORT.—Not later than 18 months*
5 *after the date of enactment of this Act, the Adminis-*
6 *trator shall submit to the Committee on Transpor-*
7 *tation and Infrastructure of the House of Representa-*
8 *tives and the Committee on Commerce, Science, and*
9 *Transportation of the Senate a report on the results*
10 *of the study conducted under subsection (a).*

11 (2) *UPDATES.—Not later than 3 years after the*
12 *date of the submission of the report required under*
13 *paragraph (1), and every 2 years thereafter, the Ad-*
14 *ministrator shall update the report required under*
15 *that paragraph and submit the updated report to the*
16 *committees specified in that paragraph.*

17 **SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

18 (a) *CELL PHONE STUDY.—Not later than 120 days*
19 *after the date of enactment of this Act, the Administrator*
20 *of the Federal Aviation Administration shall conduct a*
21 *study on the impact of the use of cell phones for voice com-*
22 *munications in an aircraft during a flight in scheduled*
23 *passenger air transportation where currently permitted by*
24 *foreign governments in foreign air transportation.*

25 (b) *CONTENTS.—The study shall include—*

1 (1) a review of foreign government and air car-
2 rier policies on the use of cell phones during flight;

3 (2) a review of the extent to which passengers use
4 cell phones for voice communications during flight;
5 and

6 (3) a summary of any impacts of cell phone use
7 during flight on safety, the quality of the flight expe-
8 rience of passengers, and flight attendants.

9 (c) *COMMENT PERIOD*.—Not later than 180 days after
10 the date of enactment of this Act, the Administrator shall
11 publish in the Federal Register the results of the study and
12 allow 60 days for public comment.

13 (d) *CELL PHONE REPORT*.—Not later than 270 days
14 after the date of enactment of this Act, the Administrator
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report on the results of the study.

19 **TITLE V—ENVIRONMENTAL**
20 **STREAMLINING**

21 **SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

22 (a) *GENERAL REQUIREMENTS*.—Section
23 40128(a)(1)(C) is amended by inserting “or voluntary
24 agreement under subsection (b)(7)” before “for the park”.

1 (b) *EXEMPTION FOR NATIONAL PARKS WITH 50 OR*
2 *FEWER FLIGHTS EACH YEAR.*—Section 40128(a) is
3 *amended by adding at the end the following:*

4 “(5) *EXEMPTION FOR NATIONAL PARKS WITH 50*
5 *OR FEWER FLIGHTS EACH YEAR.*—

6 “(A) *IN GENERAL.*—Notwithstanding para-
7 *graph (1), a national park that has 50 or fewer*
8 *commercial air tour operations over the park*
9 *each year shall be exempt from the requirements*
10 *of this section, except as provided in subpara-*
11 *graph (B).*

12 “(B) *WITHDRAWAL OF EXEMPTION.*—If the
13 *Director determines that an air tour manage-*
14 *ment plan or voluntary agreement is necessary*
15 *to protect park resources and values or park vis-*
16 *itor use and enjoyment, the Director shall with-*
17 *draw the exemption of a park under subpara-*
18 *graph (A).*

19 “(C) *LIST OF PARKS.*—

20 “(i) *IN GENERAL.*—The Director and
21 *Administrator shall jointly publish a list*
22 *each year of national parks that are covered*
23 *by the exemption provided under this para-*
24 *graph.*

1 “(i) *NOTIFICATION OF WITHDRAWAL*
2 *OF EXEMPTION.—The Director shall inform*
3 *the Administrator, in writing, of each deter-*
4 *mination to withdraw an exemption under*
5 *subparagraph (B).*

6 “(D) *ANNUAL REPORT.—A commercial air*
7 *tour operator conducting commercial air tour*
8 *operations over a national park that is exempt*
9 *from the requirements of this section shall submit*
10 *to the Administrator and the Director a report*
11 *each year that includes the number of commer-*
12 *cial air tour operations the operator conducted*
13 *during the preceding one-year period over such*
14 *park.”.*

15 (c) *AIR TOUR MANAGEMENT PLANS.—Section*
16 *40128(b) is amended by adding at the end the following:*

17 “(7) *VOLUNTARY AGREEMENTS.—*

18 “(A) *IN GENERAL.—As an alternative to an*
19 *air tour management plan, the Director and the*
20 *Administrator may enter into a voluntary agree-*
21 *ment with a commercial air tour operator (in-*
22 *cluding a new entrant commercial air tour oper-*
23 *ator and an operator that has interim operating*
24 *authority) that has applied to conduct commer-*
25 *cial air tour operations over a national park to*

1 *manage commercial air tour operations over*
2 *such national park.*

3 “(B) *PARK PROTECTION.*—*A voluntary*
4 *agreement under this paragraph with respect to*
5 *commercial air tour operations over a national*
6 *park shall address the management issues nec-*
7 *essary to protect the resources of such park and*
8 *visitor use of such park without compromising*
9 *aviation safety or the air traffic control system*
10 *and may—*

11 “(i) *include provisions such as those*
12 *described in subparagraphs (B) through (E)*
13 *of paragraph (3);*

14 “(ii) *include provisions to ensure the*
15 *stability of, and compliance with, the vol-*
16 *untary agreement; and*

17 “(iii) *provide for fees for such oper-*
18 *ations.*

19 “(C) *PUBLIC.*—*The Director and the Ad-*
20 *ministrator shall provide an opportunity for*
21 *public review of a proposed voluntary agreement*
22 *under this paragraph and shall consult with any*
23 *Indian tribe whose tribal lands are, or may be,*
24 *flown over by a commercial air tour operator*
25 *under a voluntary agreement under this para-*

1 *graph. After such opportunity for public review*
2 *and consultation, the voluntary agreement may*
3 *be implemented without further administrative*
4 *or environmental process beyond that described*
5 *in this subsection.*

6 “(D) *TERMINATION.*—

7 “(i) *IN GENERAL.*—*A voluntary agree-*
8 *ment under this paragraph may be termi-*
9 *nated at any time at the discretion of—*

10 “(I) *the Director, if the Director*
11 *determines that the agreement is not*
12 *adequately protecting park resources or*
13 *visitor experiences; or*

14 “(II) *the Administrator, if the*
15 *Administrator determines that the*
16 *agreement is adversely affecting avia-*
17 *tion safety or the national aviation*
18 *system.*

19 “(ii) *EFFECT OF TERMINATION.*—*If a*
20 *voluntary agreement with respect to a na-*
21 *tional park is terminated under this sub-*
22 *paragraph, the operators shall conform to*
23 *the requirements for interim operating au-*
24 *thority under subsection (c) until an air*

1 *tour management plan for the park is in ef-*
2 *fect.”.*

3 (d) *INTERIM OPERATING AUTHORITY.*—Section
4 *40128(c) is amended—*

5 (1) *by striking paragraph (2)(I) and inserting*
6 *the following:*

7 “(I) *may allow for modifications of the in-*
8 *terim operating authority without further envi-*
9 *ronmental review beyond that described in this*
10 *subsection, if—*

11 “(i) *adequate information regarding*
12 *the existing and proposed operations of the*
13 *operator under the interim operating au-*
14 *thority is provided to the Administrator*
15 *and the Director;*

16 “(ii) *the Administrator determines that*
17 *there would be no adverse impact on avia-*
18 *tion safety or the air traffic control system;*
19 *and*

20 “(iii) *the Director agrees with the*
21 *modification, based on the professional ex-*
22 *pertise of the Director regarding the protec-*
23 *tion of the resources, values, and visitor use*
24 *and enjoyment of the park.”; and*

1 (2) *in paragraph (3)(A) by striking “if the Ad-*
2 *ministrator determines” and all that follows through*
3 *the period at the end and inserting “without further*
4 *environmental process beyond that described in this*
5 *paragraph, if—*

6 *“(i) adequate information on the pro-*
7 *posed operations of the operator is provided*
8 *to the Administrator and the Director by*
9 *the operator making the request;*

10 *“(ii) the Administrator agrees that*
11 *there would be no adverse impact on avia-*
12 *tion safety or the air traffic control system;*
13 *and*

14 *“(iii) the Director agrees, based on the*
15 *Director’s professional expertise regarding*
16 *the protection of park resources and values*
17 *and visitor use and enjoyment.”.*

18 (e) *OPERATOR REPORTS.—Section 40128 is amend-*
19 *ed—*

20 (1) *by redesignating subsections (d), (e), and (f)*
21 *as subsections (e), (f), and (g), respectively; and*

22 (2) *by inserting after subsection (c) the fol-*
23 *lowing:*

24 *“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—*

1 “(1) *REPORT.*—Each commercial air tour oper-
2 ator conducting a commercial air tour operation over
3 a national park under interim operating authority
4 granted under subsection (c) or in accordance with an
5 air tour management plan or voluntary agreement
6 under subsection (b) shall submit to the Adminis-
7 trator and the Director a report regarding the num-
8 ber of commercial air tour operations over each na-
9 tional park that are conducted by the operator and
10 such other information as the Administrator and Di-
11 rector may request in order to facilitate admin-
12 istering the provisions of this section.

13 “(2) *REPORT SUBMISSION.*—Not later than 90
14 days after the date of enactment of the *FAA Reau-*
15 *thorization and Reform Act of 2011*, the Adminis-
16 trator and the Director shall jointly issue an initial
17 request for reports under this subsection. The reports
18 shall be submitted to the Administrator and the Di-
19 rector with a frequency and in a format prescribed by
20 the Administrator and the Director.”.

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

22 (a) *GENERAL REQUIREMENTS.*—Section 47128(a) is
23 amended—

24 (1) in the first sentence by striking “prescribe
25 regulations” and inserting “issue guidance”; and

1 (2) *in the second sentence by striking “regula-*
2 *tions” and inserting “guidance”.*

3 (b) *APPLICATIONS AND SELECTION.—Section*
4 *47128(b)(4) is amended by inserting before the semicolon*
5 *the following: “, including the National Environmental Pol-*
6 *icy Act of 1969 (42 U.S.C. 4321 et seq.), State and local*
7 *environmental policy acts, Executive orders, agency regula-*
8 *tions and guidance, and other Federal environmental re-*
9 *quirements”.*

10 (c) *ENVIRONMENTAL ANALYSIS AND COORDINATION*
11 *REQUIREMENTS.—Section 47128 is amended by adding at*
12 *the end the following:*

13 “(d) *ENVIRONMENTAL ANALYSIS AND COORDINATION*
14 *REQUIREMENTS.—A Federal agency, other than the Federal*
15 *Aviation Administration, that is responsible for issuing an*
16 *approval, license, or permit to ensure compliance with a*
17 *Federal environmental requirement applicable to a project*
18 *or activity to be carried out by a State using amounts from*
19 *a block grant made under this section shall—*

20 “(1) *coordinate and consult with the State;*

21 “(2) *use the environmental analysis prepared by*
22 *the State for the project or activity if such analysis*
23 *is adequate; and*

1 “(3) as necessary, consult with the State to de-
2 scribe the supplemental analysis the State must pro-
3 vide to meet applicable Federal requirements.”.

4 **SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY**
5 **PROJECTS STREAMLINING.**

6 (a) *AVIATION PROJECT REVIEW PROCESS.*—Section
7 47171(a) is amended in the matter preceding paragraph
8 (1) by striking “and aviation security projects” and insert-
9 ing “aviation security projects, and NextGen environmental
10 efficiency projects”.

11 (b) *AVIATION PROJECTS SUBJECT TO A STREAMLINED*
12 *ENVIRONMENTAL REVIEW PROCESS.*—Section 47171(b) is
13 amended—

14 (1) by amending paragraph (1) to read as fol-
15 lows:

16 “(1) *AIRPORT CAPACITY ENHANCEMENT*
17 *PROJECTS AT CONGESTED AIRPORTS AND CERTAIN*
18 *NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS.*—
19 *The following projects shall be subject to the coordi-*
20 *nated and expedited environmental review process re-*
21 *quirements set forth in this section:*

22 “(A) *An airport capacity enhancement*
23 *project at a congested airport.*

1 “(B) *A NextGen environmental efficiency*
2 *project at an Operational Evolution Partnership*
3 *airport or any congested airport.*”; and

4 (2) *in paragraph (2)*—

5 (A) *in the heading by striking “AND AVIA-*
6 *TION SECURITY PROJECTS” and inserting*
7 *“PROJECTS, AVIATION SECURITY PROJECTS, AND*
8 *ANY NEXTGEN ENVIRONMENTAL EFFICIENCY*
9 *PROJECTS”;*

10 (B) *in subparagraph (A) by striking “or*
11 *aviation security project” and inserting “, an*
12 *aviation security project, or any NextGen envi-*
13 *ronmental efficiency project”;* and

14 (C) *in subparagraph (B) by striking “or*
15 *aviation security project” and inserting “, avia-*
16 *tion security project, or NextGen environmental*
17 *efficiency project”.*

18 (c) *HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.*—
19 Section 47171(c)(1) *is amended by striking “an airport ca-*
20 *capacity enhancement project at a congested airport” and in-*
21 *serting “a project described in subsection (b)(1)”.*

22 (d) *IDENTIFICATION OF JURISDICTIONAL AGENCIES.*—
23 Section 47171(d) *is amended by striking “each airport ca-*
24 *capacity enhancement project at a congested airport” and in-*
25 *serting “a project described in subsection (b)(1)”.*

1 (e) *LEAD AGENCY RESPONSIBILITY.*—Section
2 47171(h) is amended by striking “airport capacity en-
3 hancement projects at congested airports” and inserting
4 “projects described in subsection (b)(1)”.

5 (f) *ALTERNATIVES ANALYSIS.*—Section 47171(k) is
6 amended by striking “an airport capacity enhancement
7 project at a congested airport” and inserting “a project de-
8 scribed in subsection (b)(1)”.

9 (g) *DEFINITIONS.*—Section 47171 is amended by add-
10 ing at the end the following:

11 “(n) *DEFINITIONS.*—In this section, the following defi-
12 nitions apply:

13 “(1) *CONGESTED AIRPORT.*—The term ‘congested
14 airport’ means an airport that accounted for at least
15 one percent of all delayed aircraft operations in the
16 United States in the most recent year for which data
17 is available and an airport listed in table 1 of the
18 Federal Aviation Administration’s Airport Capacity
19 Benchmark Report 2004.

20 “(2) *NEXTGEN ENVIRONMENTAL EFFICIENCY*
21 *PROJECT.*—The term ‘NextGen environmental effi-
22 ciency project’ means a Next Generation Air Trans-
23 portation System aviation project that—

24 “(A) develops and certifies performance-
25 based navigation procedures; or

1 “(B) develops other environmental mitiga-
2 tion projects the Secretary may designate as fa-
3 cilitating a reduction in noise, fuel consumption,
4 or emissions from air traffic operations.

5 “(3) *PERFORMANCE-BASED NAVIGATION*.—The
6 term ‘performance-based navigation’ means a frame-
7 work for defining performance requirements in navi-
8 gation specifications that—

9 “(A) can be applied to an air traffic route,
10 instrument procedure, or defined airspace; or

11 “(B) provides a basis for the design and im-
12 plementation of automated flight paths, airspace
13 design, and obstacle clearance.”.

14 **SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
15 **VIEWS.**

16 Section 47173(a) is amended by striking “services of
17 consultants in order to” and all that follows through the
18 period at the end and inserting “services of consultants—

19 “(1) to facilitate the timely processing, review,
20 and completion of environmental activities associated
21 with an airport development project;

22 “(2) to conduct special environmental studies re-
23 lated to an airport project funded with Federal funds;

1 “(3) to conduct special studies or reviews to sup-
2 port approved noise compatibility measures described
3 in part 150 of title 14, Code of Federal Regulations;

4 “(4) to conduct special studies or reviews to sup-
5 port environmental mitigation in a record of decision
6 or finding of no significant impact by the Federal
7 Aviation Administration; and

8 “(5) to facilitate the timely processing, review,
9 and completion of environmental activities associated
10 with new or amended flight procedures, including
11 performance-based navigation procedures, such as re-
12 quired navigation performance procedures and area
13 navigation procedures.”.

14 **SEC. 505. NOISE COMPATIBILITY PROGRAMS.**

15 Section 47504(a)(2) is amended—

16 (1) by striking “and” after the semicolon in sub-
17 paragraph (D);

18 (2) by striking “operations.” in subparagraph
19 (E) and inserting “operations; and”; and

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

21 “(F) conducting comprehensive land use plan-
22 ning (including master plans, traffic studies, environ-
23 mental evaluation, and economic and feasibility stud-
24 ies), jointly with neighboring local jurisdictions un-
25 dertaking community redevelopment in an area in

1 *sociated with proposals to implement flight proce-*
 2 *dures at such airport that have been approved as part*
 3 *of an airport noise compatibility program under sub-*
 4 *section (b).*

5 *“(3) RECEIPTS CREDITED AS OFFSETTING COL-*
 6 *LECTIONS.—Notwithstanding section 3302 of title 31,*
 7 *any funds accepted under this section—*

8 *“(A) shall be credited as offsetting collec-*
 9 *tions to the account that finances the activities*
 10 *and services for which the funds are accepted;*

11 *“(B) shall be available for expenditure only*
 12 *to pay the costs of activities and services for*
 13 *which the funds are accepted; and*

14 *“(C) shall remain available until ex-*
 15 *pended.”.*

16 **SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF RES-**
 17 **IDENTIAL PROPERTIES.**

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

20 *“(f) DETERMINATION OF FAIR MARKET VALUE OF*
 21 *RESIDENTIAL PROPERTIES.—In approving a project to ac-*
 22 *quire residential real property using financial assistance*
 23 *made available under this section or chapter 471, the Sec-*
 24 *retary shall ensure that the appraisal of the property to*
 25 *be acquired disregards any decrease or increase in the fair*

1 *market value of the real property caused by the project for*
2 *which the property is to be acquired, or by the likelihood*
3 *that the property would be acquired for the project, other*
4 *than that due to physical deterioration within the reason-*
5 *able control of the owner.”.*

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

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

11 **“§47534. Prohibition on operating certain aircraft**
12 **weighing 75,000 pounds or less not com-**
13 **plying with stage 3 noise levels**

14 *“(a) PROHIBITION.—Except as otherwise provided by*
15 *this section, after December 31, 2014, a person may not*
16 *operate a civil subsonic jet airplane with a maximum*
17 *weight of 75,000 pounds or less, and for which an air-*
18 *worthiness certificate (other than an experimental certifi-*
19 *cate) has been issued, to or from an airport in the United*
20 *States unless the Secretary of Transportation finds that the*
21 *aircraft complies with stage 3 noise levels.*

22 *“(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS*
23 *STATES.—Subsection (a) shall not apply to aircraft oper-*
24 *ated only outside the 48 contiguous States.*

1 “(c) *TEMPORARY OPERATIONS.*—*The Secretary may*
2 *allow temporary operation of an aircraft otherwise prohib-*
3 *ited from operation under subsection (a) to or from an air-*
4 *port in the contiguous United States by granting a special*
5 *flight authorization for one or more of the following cir-*
6 *cumstances:*

7 “(1) *To sell, lease, or use the aircraft outside the*
8 *48 contiguous States.*

9 “(2) *To scrap the aircraft.*

10 “(3) *To obtain modifications to the aircraft to*
11 *meet stage 3 noise levels.*

12 “(4) *To perform scheduled heavy maintenance or*
13 *significant modifications on the aircraft at a mainte-*
14 *nance facility located in the contiguous 48 States.*

15 “(5) *To deliver the aircraft to an operator leas-*
16 *ing the aircraft from the owner or return the aircraft*
17 *to the lessor.*

18 “(6) *To prepare, park, or store the aircraft in*
19 *anticipation of any of the activities described in*
20 *paragraphs (1) through (5).*

21 “(7) *To provide transport of persons and goods*
22 *in the relief of an emergency situation.*

23 “(8) *To divert the aircraft to an alternative air-*
24 *port in the 48 contiguous States on account of weath-*
25 *er, mechanical, fuel, air traffic control, or other safety*

1 *reasons while conducting a flight in order to perform*
2 *any of the activities described in paragraphs (1)*
3 *through (7).*

4 “(d) *REGULATIONS.—The Secretary may prescribe*
5 *such regulations or other guidance as may be necessary for*
6 *the implementation of this section.*”

7 “(e) *STATUTORY CONSTRUCTION.—*

8 “(1) *AIP GRANT ASSURANCES.—Noncompliance*
9 *with subsection (a) shall not be construed as a viola-*
10 *tion of section 47107 or any regulations prescribed*
11 *thereunder.*”

12 “(2) *PENDING APPLICATIONS.—Nothing in this*
13 *section may be construed as interfering with, nul-*
14 *lifying, or otherwise affecting determinations made by*
15 *the Federal Aviation Administration, or to be made*
16 *by the Administration, with respect to applications*
17 *under part 161 of title 14, Code of Federal Regula-*
18 *tions, that were pending on the date of enactment of*
19 *this section.*”

20 “(b) *CONFORMING AMENDMENTS.—*

21 “(1) *Section 47531 is amended—*

22 “(A) *in the section heading by striking “for*
23 ***violating sections 47528–47530***”; and

24 “(B) *by striking “47529, or 47530” and in-*
25 *serting “47529, 47530, or 47534”.*”

1 (2) Section 47532 is amended by inserting “or
2 47534” after “47528–47531”.

3 (3) The analysis for subchapter II of chapter 475
4 is amended—

5 (A) by striking the item relating to section
6 47531 and inserting the following:

“47531. Penalties.”; and

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

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

8 **SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**
9 **PILOT PROGRAM.**

10 (a) *IN GENERAL.*—The Secretary of Transportation
11 shall carry out a pilot program at not more than 5 public-
12 use airports under which the Federal Aviation Administra-
13 tion shall use funds made available under section 48101(a)
14 to test air traffic flow management tools, methodologies, and
15 procedures that will allow air traffic controllers of the Ad-
16 ministration to better manage the flow of aircraft on the
17 ground and reduce the length of ground holds and idling
18 time for aircraft.

19 (b) *SELECTION CRITERIA.*—In selecting from among
20 airports at which to conduct the pilot program, the Sec-
21 retary shall give priority consideration to airports at which
22 improvements in ground control efficiencies are likely to
23 achieve the greatest fuel savings or air quality or other envi-

1 *ronmental benefits, as measured by the amount of reduced*
2 *fuel, reduced emissions, or other environmental benefits per*
3 *dollar of funds expended under the pilot program.*

4 *(c) MAXIMUM AMOUNT.—Not more than a total of*
5 *\$2,500,000 may be expended under the pilot program at*
6 *any single public-use airport.*

7 **SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-**
8 **EFFECTIVE AIR TRAFFIC CONTROL FACILI-**
9 **TIES.**

10 *The Administrator of the Federal Aviation Adminis-*
11 *tration may implement, to the extent practicable, sustain-*
12 *able practices for the incorporation of energy-efficient de-*
13 *sign, equipment, systems, and other measures in the con-*
14 *struction and major renovation of air traffic control facili-*
15 *ties of the Administration in order to reduce energy con-*
16 *sumption at, improve the environmental performance of,*
17 *and reduce the cost of maintenance for such facilities.*

18 **SEC. 511. SENSE OF CONGRESS.**

19 *It is the sense of Congress that—*

20 *(1) the European Union directive extending the*
21 *European Union’s emissions trading proposal to*
22 *international civil aviation without working through*
23 *the International Civil Aviation Organization (in*
24 *this section referred to as the “ICAO”) in a con-*
25 *sensus-based fashion is inconsistent with the Conven-*

1 *tion on International Civil Aviation, completed in*
2 *Chicago on December 7, 1944 (TIAS 1591; commonly*
3 *known as the “Chicago Convention”), and other rel-*
4 *evant air services agreements and antithetical to*
5 *building international cooperation to address effec-*
6 *tively the problem of greenhouse gas emissions by air-*
7 *craft engaged in international civil aviation; and*

8 *(2) the European Union and its member states*
9 *should instead work with other contracting states of*
10 *ICAO to develop a consensual approach to addressing*
11 *aircraft greenhouse gas emissions through ICAO.*

12 **SEC. 512. AVIATION NOISE COMPLAINTS.**

13 *(a) TELEPHONE NUMBER POSTING.—Not later than*
14 *90 days after the date of enactment of this Act, each owner*
15 *or operator of a large hub airport (as defined in section*
16 *40102(a) of title 49, United States Code) shall publish on*
17 *an Internet Web site of the airport a telephone number to*
18 *receive aviation noise complaints related to the airport.*

19 *(b) SUMMARIES AND REPORTS.—Not later than 15*
20 *months after the date of enactment of this Act, and annu-*
21 *ally thereafter, an owner or operator that receives noise*
22 *complaints from 25 individuals during the preceding year*
23 *under subsection (a) shall submit to the Administrator of*
24 *the 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 electronic*
3 *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 (4) and (5), 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 Federal*
22 *Mediation and Conciliation Service to at-*
23 *tempt to reach such agreement in accord-*
24 *ance with part 1425 of title 29, Code of*
25 *Federal Regulations (as in effect on the date*

1 *of enactment of the FAA Reauthorization*
2 *and Reform Act of 2011); 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) *MID-TERM BARGAINING.—If the serv-*
8 *ices of the Federal Mediation and Conciliation*
9 *Service under subparagraph (A)(i) do not lead to*
10 *the resolution of issues in controversy arising*
11 *from the negotiation of a mid-term collective-bar-*
12 *gaining agreement, the Federal Service Impasses*
13 *Panel shall assist the parties in resolving the im-*
14 *passe in accordance with section 7119 of title 5.*

15 “(C) *BINDING ARBITRATION FOR TERM BAR-*
16 *GAINING.—*

17 “(i) *ASSISTANCE FROM FEDERAL SERV-*
18 *ICE IMPASSES PANEL.—If the services of the*
19 *Federal Mediation and Conciliation Service*
20 *under subparagraph (A)(i) do not lead to*
21 *the resolution of issues in controversy aris-*
22 *ing from the negotiation of a term collec-*
23 *tive-bargaining agreement, the Adminis-*
24 *trator and the exclusive bargaining rep-*
25 *resentative of the employees (in this sub-*

1 *paragraph referred to as the ‘parties’) shall*
2 *submit their issues in controversy to the*
3 *Federal Service Impasses Panel. The Panel*
4 *shall assist the parties in resolving the im-*
5 *passe by asserting jurisdiction and ordering*
6 *binding arbitration by a private arbitration*
7 *board consisting of 3 members.*

8 “(ii) *APPOINTMENT OF ARBITRATION*
9 *BOARD.—The Executive Director of the*
10 *Panel shall provide for the appointment of*
11 *the 3 members of a private arbitration*
12 *board under clause (i) by requesting the Di-*
13 *rector of the Federal Mediation and Concil-*
14 *iation Service to prepare a list of not less*
15 *than 15 names of arbitrators with Federal*
16 *sector experience and by providing the list*
17 *to the parties. Not later than 10 days after*
18 *receiving the list, the parties shall each se-*
19 *lect one person from the list. The 2 arbitra-*
20 *tors selected by the parties shall then select*
21 *a third person from the list not later than*
22 *7 days after being selected. If either of the*
23 *parties fails to select a person or if the 2 ar-*
24 *bitrators are unable to agree on the third*
25 *person in 7 days, the parties shall make the*

1 *selection by alternately striking names on*
2 *the list until one arbitrator remains.*

3 “(iii) *FRAMING ISSUES IN CON-*
4 *TROVERSY.—If the parties do not agree on*
5 *the framing of the issues to be submitted for*
6 *arbitration, the arbitration board shall*
7 *frame the issues.*

8 “(iv) *HEARINGS.—The arbitration*
9 *board shall give the parties a full and fair*
10 *hearing, including an opportunity to*
11 *present evidence in support of their claims*
12 *and an opportunity to present their case in*
13 *person, by counsel, or by other representa-*
14 *tive as they may elect.*

15 “(v) *DECISIONS.—The arbitration*
16 *board shall render its decision within 90*
17 *days after the date of its appointment. De-*
18 *isions of the arbitration board shall be con-*
19 *clusive and binding upon the parties.*

20 “(vi) *MATTERS FOR CONSIDERATION.—*
21 *The arbitration board shall take into con-*
22 *sideration such factors as—*

23 “(I) *the effect of its arbitration*
24 *decisions on the Federal Aviation Ad-*

1 *ministration’s ability to attract and*
2 *retain a qualified workforce;*

3 *“(II) the effect of its arbitration*
4 *decisions on the Federal Aviation Ad-*
5 *ministration’s budget;*

6 *“(III) the effect of its arbitration*
7 *decisions on other Federal Aviation*
8 *Administration employees; and*

9 *“(IV) any other factors whose con-*
10 *sideration would assist the board in*
11 *fashioning a fair and equitable award.*

12 *“(vii) COSTS.—The parties shall share*
13 *costs of the arbitration equally.*

14 *“(3) RATIFICATION OF AGREEMENTS.—Upon*
15 *reaching a voluntary agreement or at the conclusion*
16 *of the binding arbitration under paragraph (2)(C),*
17 *the final agreement, except for those matters decided*
18 *by an arbitration board, shall be subject to ratifica-*
19 *tion by the exclusive bargaining representative of the*
20 *employees, if so requested by the bargaining represent-*
21 *ative, and the final agreement shall be subject to ap-*
22 *proval by the head of the agency in accordance with*
23 *the provisions referred to in subsection (g)(2)(C).”.*

24 **SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.**

25 *Section 40122(g)(2) is amended—*

1 (1) *in subparagraph (G) by striking “and” after*
2 *the semicolon;*

3 (2) *in subparagraph (H) by striking “Board.”*
4 *and inserting “Board; and”; and*

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

6 “(I) *subsections (b), (c), and (d) of section*
7 *4507 (relating to Meritorious Executive or Dis-*
8 *tinguished Executive rank awards) and sub-*
9 *sections (b) and (c) of section 4507a (relating to*
10 *Meritorious Senior Professional or Distinguished*
11 *Senior Professional rank awards), except that—*

12 “(i) *for purposes of applying such pro-*
13 *visions to the personnel management sys-*
14 *tem—*

15 “(I) *the term ‘agency’ means the*
16 *Department of Transportation;*

17 “(II) *the term ‘senior executive’*
18 *means a Federal Aviation Administra-*
19 *tion executive;*

20 “(III) *the term ‘career appointee’*
21 *means a Federal Aviation Administra-*
22 *tion career executive; and*

23 “(IV) *the term ‘senior career em-*
24 *ployee’ means a Federal Aviation Ad-*
25 *ministration career senior professional;*

1 “(ii) receipt by a career appointee or
2 a senior career employee of the rank of Mer-
3 itorious Executive or Meritorious Senior
4 Professional entitles the individual to a
5 lump-sum payment of an amount equal to
6 20 percent of annual basic pay, which shall
7 be in addition to the basic pay paid under
8 the Federal Aviation Administration Execu-
9 tive Compensation Plan; and

10 “(iii) receipt by a career appointee or
11 a senior career employee of the rank of Dis-
12 tinguished Executive or Distinguished Sen-
13 ior Professional entitles the individual to a
14 lump-sum payment of an amount equal to
15 35 percent of annual basic pay, which shall
16 be in addition to the basic pay paid under
17 the Federal Aviation Administration Execu-
18 tive Compensation Plan.”.

19 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

20 (a) *STUDY.*—

21 (1) *IN GENERAL.*—*The Administrator of the Fed-*
22 *eral Aviation Administration shall conduct a study to*
23 *assess the adequacy of the Administrator’s technical*
24 *training strategy and improvement plan for airway*

1 *transportation systems specialists (in this section re-*
2 *ferred to as “FAA systems specialists”).*

3 (2) *CONTENTS.—The study shall include—*

4 (A) *a review of the current technical train-*
5 *ing strategy and improvement plan for FAA sys-*
6 *tems specialists;*

7 (B) *recommendations to improve the tech-*
8 *nical training strategy and improvement plan*
9 *needed by FAA systems specialists to be pro-*
10 *ficient in the maintenance of the latest tech-*
11 *nologies;*

12 (C) *a description of actions that the Admin-*
13 *istration has undertaken to ensure that FAA sys-*
14 *tems specialists receive up-to-date training on*
15 *the latest technologies; and*

16 (D) *a recommendation regarding the most*
17 *cost-effective approach to provide training to*
18 *FAA systems specialists.*

19 (3) *REPORT.—Not later than one year after the*
20 *date of enactment of this Act, the Administrator shall*
21 *submit to the Committee on Transportation and In-*
22 *frastructure of the House of Representatives and the*
23 *Committee on Commerce, Science, and Transpor-*
24 *tation of the Senate a report on the results of the*
25 *study.*

1 **(b) WORKLOAD OF SYSTEMS SPECIALISTS.**—

2 **(1) STUDY BY NATIONAL ACADEMY OF**
3 **SCIENCES.**—*Not later than 90 days after the date of*
4 *enactment of this Act, the Administrator of the Fed-*
5 *eral Aviation Administration shall make appropriate*
6 *arrangements for the National Academy of Sciences to*
7 *conduct a study of the assumptions and methods used*
8 *by the Federal Aviation Administration to estimate*
9 *staffing needs for FAA systems specialists to ensure*
10 *proper maintenance and certification of the national*
11 *airspace system in the most cost effective manner.*

12 **(2) CONSULTATION.**—*In conducting the study,*
13 *the National Academy of Sciences shall interview in-*
14 *terested parties, including labor, government, and in-*
15 *dustry representatives.*

16 **(3) REPORT.**—*Not later than one year after the*
17 *initiation of the arrangements under paragraph (1),*
18 *the National Academy of Sciences shall submit to*
19 *Congress a report on the results of the study.*

20 **SEC. 604. SAFETY CRITICAL STAFFING.**

21 **(a) IN GENERAL.**—*Not later than October 1, 2011, the*
22 *Administrator of the Federal Aviation Administration shall*
23 *implement, to the extent practicable and in a cost-effective*
24 *manner, the staffing model for aviation safety inspectors*
25 *developed pursuant to the National Academy of Sciences*

1 *study entitled “Staffing Standards for Aviation Safety In-*
2 *spectors”.* *In doing so, the Administrator shall consult with*
3 *interested persons, including aviation safety inspectors.*

4 (b) *REPORT.—Not later than October 1 of each fiscal*
5 *year beginning after September 30, 2011, the Administrator*
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, the staffing model described in subsection (a).*

10 (c) *SAFETY CRITICAL POSITIONS DEFINED.—In this*
11 *section, the term “safety critical positions” means—*

12 (1) *aviation safety inspectors, safety technical*
13 *specialists, and operational support positions in the*
14 *Flight Standards Service (as such terms are used in*
15 *the Administration’s fiscal year 2011 congressional*
16 *budget justification); and*

17 (2) *manufacturing safety inspectors, pilots, engi-*
18 *neers, chief scientific and technical advisors, safety*
19 *technical specialists, and operational support posi-*
20 *tions in the Aircraft Certification Service (as such*
21 *terms are used in the Administration’s fiscal year*
22 *2011 congressional budget justification).*

23 **SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.**

24 (a) *STUDY BY NATIONAL ACADEMY OF SCIENCES.—*
25 *Not later than 90 days after the date of enactment of this*

1 *Act, the Administrator of the Federal Aviation Administra-*
2 *tion shall enter into appropriate arrangements with the Na-*
3 *tional Academy of Sciences to conduct a study of the air*
4 *traffic controller standards used by the Federal Aviation*
5 *Administration (in this section referred to as the “FAA”)*
6 *to estimate staffing needs for FAA air traffic controllers to*
7 *ensure the safe operation of the national airspace system*
8 *in the most cost effective manner.*

9 **(b) CONSULTATION.**—*In conducting the study, the Na-*
10 *tional Academy of Sciences shall interview interested par-*
11 *ties, including employee, Government, and industry rep-*
12 *resentatives.*

13 **(c) CONTENTS.**—*The study shall include—*

14 **(1)** *an examination of representative informa-*
15 *tion on productivity, human factors, traffic activity,*
16 *and improved technology and equipment used in air*
17 *traffic control;*

18 **(2)** *an examination of recent National Academy*
19 *of Sciences reviews of the complexity model performed*
20 *by MITRE Corporation that support the staffing*
21 *standards models for the en route air traffic control*
22 *environment; and*

23 **(3)** *consideration of the Administration’s current*
24 *and estimated budgets and the most cost-effective*
25 *staffing model to best leverage available funding.*

1 (d) *REPORT.*—Not later than 2 years after the date
2 of enactment of this Act, the National Academy of Sciences
3 shall submit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report on the results of the study.

7 **SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-**
8 **TION TRAINING.**

9 Section 44506 is amended—

10 (1) by redesignating subsection (d) as subsection
11 (e); and

12 (2) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) *AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-*
15 *TION TRAINING.*—

16 “(1) *APPOINTMENT OF AIR TRAFFIC CONTROL*
17 *SPECIALISTS.*—The Administrator is authorized to
18 appoint a qualified air traffic control specialist can-
19 didate for placement in an airport traffic control fa-
20 cility if the candidate has—

21 “(A) received a control tower operator cer-
22 tification (referred to in this subsection as a
23 ‘CTO’ certificate); and

1 “(B) satisfied all other applicable qualifica-
2 tion requirements for an air traffic control spe-
3 cialist position.

4 “(2) *COMPENSATION AND BENEFITS.*—An indi-
5 vidual appointed under paragraph (1) shall receive
6 the same compensation and benefits, and be treated in
7 the same manner as, any other individual appointed
8 as a developmental air traffic controller.

9 “(3) *REPORT.*—Not later than 18 months after
10 the date of enactment of the *FAA Reauthorization*
11 *and Reform Act of 2011*, the Administrator shall sub-
12 mit to Congress a report that evaluates the effective-
13 ness of the air traffic control specialist qualification
14 training provided pursuant to this section, including
15 the graduation rates of candidates who received a
16 *CTO certificate* and are working in airport traffic
17 control facilities.

18 “(4) *ADDITIONAL APPOINTMENTS.*—If the Ad-
19 ministrator determines that air traffic control spe-
20 cialists appointed pursuant to this subsection are
21 more successful in carrying out the duties of an air
22 traffic controller than air traffic control specialists
23 hired from the general public without any such cer-
24 tification, the Administrator shall increase the num-

1 *ber of appointments of candidates who possess such*
2 *certification.*

3 *“(5) REIMBURSEMENT FOR TRAVEL EXPENSES*
4 *ASSOCIATED WITH CERTIFICATIONS.—*

5 *“(A) IN GENERAL.—Subject to subpara-*
6 *graph (B), the Administrator may accept reim-*
7 *bursement from an educational entity that pro-*
8 *vides training to an air traffic control specialist*
9 *candidate to cover reasonable travel expenses of*
10 *the Administrator associated with issuing certifi-*
11 *cations to such candidates.*

12 *“(B) TREATMENT OF REIMBURSEMENTS.—*
13 *Notwithstanding section 3302 of title 31, any re-*
14 *imbursement authorized to be collected under*
15 *subparagraph (A) shall—*

16 *“(i) be credited as offsetting collections*
17 *to the account that finances the activities*
18 *and services for which the reimbursement is*
19 *accepted;*

20 *“(ii) be available for expenditure only*
21 *to pay the costs of activities and services for*
22 *which the reimbursement is accepted, in-*
23 *cluding all costs associated with collecting*
24 *such reimbursement; and*

1 “(iii) remain available until ex-
2 pended.”.

3 **SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**
4 **TRAFFIC CONTROLLERS.**

5 (a) *STUDY.*—*The Administrator of the Federal Avia-*
6 *tion Administration shall conduct a study to assess the ade-*
7 *quacy of training programs for air traffic controllers, in-*
8 *cluding the Administrator’s technical training strategy and*
9 *improvement plan for air traffic controllers.*

10 (b) *CONTENTS.*—*The study shall include—*

11 (1) *a review of the current training system for*
12 *air traffic controllers, including the technical training*
13 *strategy and improvement plan;*

14 (2) *an analysis of the competencies required of*
15 *air traffic controllers for successful performance in the*
16 *current and future projected air traffic control envi-*
17 *ronment;*

18 (3) *an analysis of the competencies projected to*
19 *be required of air traffic controllers as the Federal*
20 *Aviation Administration transitions to the Next Gen-*
21 *eration Air Transportation System;*

22 (4) *an analysis of various training approaches*
23 *available to satisfy the controller competencies identi-*
24 *fied under paragraphs (2) and (3);*

1 (5) *recommendations to improve the current*
2 *training system for air traffic controllers, including*
3 *the technical training strategy and improvement*
4 *plan; and*

5 (6) *the most cost-effective approach to provide*
6 *training to air traffic controllers.*

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

13 **SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.**

14 (a) *STUDY.—The Comptroller General shall conduct a*
15 *study on training options for graduates of the Collegiate*
16 *Training Initiative program (in this section referred to as*
17 *“CTI” programs) conducted under section 44506(c) of title*
18 *49, United States Code.*

19 (b) *CONTENTS.—The study shall analyze the impact*
20 *of providing as an alternative to the current training pro-*
21 *vided at the Mike Monroney Aeronautical Center of the Fed-*
22 *eral Aviation Administration a new controller orientation*
23 *session at the Mike Monroney Aeronautical Center for grad-*
24 *uates of CTI programs followed by on-the-job training for*

1 *newly hired air traffic controllers who are graduates of CTI*
2 *programs and shall include an analysis of—*

3 *(1) the cost effectiveness of such an alternative*
4 *training approach; and*

5 *(2) the effect that such an alternative training*
6 *approach would have on the overall quality of train-*
7 *ing received by graduates of CTI programs.*

8 *(c) REPORT.—Not later than 180 days after the date*
9 *of enactment of this Act, the Comptroller General shall sub-*
10 *mit to the Committee on Transportation and Infrastructure*
11 *of the House of Representatives and the Committee on Com-*
12 *merce, Science, and Transportation of the Senate a report*
13 *on the results of the study.*

14 **SEC. 609. FAA FACILITY CONDITIONS.**

15 *(a) STUDY.—The Comptroller General shall conduct a*
16 *study of—*

17 *(1) the conditions of a sampling of Federal Avia-*
18 *tion Administration facilities across the United*
19 *States, including offices, towers, centers, and terminal*
20 *radar air control;*

21 *(2) reports from employees of the Administration*
22 *relating to respiratory ailments and other health con-*
23 *ditions resulting from exposure to mold, asbestos, poor*
24 *air quality, radiation, and facility-related hazards in*
25 *facilities of the Administration;*

1 (3) *conditions of such facilities that could inter-*
2 *fere with such employees' ability to effectively and*
3 *safely perform their duties;*

4 (4) *the ability of managers and supervisors of*
5 *such employees to promptly document and seek reme-*
6 *diation for unsafe facility conditions;*

7 (5) *whether employees of the Administration who*
8 *report facility-related illnesses are treated appro-*
9 *priately;*

10 (6) *utilization of scientifically approved remedi-*
11 *ation techniques to mitigate hazardous conditions in*
12 *accordance with applicable State and local regula-*
13 *tions and Occupational Safety and Health Adminis-*
14 *tration practices by the Administration; and*

15 (7) *resources allocated to facility maintenance*
16 *and renovation by the Administration.*

17 (b) *FACILITY CONDITION INDICES.*—*The Comptroller*
18 *General shall review the facility condition indices of the Ad-*
19 *ministration for inclusion in the recommendations under*
20 *subsection (c).*

21 (c) *RECOMMENDATIONS.*—*Based on the results of the*
22 *study and review of facility condition indices under sub-*
23 *section (a), the Comptroller General shall make such rec-*
24 *ommendations as the Comptroller General considers nec-*
25 *essary to—*

1 (1) *prioritize those facilities needing the most*
2 *immediate attention based on risks to employee health*
3 *and safety;*

4 (2) *ensure that the Administration is using sci-*
5 *entifically approved remediation techniques in all fa-*
6 *cilities; and*

7 (3) *assist the Administration in making pro-*
8 *grammatic changes so that aging facilities do not de-*
9 *teriorate to unsafe levels.*

10 (d) *REPORT.*—*Not later than one year after the date*
11 *of enactment of this Act, the Comptroller General shall sub-*
12 *mit to the Administrator, the Committee on Commerce,*
13 *Science, and Transportation of the Senate, and the Com-*
14 *mittee on Transportation and Infrastructure of the House*
15 *of Representatives a report on results of the study, including*
16 *the recommendations under subsection (c).*

17 **SEC. 610. FRONTLINE MANAGER STAFFING.**

18 (a) *STUDY.*—*Not later than 45 days after the date of*
19 *enactment of this Act, the Administrator of the Federal*
20 *Aviation Administration shall commission an independent*
21 *study on frontline manager staffing requirements in air*
22 *traffic control facilities.*

23 (b) *CONSIDERATIONS.*—*In conducting the study, the*
24 *Administrator may take into consideration—*

1 (1) *the managerial tasks expected to be per-*
2 *formed by frontline managers, including employee de-*
3 *velopment, management, and counseling;*

4 (2) *the number of supervisory positions of oper-*
5 *ation requiring watch coverage in each air traffic*
6 *control facility;*

7 (3) *coverage requirements in relation to traffic*
8 *demand;*

9 (4) *facility type;*

10 (5) *complexity of traffic and managerial respon-*
11 *sibilities;*

12 (6) *proficiency and training requirements; and*

13 (7) *such other factors as the Administrator con-*
14 *siders appropriate.*

15 (c) *PARTICIPATION.*—*The Administrator shall ensure*
16 *the participation of frontline managers who currently work*
17 *in safety-related operational areas of the Administration.*

18 (d) *DETERMINATIONS.*—*The Administrator shall*
19 *transmit any determinations made as a result of the study*
20 *to the heads of the appropriate lines of business within the*
21 *Administration, including the Chief Operating Officer of*
22 *the Air Traffic Organization.*

23 (e) *REPORT.*—*Not later than 9 months after the date*
24 *of enactment of this Act, the Administrator shall submit*
25 *to the Committee on Commerce, Science, and Transpor-*

1 *tation of the Senate and the Committee on Transportation*
 2 *and Infrastructure of the House of Representatives a report*
 3 *on the results of the study and a description of any deter-*
 4 *minations submitted to the Chief Operating Officer under*
 5 *subsection (c).*

6 (f) *DEFINITION.—In this section, the term “frontline*
 7 *manager” means first-level, operational supervisors and*
 8 *managers who work in safety-related operational areas of*
 9 *the Administration.*

10 **TITLE VII—AVIATION**
 11 **INSURANCE**

12 **SEC. 701. GENERAL AUTHORITY.**

13 (a) *EXTENSION OF POLICIES.—Section 44302(f)(1) is*
 14 *amended by striking “shall extend through” and all that*
 15 *follows through “the termination date” and inserting “shall*
 16 *extend through September 30, 2013, and may extend*
 17 *through December 31, 2013, the termination date”.*

18 (b) *SUCCESSOR PROGRAM.—Section 44302(f) is*
 19 *amended by adding at the end the following:*

20 “(3) *SUCCESSOR PROGRAM.—*

21 “(A) *IN GENERAL.—After December 31,*
 22 *2021, coverage for the risks specified in a policy*
 23 *that has been extended under paragraph (1) shall*
 24 *be provided in an airline industry sponsored*

1 *risk retention or other risk-sharing arrangement*
2 *approved by the Secretary.*

3 “(B) *TRANSFER OF PREMIUMS.*—

4 “(i) *IN GENERAL.*—*On December 31,*
5 *2021, and except as provided in clause (ii),*
6 *premiums collected by the Secretary from*
7 *the airline industry after September 22,*
8 *2001, for any policy under this subsection,*
9 *and interest earned thereon, as determined*
10 *by the Secretary, shall be transferred to an*
11 *airline industry sponsored risk retention or*
12 *other risk-sharing arrangement approved by*
13 *the Secretary.*

14 “(ii) *DETERMINATION OF AMOUNT*
15 *TRANSFERRED.*—*The amount transferred*
16 *pursuant to clause (i) shall be less—*

17 “(I) *the amount of any claims*
18 *paid out on such policies from Sep-*
19 *tember 22, 2001, through December 31,*
20 *2021;*

21 “(II) *the amount of any claims*
22 *pending under such policies as of De-*
23 *cember 31, 2021; and*

24 “(III) *the cost, as determined by*
25 *the Secretary, of administering the*

1 *provision of insurance policies under*
2 *this chapter from September 22, 2001,*
3 *through December 31, 2021.”.*

4 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-**
5 **PARTY LIABILITY OF AIR CARRIERS ARISING**
6 **OUT OF ACTS OF TERRORISM.**

7 *The first sentence of section 44303(b) is amended by*
8 *striking “ending on” and all that follows through “the Sec-*
9 *retary may certify” and inserting “ending on December 31,*
10 *2013, the Secretary may certify”.*

11 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

12 *The second sentence of section 44304 is amended by*
13 *striking “the carrier” and inserting “any insurance car-*
14 *rier”.*

15 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

16 *The second sentence of section 44308(c)(1) is amended*
17 *by striking “agent” and inserting “agent, or a claims ad-*
18 *juster who is independent of the underwriting agent,”.*

19 **TITLE VIII—MISCELLANEOUS**

20 **SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**
21 **INTEREST OF NATIONAL SECURITY.**

22 *Section 40119(b) is amended by adding at the end the*
23 *following:*

24 *“(4) Section 552a of title 5 shall not apply to disclo-*
25 *sure that the Administrator may make from the systems*

1 *of records of the Administration to any Federal law enforce-*
2 *ment, intelligence, protective service, immigration, or na-*
3 *tional security official in order to assist the official receiv-*
4 *ing the information in the performance of official duties.”.*

5 **SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS**
6 **AND DATABASE SYSTEMS.**

7 (a) *IN GENERAL.*—Chapter 401 is amended by adding
8 *at the end the following:*

9 **“§40130. FAA access to criminal history records and**
10 **database systems**

11 **“(a) ACCESS TO RECORDS AND DATABASE SYS-**
12 **TEMS.—**

13 **“(1) ACCESS TO INFORMATION.**—*Notwith-*
14 *standing section 534 of title 28, and regulations*
15 *issued to implement such section, the Administrator*
16 *of the Federal Aviation Administration may have di-*
17 *rect access to a system of documented criminal justice*
18 *information maintained by the Department of Justice*
19 *or by a State, but may do so only for the purpose of*
20 *carrying out civil and administrative responsibilities*
21 *of the Administration to protect the safety and secu-*
22 *rity of the national airspace system or to support the*
23 *missions of the Department of Justice, the Depart-*
24 *ment of Homeland Security, and other law enforce-*
25 *ment agencies.*

1 “(2) *RELEASE OF INFORMATION.*—*In accessing a*
2 *system referred to in paragraph (1), the Adminis-*
3 *trator shall be subject to the same conditions and pro-*
4 *cedures established by the Department of Justice or*
5 *the State for other governmental agencies with direct*
6 *access to the system.*

7 “(3) *LIMITATION.*—*The Administrator may not*
8 *use the direct access authorized under paragraph (1)*
9 *to conduct criminal investigations.*

10 “(b) *DESIGNATED EMPLOYEES.*—*The Administrator*
11 *shall designate, by order, employees of the Administration*
12 *who shall carry out the authority described in subsection*
13 *(a). The designated employees may—*

14 “(1) *have direct access to and receive criminal*
15 *history, driver, vehicle, and other law enforcement in-*
16 *formation contained in the law enforcement databases*
17 *of the Department of Justice, or any jurisdiction of*
18 *a State, in the same manner as a police officer em-*
19 *ployed by a State or local authority of that State who*
20 *is certified or commissioned under the laws of that*
21 *State;*

22 “(2) *use any radio, data link, or warning system*
23 *of the Federal Government, and of any jurisdiction in*
24 *a State, that provides information about wanted per-*
25 *sons, be-on-the-lookout notices, warrant status, or*

1 *other officer safety information to which a police offi-*
 2 *cer employed by a State or local authority in that*
 3 *State who is certified or commissioned under the laws*
 4 *of that State has direct access and in the same man-*
 5 *ner as such police officer; and*

6 *“(3) receive Federal, State, or local government*
 7 *communications with a police officer employed by a*
 8 *State or local authority in that State in the same*
 9 *manner as a police officer employed by a State or*
 10 *local authority in that State who is commissioned*
 11 *under the laws of that State.*

12 *“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE IN-*
 13 *FORMATION DEFINED.—In this section, the term ‘system of*
 14 *documented criminal justice information’ means any law*
 15 *enforcement database, system, or communication con-*
 16 *taining information concerning identification, criminal*
 17 *history, arrests, convictions, arrest warrants, wanted or*
 18 *missing persons, including the National Crime Information*
 19 *Center and its incorporated criminal history databases and*
 20 *the National Law Enforcement Telecommunications Sys-*
 21 *tem.”.*

22 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 23 *401 is amended by adding at the end the following:*

“40130. FAA access to criminal history records and database systems.”.

24 **SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

25 *Section 46301 is amended—*

1 (1) *in subsection (a)(1)(A) by inserting “chapter*
2 *451,” before “section 47107(b)”;*

3 (2) *in subsection (a)(5)(A)(i)—*

4 (A) *by striking “or chapter 449” and in-*
5 *serting “chapter 449”; and*

6 (B) *by inserting after “44909)” the fol-*
7 *lowing: “, or chapter 451”;*

8 (3) *in subsection (d)(2)—*

9 (A) *by inserting after “44723)” the fol-*
10 *lowing: “, chapter 451 (except section 45107)”;*

11 (B) *by inserting after “44909),” the fol-*
12 *lowing: “section 45107,”;*

13 (C) *by striking “46302” and inserting “sec-*
14 *tion 46302”; and*

15 (D) *by striking “46303” and inserting “sec-*
16 *tion 46303”; and*

17 (4) *in subsection (f)(1)(A)(i)—*

18 (A) *by striking “or chapter 449” and in-*
19 *serting “chapter 449”; and*

20 (B) *by inserting after “44909)” the fol-*
21 *lowing: “, or chapter 451”.*

1 **SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA**
2 **SERVICES AND FACILITIES.**

3 (a) *IN GENERAL.*—Chapter 445 (as amended by this
4 Act) is further amended by adding at the end the following
5 new section:

6 **“§44519. Realignment and consolidation of FAA serv-**
7 **ices and facilities**

8 “(a) *PURPOSE.*—The purpose of this section is to es-
9 tablish a fair process that will result in the realignment
10 and consolidation of FAA services and facilities to help re-
11 duce capital, operating, maintenance, and administrative
12 costs and facilitate Next Generation Air Transportation
13 System air traffic control modernization efforts without ad-
14 versely affecting safety.

15 “(b) *GENERAL AUTHORITY.*—Subject to the require-
16 ments of this section, the Administrator of the Federal Avia-
17 tion Administration shall realign and consolidate FAA
18 services and facilities pursuant to recommendations made
19 by the Aviation Facilities and Services Board established
20 under subsection (g).

21 “(c) *ADMINISTRATOR’S RECOMMENDATIONS.*—

22 “(1) *PROPOSED CRITERIA.*—

23 “(A) *IN GENERAL.*—The Administrator
24 shall develop proposed criteria for use by the Ad-
25 ministrator in making recommendations for the

1 *realignment and consolidation of FAA services*
2 *and facilities under this section.*

3 “(B) *PUBLICATION; TRANSMITTAL TO CON-*
4 *GRESS.—Not later than 30 days after the date of*
5 *enactment of this section, the Administrator*
6 *shall publish the proposed criteria in the Federal*
7 *Register and transmit the proposed criteria to*
8 *the congressional committees of interest.*

9 “(C) *NOTICE AND COMMENT.—The Admin-*
10 *istrator shall provide an opportunity for public*
11 *comment on the proposed criteria for a period of*
12 *at least 30 days and shall include notice of that*
13 *opportunity in the Federal Register.*

14 “(2) *FINAL CRITERIA.—*

15 “(A) *IN GENERAL.—The Administrator*
16 *shall establish final criteria based on the pro-*
17 *posed criteria developed under paragraph (1).*

18 “(B) *PUBLICATION; TRANSMITTAL TO CON-*
19 *GRESS.—Not later than 90 days after the date of*
20 *enactment of this section, the Administrator*
21 *shall publish the final criteria in the Federal*
22 *Register and transmit the final criteria to the*
23 *congressional committees of interest.*

24 “(3) *RECOMMENDATIONS.—*

1 “(A) *IN GENERAL.*—*The Administrator*
2 *shall make recommendations for the realignment*
3 *and consolidation of FAA services and facilities*
4 *under this section based on the final criteria es-*
5 *tablished under paragraph (2).*

6 “(B) *CONTENTS.*—*The recommendations*
7 *shall consist of a list of FAA services and facili-*
8 *ties for realignment and consolidation, together*
9 *with a justification for each service and facility*
10 *included on the list.*

11 “(C) *PUBLICATION; TRANSMITTAL TO BOARD*
12 *AND CONGRESS.*—*Not later than 120 days after*
13 *the date of enactment of this section, the Admin-*
14 *istrator shall publish the recommendations in the*
15 *Federal Register and transmit the recommenda-*
16 *tions to the Board and the congressional commit-*
17 *tees of interest.*

18 “(D) *INFORMATION.*—*The Administrator*
19 *shall make available to the Board and the Comp-*
20 *troller General all information used by the Ad-*
21 *ministrator in establishing the recommendations.*

22 “(E) *ADDITIONAL RECOMMENDATIONS.*—
23 *The Administrator is authorized to make addi-*
24 *tional recommendations under this paragraph*
25 *every 2 years.*

1 “(d) *BOARD’S REVIEW AND RECOMMENDATIONS.*—

2 “(1) *PUBLIC HEARINGS.*—Not later than 30 days
3 after the date of receipt of the Administrator’s rec-
4 ommendations under subsection (c), the Board shall
5 conduct public hearings on the recommendations.

6 “(2) *BOARD’S RECOMMENDATIONS.*—

7 “(A) *REPORT TO CONGRESS.*—Based on the
8 Board’s review and analysis of the Administra-
9 tor’s recommendations and any public comments
10 received under paragraph (1), the Board shall
11 develop a report containing the Board’s findings
12 and conclusions concerning the Administrator’s
13 recommendations, together with the Board’s rec-
14 ommendations for realignment and consolidation
15 of FAA services and facilities. The Board shall
16 explain and justify in the report any rec-
17 ommendation made by the Board that differs
18 from a recommendation made by the Adminis-
19 trator.

20 “(B) *PUBLICATION IN FEDERAL REGISTER;*
21 *TRANSMITTAL TO CONGRESS.*—Not later than 60
22 days after the date of receipt of the Administra-
23 tor’s recommendations under subsection (c), the
24 Board shall publish the report in the Federal

1 *Register and transmit the report to the congress-*
2 *sional committees of interest.*

3 “(3) *ASSISTANCE OF COMPTROLLER GENERAL.*—
4 *The Comptroller General shall assist the Board, to the*
5 *extent requested by the Board, in the Board’s review*
6 *and analysis of the Administrator’s recommendations.*

7 “(e) *REALIGNMENT AND CONSOLIDATION OF FAA*
8 *SERVICES AND FACILITIES.*—*Subject to subsection (f), the*
9 *Administrator shall—*

10 “(1) *realign or consolidate the FAA services and*
11 *facilities recommended for realignment or consolida-*
12 *tion by the Board in a report transmitted under sub-*
13 *section (d);*

14 “(2) *initiate all such realignments and consoli-*
15 *dations not later than one year after the date of the*
16 *report; and*

17 “(3) *complete all such realignments and consoli-*
18 *dations not later than 3 years after the date of the re-*
19 *port.*

20 “(f) *CONGRESSIONAL DISAPPROVAL.*—

21 “(1) *IN GENERAL.*—*The Administrator may not*
22 *carry out a recommendation of the Board for realign-*
23 *ment or consolidation of FAA services and facilities*
24 *that is included in a report transmitted under sub-*
25 *section (d) if a joint resolution of disapproval is en-*

1 acted disapproving such recommendation before the
2 earlier of—

3 “(A) the last day of the 30-day period be-
4 ginning on the date of the report; or

5 “(B) the adjournment of Congress sine die
6 for the session during which the report is trans-
7 mitted.

8 “(2) COMPUTATION OF 30-DAY PERIOD.—For
9 purposes of paragraph (1)(A), the days on which ei-
10 ther house of Congress is not in session because of an
11 adjournment of more than 3 days to a day certain
12 shall be excluded in computation of the 30-day period.

13 “(g) AVIATION FACILITIES AND SERVICES BOARD.—

14 “(1) ESTABLISHMENT.—Not later than 180 days
15 after the date of enactment of this section, the Sec-
16 retary of Transportation shall establish an inde-
17 pendent board to be known as the ‘Aviation Facilities
18 and Services Board’.

19 “(2) COMPOSITION.—The Board shall be com-
20 posed of the following members:

21 “(A) The Secretary (or a designee of the
22 Secretary), who shall be the Chair of the Board.

23 “(B) Two members appointed by the Sec-
24 retary, who may not be officers or employees of
25 the Federal Government.

1 “(C) *The Comptroller General (or a des-*
2 *ignee of the Comptroller General), who shall be*
3 *a nonvoting member of the Board.*

4 “(3) *DUTIES.—The Board shall carry out the*
5 *duties specified for the Board in this section.*

6 “(4) *TERM.—The members of the Board to be*
7 *appointed under paragraph (2)(B) shall each be ap-*
8 *pointed for a term of 3 years.*

9 “(5) *VACANCIES.—A vacancy in the Board shall*
10 *be filled in the same manner as the original appoint-*
11 *ment was made, but the individual appointed to fill*
12 *the vacancy shall serve only for the unexpired portion*
13 *of the term for which the individual’s predecessor was*
14 *appointed.*

15 “(6) *COMPENSATION AND BENEFITS.—A member*
16 *of the Board may not receive any compensation or*
17 *benefits from the Federal Government for serving on*
18 *the Board, except that—*

19 “(A) *a member shall receive compensation*
20 *for work injuries under subchapter I of chapter*
21 *81 of title 5; and*

22 “(B) *a member shall be paid actual travel*
23 *expenses and per diem in lieu of subsistence ex-*
24 *penses when away from the member’s usual place*

1 *of residence in accordance with section 5703 of*
2 *title 5.*

3 “(7) *STAFF.*—*The Administrator shall make*
4 *available to the Board such staff, information, and*
5 *administrative services and assistance as may be rea-*
6 *sonably required to enable the Board to carry out its*
7 *responsibilities under this section. The Board may*
8 *employ experts and consultants on a temporary or*
9 *intermittent basis with the approval of the Secretary.*

10 “(8) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
11 *Federal Advisory Committee Act (5 U.S.C. App.)*
12 *shall not apply to the Board.*

13 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—

14 “(1) *IN GENERAL.*—*There is authorized to be ap-*
15 *propriated to the Administrator for each of fiscal*
16 *years 2011 through 2014 \$200,000 for the Board to*
17 *carry out its duties.*

18 “(2) *AVAILABILITY OF AMOUNTS.*—*Amounts ap-*
19 *propriated pursuant to paragraph (1) shall remain*
20 *available until expended.*

21 “(i) *EFFECT ON OTHER AUTHORITIES.*—*Nothing in*
22 *this section shall be construed to affect the authorities pro-*
23 *vided in section 44503 or the existing authorities or respon-*
24 *sibilities of the Administrator under this title to manage*
25 *the operations of the Federal Aviation Administration, in-*

1 *cluding realignment or consolidation of facilities or serv-*
2 *ices.*

3 “(j) *DEFINITIONS.*—*In this section, the following defi-*
4 *initions apply:*

5 “(1) *BOARD.*—*The term ‘Board’ means the Avia-*
6 *tion Facilities and Services Board established under*
7 *subsection (g).*

8 “(2) *CONGRESSIONAL COMMITTEES OF INTER-*
9 *EST.*—*The term ‘congressional committees of interest’*
10 *means the Committee on Transportation and Infra-*
11 *structure of the House of Representatives and the*
12 *Committee on Commerce, Science, and Transpor-*
13 *tation of the Senate.*

14 “(3) *FAA.*—*The term ‘FAA’ means the Federal*
15 *Aviation Administration.*

16 “(4) *REALIGNMENT.*—*The term ‘realignment’ in-*
17 *cludes any action that relocates functions and per-*
18 *sonnel positions but does not include an overall reduc-*
19 *tion in personnel resulting from workload adjust-*
20 *ments.’.*

21 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
22 *445 (as amended by this Act) is further amended by adding*
23 *at the end the following:*

“44519. *Realignment and consolidation of FAA services and facilities.’.*”

1 **SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
2 **CARGO AIRCRAFT.**

3 (a) *STUDY.*—Not later than 180 days after the date
4 of enactment of this Act, the Administrator of the Federal
5 Aviation Administration, in consultation with appropriate
6 air carriers, aircraft manufacturers, and air carrier labor
7 representatives, shall conduct a study to assess the feasi-
8 bility of developing a physical means, or a combination of
9 physical and procedural means, to prohibit individuals
10 other than authorized flight crewmembers from accessing the
11 flight deck of an all-cargo aircraft.

12 (b) *REPORT.*—Not later than one year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the Committee on Transportation and Infrastructure of
15 the House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 on the results of the study.

18 **SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**
19 **REDUNDANT, OR OTHERWISE UNNECESSARY**
20 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**
21 **MAT.**

22 (a) *CONSOLIDATION OR ELIMINATION OF REPORTS.*—
23 Not later than 2 years after the date of enactment of this
24 Act, and every 2 years thereafter, the Administrator of the
25 Federal Aviation Administration shall submit to the Com-
26 mittee on Commerce, Science, and Transportation of the

1 *Senate and the Committee on Transportation and Infra-*
2 *structure of the House of Representatives a report con-*
3 *taining—*

4 (1) *a list of obsolete, redundant, or otherwise un-*
5 *necessary reports the Administration is required by*
6 *law to submit to the Congress or publish that the Ad-*
7 *ministrator recommends eliminating or consolidating*
8 *with other reports; and*

9 (2) *an estimate of the cost savings that would re-*
10 *sult from the elimination or consolidation of those re-*
11 *ports.*

12 *(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—*

13 (1) *IN GENERAL.—Notwithstanding any other*
14 *provision of law, the Administration—*

15 (A) *may not publish any report required or*
16 *authorized by law in printed format; and*

17 (B) *shall publish any such report by post-*
18 *ing it on the Administration’s Internet Web site*
19 *in an easily accessible and downloadable elec-*
20 *tronic format.*

21 (2) *EXCEPTION.—Paragraph (1) does not apply*
22 *to any report with respect to which the Administrator*
23 *determines that—*

1 (A) its publication in printed format is es-
2 sential to the mission of the Federal Aviation
3 Administration; or

4 (B) its publication in accordance with the
5 requirements of paragraph (1) would disclose
6 matter—

7 (i) described in section 552(b) of title
8 5, United States Code; or

9 (ii) the disclosure of which would have
10 an adverse impact on aviation safety or se-
11 curity, as determined by the Administrator.

12 **SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

13 The Secretary of Transportation may not use any
14 funds made available pursuant to this Act (including any
15 amendment made by this Act) to name, rename, designate,
16 or redesignate any project or program authorized by this
17 Act (including any amendment made by this Act) for an
18 individual then serving in Congress as a Member, Delegate,
19 Resident Commissioner, or Senator.

20 **SEC. 808. STUDY ON AVIATION FUEL PRICES.**

21 (a) *IN GENERAL.*—Not later than 180 days after the
22 date of enactment of this Act, the Comptroller General shall
23 conduct a study and report to Congress on the impact of
24 increases in aviation fuel prices on the Airport and Airway
25 Trust Fund and the aviation industry in general.

1 (b) *CONTENTS.*—*The study shall include an assessment*
2 *of the impact of increases in aviation fuel prices on—*

3 (1) *general aviation;*

4 (2) *commercial passenger aviation;*

5 (3) *piston aircraft purchase and use;*

6 (4) *the aviation services industry, including re-*
7 *pair and maintenance services;*

8 (5) *aviation manufacturing;*

9 (6) *aviation exports; and*

10 (7) *the use of small airport installations.*

11 (c) *ASSUMPTIONS ABOUT AVIATION FUEL PRICES.*—

12 *In conducting the study required by subsection (a), the*

13 *Comptroller General shall use the average aviation fuel*

14 *price for fiscal year 2010 as a baseline and measure the*

15 *impact of increases in aviation fuel prices that range from*

16 *5 percent to 200 percent over the 2010 baseline.*

17 **SEC. 809. WIND TURBINE LIGHTING.**

18 (a) *STUDY.*—*The Administrator of the Federal Avia-*

19 *tion Administration shall conduct a study on wind turbine*

20 *lighting systems.*

21 (b) *CONTENTS.*—*In conducting the study, the Admin-*

22 *istrator shall examine the following:*

23 (1) *The aviation safety issues associated with al-*

24 *ternative lighting strategies, technologies, and regula-*

25 *tions.*

1 (2) *The feasibility of implementing alternative*
2 *lighting strategies or technologies to improve aviation*
3 *safety.*

4 (3) *Any other issue relating to wind turbine*
5 *lighting.*

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 on the results of the study, including*
9 *information and recommendations concerning the issues ex-*
10 *amined under subsection (b).*

11 **SEC. 810. AIR-RAIL CODE SHARING STUDY.**

12 (a) *CODE SHARE STUDY.*—*Not later than 180 days*
13 *after the date of enactment of this Act, the Comptroller Gen-*
14 *eral shall initiate a study regarding—*

15 (1) *the existing airline and intercity passenger*
16 *rail code sharing arrangements; and*

17 (2) *the feasibility, costs to taxpayers and other*
18 *parties, and benefits of increasing intermodal*
19 *connectivity of airline and intercity passenger rail fa-*
20 *cilities and systems to improve passenger travel.*

21 (b) *CONSIDERATIONS.*—*In conducting the study, the*
22 *Comptroller General shall consider—*

23 (1) *the potential costs to taxpayers and other*
24 *parties and benefits of the implementation of more in-*
25 *tegrated scheduling between airlines and Amtrak or*

1 *other intercity passenger rail carriers achieved*
2 *through code sharing arrangements;*

3 (2) *airport and intercity passenger rail oper-*
4 *ations that can improve connectivity between airports*
5 *and intercity passenger rail facilities and stations;*

6 (3) *the experience of other countries with airport*
7 *and intercity passenger rail connectivity; and*

8 (4) *such other issues the Comptroller General*
9 *considers appropriate.*

10 (c) *REPORT.*—*Not later than one year after com-*
11 *mencing the study required by subsection (a), the Comp-*
12 *troller General shall submit to the Committee on Commerce,*
13 *Science, and Transportation of the Senate and the Com-*
14 *mittee on Transportation and Infrastructure of the House*
15 *of Representatives a report on the results of the study, in-*
16 *cluding any conclusions of the Comptroller General result-*
17 *ing from the study.*

18 **SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT**
19 **RULES AREA.**

20 (a) *SUBMISSION OF PLAN TO CONGRESS.*—*Not later*
21 *than 180 days after the date of enactment of this Act, the*
22 *Administrator of the Federal Aviation Administration, in*
23 *consultation with the Secretary of Homeland Security and*
24 *the Secretary of Defense, shall submit to the Committee on*
25 *Transportation and Infrastructure and the Committee on*

1 *Homeland Security of the House of Representatives and the*
2 *Committee on Commerce, Science, and Transportation of*
3 *the Senate a plan for the D.C. Metropolitan Area Special*
4 *Flight Rules Area.*

5 (b) *CONTENTS OF PLAN.*—*The plan shall outline spe-*
6 *cific changes to the D.C. Metropolitan Area Special Flight*
7 *Rules Area that will decrease operational impacts and im-*
8 *prove general aviation access to airports in the National*
9 *Capital Region that are currently impacted by the zone.*

10 **SEC. 812. FAA REVIEW AND REFORM.**

11 (a) *AGENCY REVIEW.*—*Not later than 60 days after*
12 *the date of enactment of this Act, the Administrator of the*
13 *Federal Aviation Administration shall undertake a thor-*
14 *ough review of each program, office, and organization with-*
15 *in the Administration, including the Air Traffic Organiza-*
16 *tion, to identify—*

17 (1) *duplicative positions, programs, roles, or of-*
18 *fices;*

19 (2) *wasteful practices;*

20 (3) *redundant, obsolete, or unnecessary functions;*

21 (4) *inefficient processes; and*

22 (5) *ineffectual or outdated policies.*

23 (b) *ACTIONS TO STREAMLINE AND REFORM FAA.*—
24 *Not later than 120 days after the date of enactment of this*
25 *Act, the Administrator shall undertake such actions as may*

1 *be necessary to address the Administrator's findings under*
2 *subsection (a), including—*

3 (1) *consolidating, phasing-out, or eliminating*
4 *duplicative positions, programs, roles, or offices;*

5 (2) *eliminating or streamlining wasteful prac-*
6 *tices;*

7 (3) *eliminating or phasing-out redundant, obso-*
8 *lete, or unnecessary functions;*

9 (4) *reforming and streamlining inefficient proc-*
10 *esses so that the activities of the Administration are*
11 *completed in an expedited and efficient manner; and*

12 (5) *reforming or eliminating ineffectual or out-*
13 *dated policies.*

14 (c) *AUTHORITY.*—*Notwithstanding any other provi-*
15 *sion of law, the Administrator shall have the authority to*
16 *undertake the actions required under subsection (b).*

17 (d) *REPORT TO CONGRESS.*—*Not later than 150 days*
18 *after the date of enactment of this Act, the Administrator*
19 *shall submit to Congress a report on the actions taken by*
20 *the Administrator under this section, including any rec-*
21 *ommendations for legislative or administrative actions.*

22 **SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER**
23 **OXIDIZING GASES.**

24 (a) *IN GENERAL.*—*Subject to subsection (b), the trans-*
25 *portation within the State of Alaska of cylinders of com-*

1 *pressed oxygen or other oxidizing gases aboard aircraft shall*
2 *be exempt from compliance with the regulations described*
3 *in subsection (c) to the extent that the regulations require*
4 *that oxidizing gases transported aboard aircraft be enclosed*
5 *in outer packaging capable of passing the flame penetration*
6 *and resistance test and the thermal resistance test, without*
7 *regard to the end use of the cylinders.*

8 **(b) APPLICABILITY OF EXEMPTION.**—*The exemption*
9 *provided by subsection (a) shall apply in circumstances in*
10 *which transportation of the cylinders by ground or vessel*
11 *is unavailable and transportation by aircraft is the only*
12 *practical means for transporting the cylinders to their des-*
13 *tination.*

14 **(c) DESCRIPTION OF REGULATORY REQUIREMENTS.**—
15 *The regulations referred to in subsection (a) are the regula-*
16 *tions of the Pipeline and Hazardous Materials Safety Ad-*
17 *ministration contained in sections 173.302(f)(3),*
18 *173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4),*
19 *173.304(f)(5), and 175.501(b) of title 49, Code of Federal*
20 *Regulations.*

21 **TITLE IX—NATIONAL MEDIATION** 22 **BOARD**

23 **SEC. 901. AUTHORITY OF INSPECTOR GENERAL.**

24 *Title I of the Railway Labor Act (45 U.S.C. 151 et*
25 *seq.) is amended by adding at the end the following:*

1 “AUTHORITY OF INSPECTOR GENERAL

2 “SEC. 15. (a) *IN GENERAL.*—*The Inspector General of*
3 *the Department of Transportation, in accordance with the*
4 *mission of the Inspector General to prevent and detect fraud*
5 *and abuse, is authorized to review the financial manage-*
6 *ment, property management, and business operations of the*
7 *Mediation Board, including internal accounting and ad-*
8 *ministrative control systems, to determine compliance with*
9 *applicable Federal laws, rules, and regulations.*

10 “(b) *DUTIES.*—*In carrying out this section, the In-*
11 *spector General shall—*

12 “(1) *keep the chairman of the Mediation Board*
13 *and Congress fully and currently informed about*
14 *problems relating to administration of the internal*
15 *accounting and administrative control systems of the*
16 *Mediation Board;*

17 “(2) *issue findings and recommendations for ac-*
18 *tions to address such problems; and*

19 “(3) *report periodically to Congress on any*
20 *progress made in implementing actions to address*
21 *such problems.*

22 “(c) *ACCESS TO INFORMATION.*—*In carrying out this*
23 *section, the Inspector General may exercise authorities*
24 *granted to the Inspector General under subsections (a) and*

1 *(b) of section 6 of the Inspector General Act of 1978 (5*
2 *U.S.C. App.).*

3 “(d) *AUTHORIZATIONS OF APPROPRIATIONS.—*

4 “(1) *FUNDING.—There is authorized to be appro-*
5 *propriated to the Secretary of Transportation for use by*
6 *the Inspector General of the Department of Transpor-*
7 *tation not more than \$125,000 for each of fiscal years*
8 *2011 through 2014 to cover expenses associated with*
9 *activities pursuant to the authority exercised under*
10 *this section.*

11 “(2) *REIMBURSABLE AGREEMENT.—In the ab-*
12 *sence of an appropriation under this subsection for*
13 *an expense referred to in paragraph (1), the Inspector*
14 *General and the Mediation Board shall have a reim-*
15 *bursable agreement to cover such expense.”.*

16 **SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDI-**
17 **ATION BOARD.**

18 *Title I of the Railway Labor Act (as amended by sec-*
19 *tion 901 of this Act) is further amended by adding at the*
20 *end the following:*

21 “*EVALUATION AND AUDIT OF MEDIATION BOARD*

22 “*SEC. 16. (a) IN GENERAL.—In order to promote econ-*
23 *omy, efficiency, and effectiveness in the administration of*
24 *the programs, operations, and activities of the Mediation*
25 *Board, the Comptroller General shall evaluate and audit*
26 *the programs and expenditures of the Mediation Board.*

1 *Such an evaluation and audit shall be conducted at least*
2 *annually, but may be conducted as determined necessary*
3 *by the Comptroller General or the appropriate congressional*
4 *committees.*

5 “(b) *RESPONSIBILITY OF COMPTROLLER GENERAL.—*
6 *The Comptroller General shall evaluate and audit Medi-*
7 *ation Board programs, operations, and activities, including*
8 *at a minimum—*

9 “(1) *information management and security, in-*
10 *cluding privacy protection of personally identifiable*
11 *information;*

12 “(2) *resource management;*

13 “(3) *workforce development;*

14 “(4) *procurement and contracting planning,*
15 *practices, and policies;*

16 “(5) *the extent to which the Mediation Board fol-*
17 *lows leading practices in selected management areas;*
18 *and*

19 “(6) *the processes the Mediation Board follows to*
20 *address challenges in—*

21 “(A) *initial investigations of representation*
22 *applications;*

23 “(B) *determining and certifying representa-*
24 *tives of employees; and*

1 “(C) ensuring that the process occurs with-
2 out interference, influence, or coercion.

3 “(c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
4 *FINED.—In this section, the term ‘appropriate congress-*
5 *sional committees’ means the Committee on Transportation*
6 *and Infrastructure of the House of Representatives and the*
7 *Committee on Commerce, Science, and Transportation of*
8 *the Senate.”.*

9 **SEC. 903. REPEAL OF RULE.**

10 *Effective January 1, 2011, the rule prescribed by the*
11 *National Mediation Board relating to representation elec-*
12 *tion procedures published on May 11, 2010 (95 Fed. Reg.*
13 *26062) and revising sections 1202 and 1206 of title 29,*
14 *Code of Federal Regulations, shall have no force or effect.*

15 **TITLE X—COMMERCIAL SPACE**
16 **TRANSPORTATION**

17 **SEC. 1001. SPACE FLIGHT PASSENGERS.**

18 *Chapter 509 of title 51, United States Code, is amend-*
19 *ed—*

20 (1) *by striking “space flight participant” each*
21 *place it appears and inserting “space flight pas-*
22 *senger”; and*

23 (2) *by striking “space flight participants” each*
24 *place it appears and inserting “space flight pas-*
25 *sengers”.*

Union Calendar No. 19

112TH CONGRESS
1ST Session

H. R. 658

[Report No. 112-29, Parts I and II]

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

MARCH 23, 2011

The Committees on Science, Space, and Technology and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed