

112TH CONGRESS
1ST SESSION

H. R. 658

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

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,*

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

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

4 (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.

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. AIP definitions.
- Sec. 133. Recycling plans for airports.
- Sec. 134. Contents of competition plans.
- Sec. 135. Grant assurances.
- Sec. 136. Agreements granting through-the-fence access to general aviation airports.
- Sec. 137. Government share of project costs.
- Sec. 138. Allowable project costs.
- Sec. 139. Veterans’ preference.
- Sec. 140. Standardizing certification of disadvantaged business enterprises.
- Sec. 141. Special apportionment rules.
- Sec. 142. Apportionments.
- Sec. 143. Marshall Islands, Micronesia, and Palau.
- Sec. 144. Designating current and former military airports.
- Sec. 145. Contract tower program.
- Sec. 146. Resolution of disputes concerning airport fees.
- Sec. 147. Sale of private airports to public sponsors.
- Sec. 148. Repeal of certain limitations on Metropolitan Washington Airports Authority.

- Sec. 149. Midway Island Airport.
- Sec. 150. Miscellaneous amendments.
- Sec. 151. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 152. Priority review of construction projects in cold weather States.
- Sec. 153. Study on national plan of integrated airport systems.
- Sec. 154. Transfers of terminal area air navigation equipment to airport sponsors.
- Sec. 155. 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.
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Subtitle C—Safety and Protections

- Sec. 331. Postemployment restrictions for flight standards inspectors.
- Sec. 332. Review of air transportation oversight system database.
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- 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.
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- 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.

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.

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
4 of an amendment to, or a repeal of, a section or other
5 provision, the reference shall be considered to be made to
6 a section or other provision of title 49, United States
7 Code.

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

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

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

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

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

20 **“§ 48103. Airport planning and development and**
21 **noise compatibility planning and pro-**
22 **grams**

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

1 and airport development under section 47104, airport
2 noise compatibility planning under section 47505(a)(2),
3 and carrying out noise compatibility programs under sec-
4 tion 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 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
13 is amended by striking “March 31, 2011” and inserting
14 “September 30, 2014”.

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

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
17 48101(a) is amended by striking paragraphs (1) through
18 (6) and inserting the following:

19 “(1) \$2,700,000,000 for fiscal year 2011.

20 “(2) \$2,600,000,000 for fiscal year 2012.

21 “(3) \$2,600,000,000 for fiscal year 2013.

22 “(4) \$2,600,000,000 for fiscal year 2014.”.

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

24 (1) by striking subsections (c), (d), (e), (h), and

25 (i); and

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

3 **SEC. 103. FAA OPERATIONS.**

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

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

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

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

10 and

11 “(D) \$9,168,000,000 for fiscal year
12 2014.”.

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

15 (1) by striking subparagraphs (A), (B), (C),
16 and (D);

17 (2) by redesignating subparagraphs (E), (F),
18 and (G) as subparagraphs (A), (B), and (C), respec-
19 tively; and

20 (3) in subparagraphs (A), (B), and (C) (as so
21 redesignated) by striking “2004 through 2007” and
22 inserting “2011 through 2014”.

23 (c) **AUTHORITY TO TRANSFER FUNDS.**—Section
24 106(k) is amended by adding at the end the following:

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

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

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

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

22 “(i) in fiscal year 2011, be equal to
23 90 percent of the estimated level of re-
24 ceipts plus interest credited to the Airport

1 and Airway Trust Fund for that fiscal
2 year; and

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

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

10 “(II) the actual level of receipts
11 plus interest credited to the Airport
12 and Airway Trust Fund for the sec-
13 ond preceding fiscal year minus the
14 total amount made available for obli-
15 gation from the Airport and Airway
16 Trust Fund for the second preceding
17 fiscal year.

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

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

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

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

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

6 (d) ENFORCEMENT OF GUARANTEES.—Section
7 48114(c)(2) is amended by striking “2007” and inserting
8 “2014”.

9 **SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANS-**
10 **PORTATION SYSTEM PROJECTS.**

11 Section 44501(b) is amended—

12 (1) in paragraph (3) by striking “and” after
13 the semicolon;

14 (2) in paragraph (4)(B) by striking “defense.”
15 and inserting “defense; and”; and

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

17 “(5) a list of capital projects that are part of
18 the Next Generation Air Transportation System and
19 funded by amounts appropriated under section
20 48101(a).”.

21 **SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**
22 **AIRPORT PROGRAMS.**

23 (a) IN GENERAL.—Section 48105 is amended to read
24 as follows:

1 **“§ 48105. Airport programs administrative expenses**

2 “(a) IN GENERAL.—Of the funds made available
3 under section 48103, the following amounts may be avail-
4 able for administrative expenses of the Federal Aviation
5 Administration described in subsection (b):

6 “(1) \$85,987,000 for fiscal year 2011.

7 “(2) \$80,676,000 for fiscal year 2012.

8 “(3) \$80,676,000 for fiscal year 2013.

9 “(4) \$80,676,000 for fiscal year 2014.

10 “(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—

11 Amounts made available under subsection (a) may be used
12 for administrative expenses relating to the airport im-
13 provement program, passenger facility charge approval
14 and oversight, national airport system planning, airport
15 standards development and enforcement, airport certifi-
16 cation, airport-related environmental activities (including
17 legal services), and other airport-related activities.

18 “(c) AVAILABILITY OF AMOUNTS.—Amounts made
19 available under subsection (a) shall remain available until
20 expended.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 481 is amended by striking the item relating to section
23 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

1 **Subtitle B—Passenger Facility**
2 **Charges**

3 **SEC. 111. PASSENGER FACILITY CHARGES.**

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

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

9 (b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT
10 NONHUB AIRPORTS.—Section 40117(l) is amended—

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

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

14 (c) CORRECTION OF REFERENCES.—

15 (1) SECTION 40117.—Section 40117 is amend-
16 ed—

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

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

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

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

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

3 (F) in the heading for paragraph (1) of
4 subsection (m) by striking “FEES” and insert-
5 ing “CHARGES”;

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

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

11 (2) OTHER REFERENCES.—Subtitle VII is
12 amended by striking “fee” and inserting “charge”
13 each place it appears in each of the following sec-
14 tions:

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

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

17 (C) Section 47114(f).

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

19 (E) Section 47139(b).

20 (F) Section 47524(e).

21 (G) Section 47526(2).

22 (3) CLERICAL AMENDMENT.—The analysis for
23 chapter 401 is amended by striking the item relating
24 to section 40117 and inserting the following:

“40117. Passenger facility charges.”.

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

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

4 “(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

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

12 “(2) INTERMODAL GROUND ACCESS PROJECT
13 DEFINED.—In this subsection, the term ‘intermodal
14 ground access project’ means a project for con-
15 structing a local facility owned or operated by an eli-
16 gible agency that is directly and substantially related
17 to the movement of passengers or property traveling
18 in air transportation.

19 “(3) ELIGIBLE COSTS.—

20 “(A) IN GENERAL.—For purposes of para-
21 graph (1), the eligible cost of an intermodal
22 ground access project at an airport shall be the
23 total cost of the project multiplied by the ratio
24 that—

1 “(i) the number of individuals pro-
2 jected to use the project to gain access to
3 or depart from the airport; bears to

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

6 “(B) DETERMINATIONS REGARDING PRO-
7 JECTED PROJECT USE.—

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

14 “(ii) PUBLIC TRANSPORTATION
15 PROJECTS.—In the case of a project ap-
16 proved under this section to be financed in
17 part using funds administered by the Fed-
18 eral Transit Administration, the Secretary
19 shall use the travel forecasting model for
20 the project at the time such project is ap-
21 proved by the Federal Transit Administra-
22 tion to enter preliminary engineering to de-
23 termine the projected use of the project for
24 purposes of subparagraph (A).”.

1 **SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COL-**
2 **LECTING PFCS.**

3 (a) IN GENERAL.—The Comptroller General shall
4 conduct a study of alternative means of collection of pas-
5 senger facility charges imposed under section 40117 of
6 title 49, United States Code, that would permit such
7 charges to be collected without being included in the ticket
8 price. In conducting the study, the Comptroller General
9 shall consider, at a minimum—

10 (1) collection options for arriving, connecting,
11 and departing passengers at airports;

12 (2) cost sharing or allocation methods based on
13 passenger travel to address connecting traffic; and

14 (3) examples of airport charges collected by do-
15 mestic and international airports that are not in-
16 cluded in ticket prices.

17 (b) REPORT.—Not later than one year after the date
18 of enactment of this Act, the Comptroller General shall
19 submit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives a report on the study, including the Comp-
23 troller General’s findings, conclusions, and recommenda-
24 tions.

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

2 **SEC. 121. UPDATE ON OVERFLIGHTS.**

3 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

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

5 “(b) ESTABLISHMENT AND ADJUSTMENT OF
6 FEES.—

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

12 “(2) SERVICES FOR WHICH COSTS MAY BE RE-
13 COVERED.—Services for which costs may be recov-
14 ered under this section include the costs of air traf-
15 fic control, navigation, weather services, training,
16 and emergency services that are available to facili-
17 tate safe transportation over the United States and
18 the costs of other services provided by the Adminis-
19 trator, or by programs financed by the Adminis-
20 trator, to flights that neither take off nor land in the
21 United States.

22 “(3) LIMITATIONS ON JUDICIAL REVIEW.—Not-
23 withstanding section 702 of title 5 or any other pro-
24 vision 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
5 (1), and the processes and procedures applied
6 by the Administrator when reaching such deter-
7 mination.

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 alloca-
12 tion.

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

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

24 “(6) COSTS DEFINED.—In this subsection, the
25 term ‘costs’ includes operation and maintenance

1 costs, leasing costs, and overhead expenses associ-
2 ated with the services provided and the facilities and
3 equipment used in providing such services.”.

4 (b) ADJUSTMENT OF FEES.—Section 45301 is
5 amended by adding at the end the following:

6 “(e) ADJUSTMENT OF FEES.—In addition to adjust-
7 ments under subsection (b), the Administrator may peri-
8 odically adjust the fees established under this section.”.

9 **SEC. 122. REGISTRATION FEES.**

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

12 **“§ 45305. Registration, certification, and related fees**

13 “(a) GENERAL AUTHORITY AND FEES.—Subject to
14 subsection (b), the Administrator of the Federal Aviation
15 Administration shall establish and collect a fee for each
16 of the following services and activities of the Administra-
17 tion that does not exceed the estimated costs of the service
18 or activity:

19 “(1) Registering an aircraft.

20 “(2) Reregistering, replacing, or renewing an
21 aircraft registration certificate.

22 “(3) Issuing an original dealer’s aircraft reg-
23 istration certificate.

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

1 “(5) Issuing a special registration number.

2 “(6) Issuing a renewal of a special registration
3 number reservation.

4 “(7) Recording a security interest in an aircraft
5 or aircraft part.

6 “(8) Issuing an airman certificate.

7 “(9) Issuing a replacement airman certificate.

8 “(10) Issuing an airman medical certificate.

9 “(11) Providing a legal opinion pertaining to
10 aircraft registration or recordation.

11 “(b) LIMITATION ON COLLECTION.—No fee may be
12 collected under this section unless the expenditure of the
13 fee to pay the costs of activities and services for which
14 the fee is imposed is provided for in advance in an appro-
15 priations Act.

16 “(c) FEES CREDITED AS OFFSETTING COLLEC-
17 TIONS.—

18 “(1) IN GENERAL.—Notwithstanding section
19 3302 of title 31, any fee authorized to be collected
20 under this section shall—

21 “(A) be credited as offsetting collections to
22 the account that finances the activities and
23 services for which the fee is imposed;

24 “(B) be available for expenditure only to
25 pay the costs of activities and services for which

1 the fee is imposed, including all costs associated
2 with collecting such fees; and

3 “(C) remain available until expended.

4 “(2) CONTINUING APPROPRIATIONS.—The Ad-
5 ministrator may continue to assess, collect, and
6 spend fees established under this section during any
7 period in which the funding for the Federal Aviation
8 Administration is provided under an Act providing
9 continuing appropriations in lieu of the Administra-
10 tion’s regular appropriations.

11 “(3) ADJUSTMENTS.—The Administrator shall
12 adjust a fee established under subsection (a) for a
13 service or activity if the Administrator determines
14 that the actual cost of the service or activity is high-
15 er or lower than was indicated by the cost data used
16 to establish such fee.”.

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

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

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

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

23 “(1) IN GENERAL.—A fee”; and

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

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

6 **Subtitle D—Airport Improvement**
7 **Program Modifications**

8 **SEC. 131. AIRPORT MASTER PLANS.**

9 Section 47101(g)(2) is amended—

10 (1) in subparagraph (B) by striking “and” at
11 the end;

12 (2) by redesignating subparagraph (C) as sub-
13 paragraph (D); and

14 (3) by inserting after subparagraph (B) the fol-
15 lowing:

16 “(C) consider passenger convenience, air-
17 port ground access, and access to airport facili-
18 ties; and”.

19 **SEC. 132. AIP DEFINITIONS.**

20 (a) AIRPORT DEVELOPMENT.—Section 47102(3) is
21 amended—

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

1 (2) in subparagraph (G) by inserting “and in-
2 cluding acquiring glycol recovery vehicles,” after
3 “aircraft,”; and

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

5 “(M) construction of mobile refueler park-
6 ing within a fuel farm at a nonprimary airport
7 meeting the requirements of section 112.8 of
8 title 40, Code of Federal Regulations.

9 “(N) terminal development under section
10 47119(a).

11 “(O) acquiring and installing facilities and
12 equipment to provide air conditioning, heating,
13 or electric power from terminal-based, nonexclu-
14 sive use facilities to aircraft parked at a public
15 use airport for the purpose of reducing energy
16 use or harmful emissions as compared to the
17 provision of such air conditioning, heating, or
18 electric power from aircraft-based systems.”.

19 (b) AIRPORT PLANNING.—Section 47102(5) is
20 amended to read as follows:

21 “(5) ‘airport planning’ means planning as de-
22 fined by regulations the Secretary prescribes and in-
23 cludes—

24 “(A) integrated airport system planning;

1 “(B) developing an environmental manage-
2 ment system; and

3 “(C) developing a plan for recycling and
4 minimizing the generation of airport solid
5 waste, consistent with applicable State and local
6 recycling laws, including the cost of a waste
7 audit.”.

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

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

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

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

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

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

21 “(B) has scheduled service with less than
22 2,500 passenger boardings each year.”.

23 (d) REVENUE PRODUCING AERONAUTICAL SUPPORT
24 FACILITIES.—Section 47102 is amended by inserting

1 after paragraph (23) (as redesignated by subsection (c)(2)
2 of this section) the following:

3 “(24) ‘revenue producing aeronautical support
4 facilities’ means fuel farms, hangar buildings, self-
5 service credit card aeronautical fueling systems, air-
6 plane wash racks, major rehabilitation of a hangar
7 owned by a sponsor, or other aeronautical support
8 facilities that the Secretary determines will increase
9 the revenue producing ability of the airport.”.

10 (e) TERMINAL DEVELOPMENT.—Section 47102 (as
11 amended by subsection (c) of this section) is further
12 amended by adding at the end the following:

13 “(28) ‘terminal development’ means—
14 “(A) development of—
15 “(i) an airport passenger terminal
16 building, including terminal gates;
17 “(ii) access roads servicing exclusively
18 airport traffic that leads directly to or
19 from an airport passenger terminal build-
20 ing; and
21 “(iii) walkways that lead directly to or
22 from an airport passenger terminal build-
23 ing; and
24 “(B) the cost of a vehicle described in sec-
25 tion 47119(a)(1)(B).”.

1 **SEC. 133. RECYCLING PLANS FOR AIRPORTS.**

2 Section 47106(a) is amended—

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

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

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

8 “(6) if the project is for an airport that has an
9 airport master plan, the master plan addresses
10 issues relating to solid waste recycling at the airport,
11 including—

12 “(A) the feasibility of solid waste recycling
13 at the airport;

14 “(B) minimizing the generation of solid
15 waste at the airport;

16 “(C) operation and maintenance require-
17 ments;

18 “(D) the review of waste management con-
19 tracts; and

20 “(E) the potential for cost savings or the
21 generation of revenue.”.

22 **SEC. 134. CONTENTS OF COMPETITION PLANS.**

23 Section 47106(f)(2) is amended—

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

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

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

3 **SEC. 135. GRANT ASSURANCES.**

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

9 (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

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

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

18 “(4) In approving the reinvestment or transfer of
19 proceeds under subsection (c)(2)(A)(iii), the Secretary
20 shall give preference, in descending order, to the following
21 actions:

22 “(A) Reinvestment in an approved noise com-
23 patibility project.

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

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

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

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

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

14 (d) EXTENSION OF COMPETITIVE ACCESS RE-
15 PORTS.—Section 47107(s) is amended by striking para-
16 graph (3).

17 **SEC. 136. AGREEMENTS GRANTING THROUGH-THE-FENCE**
18 **ACCESS TO GENERAL AVIATION AIRPORTS.**

19 (a) IN GENERAL.—Section 47107 of title 49, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 “(t) AGREEMENTS GRANTING THROUGH-THE-
23 FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

24 “(1) IN GENERAL.—Subject to paragraph (2), a
25 sponsor of a general aviation airport shall not be

1 considered to be in violation of this subtitle, or to be
2 in violation of a grant assurance made under this
3 section or under any other provision of law as a con-
4 dition for the receipt of Federal financial assistance
5 for airport development, solely because the sponsor
6 enters into an agreement that grants to a person
7 that owns residential real property adjacent to the
8 airport access to the airfield of the airport for the
9 following:

10 “(A) Aircraft of the person.

11 “(B) Aircraft authorized by the person.

12 “(2) THROUGH THE FENCE AGREEMENTS.—

13 “(A) IN GENERAL.—An agreement de-
14 scribed in paragraph (1) between an airport
15 sponsor and a property owner shall be a written
16 agreement that prescribes the rights, respon-
17 sibilities, charges, duration, and other terms the
18 airport sponsor determines are necessary to es-
19 tablish and manage the airport sponsor’s rela-
20 tionship with the property owner.

21 “(B) TERMS AND CONDITIONS.—An agree-
22 ment described in paragraph (1) between an
23 airport sponsor and a property owner shall re-
24 quire the property owner, at minimum—

1 “(i) to pay airport access charges
2 that, as determined by the airport sponsor,
3 are comparable to those charged to tenants
4 and operators on-airport making similar
5 use of the airport;

6 “(ii) to bear the cost of building and
7 maintaining the infrastructure that, as de-
8 termined by the airport sponsor, is nec-
9 essary to provide aircraft located on the
10 property adjacent to the airport access to
11 the airfield of the airport;

12 “(iii) to maintain the property for res-
13 idential, noncommercial use for the dura-
14 tion of the agreement; and

15 “(iv) to prohibit access to the airport
16 from other properties through the property
17 of the property owner.”.

18 (b) **APPLICABILITY.**—The amendment made by sub-
19 section (a) shall apply to an agreement between an airport
20 sponsor and a property owner entered into before, on, or
21 after the date of enactment of this Act.

22 **SEC. 137. GOVERNMENT SHARE OF PROJECT COSTS.**

23 Section 47109 is amended—

1 (1) in subsection (a) by striking “provided in
2 subsection (b) or subsection (c) of this section” and
3 inserting “otherwise provided in this section”; and

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

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

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

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

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

22 **SEC. 138. ALLOWABLE PROJECT COSTS.**

23 (a) ALLOWABLE PROJECT COSTS.—Section
24 47110(b)(2)(D) is amended to read as follows:

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

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

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

18 “(iii) the sponsor notifies the Secretary be-
19 fore authorizing work to commence on the
20 project;

21 “(iv) the sponsor has an alternative fund-
22 ing source available to fund the project; and

23 “(v) the sponsor’s decision to proceed with
24 the project in advance of execution of the grant
25 agreement does not affect the priority assigned

1 to the project by the Secretary for the alloca-
2 tion of discretionary funds;”.

3 (b) INCLUSION OF MEASURES TO IMPROVE EFFI-
4 CIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVE-
5 MENT PROJECTS.—Section 47110(b) is amended—

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

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

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

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

18 “(A) the measure is for a project for air-
19 port development;

20 “(B) the measure is for an airport building
21 that is otherwise eligible for construction assist-
22 ance under this subchapter; and

23 “(C) if the measure results in an increase
24 in initial project costs, the increase is justified

1 by expected savings over the life cycle of the
2 project.”.

3 (c) RELOCATION OF AIRPORT-OWNED FACILITIES.—

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

5 “(d) RELOCATION OF AIRPORT-OWNED FACILI-

6 TIES.—The Secretary may determine that the costs of re-

7 locating or replacing an airport-owned facility are allow-

8 able for an airport development project at an airport only

9 if—

10 “(1) the Government’s share of such costs will

11 be paid with funds apportioned to the airport spon-

12 sor under section 47114(c)(1) or 47114(d);

13 “(2) the Secretary determines that the reloca-

14 tion or replacement is required due to a change in

15 the Secretary’s design standards; and

16 “(3) the Secretary determines that the change

17 is beyond the control of the airport sponsor.”.

18 (d) NONPRIMARY AIRPORTS.—Section 47110(h) is

19 amended—

20 (1) by inserting “construction” before “costs of

21 revenue producing”; and

22 (2) by striking “, including fuel farms and

23 hangars,”.

24 **SEC. 139. VETERANS’ PREFERENCE.**

25 Section 47112(c) is amended—

1 (1) in paragraph (1)—

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

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

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

19 “(D) ‘Persian Gulf veteran’ means an indi-
20 vidual who served on active duty in the Armed
21 Forces in the Southwest Asia theater of operations
22 during the Persian Gulf War for more than 180 con-
23 secutive days, any part of which occurred after Au-
24 gust 2, 1990, and before the date prescribed by
25 presidential proclamation or by law, and who was

1 discharged or released from active duty in the armed
2 forces under honorable conditions.”; and

3 (2) in paragraph (2) by striking “Vietnam-era
4 veterans and disabled veterans” and inserting “Viet-
5 nam-era veterans, Persian Gulf veterans, Afghani-
6 stan-Iraq war veterans, disabled veterans, and small
7 business concerns (as defined in section 3 of the
8 Small Business Act (15 U.S.C. 632)) owned and
9 controlled by disabled veterans”.

10 **SEC. 140. STANDARDIZING CERTIFICATION OF DISADVAN-**
11 **TAGED BUSINESS ENTERPRISES.**

12 Section 47113 is amended by adding at the end the
13 following:

14 “(e) MANDATORY TRAINING PROGRAM.—

15 “(1) IN GENERAL.—Not later than one year
16 after the date of enactment of this subsection, the
17 Secretary shall establish a mandatory training pro-
18 gram for persons described in paragraph (3) to pro-
19 vide streamlined training on certifying whether a
20 small business concern qualifies as a small business
21 concern owned and controlled by socially and eco-
22 nomically disadvantaged individuals under this sec-
23 tion and section 47107(e).

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
9 47107(e) that the airport owner or operator will
10 meet the percentage goal of subsection (b) of
11 this section or section 47107(e)(1), as the case
12 may be; or

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

19 **SEC. 141. SPECIAL APPORTIONMENT RULES.**

20 (a) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT
21 MINIMUM APPORTIONMENT AMOUNT.—Section 47114(d)
22 is amended by adding at the end the following:

23 “(7) ELIGIBILITY TO RECEIVE PRIMARY AIR-
24 PORT MINIMUM APPORTIONMENT AMOUNT.—Not-
25 withstanding any other provision of this subsection,

1 the Secretary may apportion to an airport sponsor
2 in a fiscal year an amount equal to the minimum ap-
3 portionment available under section 47114(c)(1)(B)
4 if the Secretary finds that the airport—

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

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

15 (b) SPECIAL RULE FOR FISCAL YEARS 2011 AND
16 2012.—Section 47114(c)(1) is amended—

17 (1) by striking subparagraphs (F) and (G); and

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

20 “(F) SPECIAL RULE FOR FISCAL YEARS
21 2011 AND 2012.—Notwithstanding subparagraph
22 (A), for an airport that had more than 10,000
23 passenger boardings and scheduled passenger
24 aircraft service in calendar year 2007, but in ei-
25 ther calendar year 2009 or 2010, or in both

1 years, the number of passenger boardings de-
2 creased to a level below 10,000 boardings per
3 year at such airport, the Secretary may appor-
4 tion in each of fiscal years 2011 and 2012 to
5 the sponsor of such airport an amount equal to
6 the amount apportioned to that sponsor in fis-
7 cal year 2009.”.

8 **SEC. 142. APPORTIONMENTS.**

9 Chapter 471 is amended by striking
10 “\$3,200,000,000” and inserting “\$3,000,000,000” in
11 each of the following sections:

12 (1) 47114(c)(1)(C).

13 (2) 47114(c)(2)(C).

14 (3) 47114(d)(3).

15 (4) 47114(e)(4).

16 (5) 47117(e)(1)(C).

17 **SEC. 143. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

18 Section 47115(j) is amended by striking “fiscal years
19 2004 through 2010, and for the portion of fiscal year
20 2011 ending before August 1, 2011,” and inserting “fiscal
21 years 2010 through 2014,”.

22 **SEC. 144. DESIGNATING CURRENT AND FORMER MILITARY**
23 **AIRPORTS.**

24 (a) CONSIDERATIONS.—Section 47118(c) is amend-
25 ed—

1 (1) in paragraph (1) by striking “or” after the
2 semicolon;

3 (2) in paragraph (2) by striking “delays.” and
4 inserting “delays; or”; and

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

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

10 “(A) within United States jurisdiction or
11 control; and

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

16 (b) DESIGNATION OF GENERAL AVIATION AIR-
17 PORT.—Section 47118(g) is amended—

18 (1) in the subsection heading by striking “AIR-
19 PORT” and inserting “AIRPORTS”; and

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

1 tion airports that were former military installa-
2 tions”.

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

5 “(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding
6 any other provision of this chapter, a grant under section
7 47117(e)(1)(B) may be made for a federally owned airport
8 designated under subsection (a) if the grant is for a
9 project that is—

10 “(1) to preserve or enhance minimum airfield
11 infrastructure facilities described in subsection
12 (c)(3); and

13 “(2) necessary to meet the minimum safety and
14 emergency operational requirements established
15 under part 139 of title 14, Code of Federal Regula-
16 tions.”.

17 **SEC. 145. CONTRACT TOWER PROGRAM.**

18 (a) COST-BENEFIT REQUIREMENT.—Section
19 47124(b) is amended—

20 (1) by striking paragraph (1) and inserting the
21 following:

22 “(1) CONTRACT TOWER PROGRAM.—

23 “(A) CONTINUATION AND EXTENSION.—

24 The Secretary shall continue the low activity
25 (Visual Flight Rules) Level I air traffic control

1 tower contract program established under sub-
2 section (a) for towers existing on December 30,
3 1987, and shall extend the program to other
4 low activity air traffic control towers for which
5 a qualified entity (as determined by the Sec-
6 retary), a State, or a subdivision of the State
7 meeting the requirements set forth by the Sec-
8 retary has requested to participate in the pro-
9 gram.

10 “(B) SPECIAL RULE.—If the Secretary de-
11 termines that a tower already operating under
12 the program continued under this paragraph
13 has a benefit to cost ratio of less than 1.0, the
14 airport sponsor or State or local government
15 having jurisdiction over the airport shall not be
16 required to pay the portion of the costs that ex-
17 ceeds the benefit for a period of 18 months
18 after such determination is made.

19 “(C) USE OF EXCESS FUNDS.—If the Sec-
20 retary finds that all or part of an amount made
21 available to carry out the program continued
22 under this paragraph is not required during a
23 fiscal year, the Secretary may use, during such
24 fiscal year, the amount not so required to carry

1 out the program established under paragraph
2 (3).”; and

3 (2) by striking “(2) The Secretary” and insert-
4 ing the following:

5 “(2) GENERAL AUTHORITY.—The Secretary”.

6 (b) COSTS EXCEEDING BENEFITS.—Section
7 47124(b)(3)(D) is amended—

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

10 “(i) COST SHARING.—If the costs”;

11 and

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

13 “(ii) MAXIMUM LOCAL COST SHARE.—

14 The maximum allowable local cost share
15 allocated under clause (i) for an airport
16 certified under part 139 of title 14, Code
17 of Federal Regulations, with fewer than
18 50,000 annual passenger enplanements
19 shall be capped at 20 percent of the cost
20 of operating an air traffic tower under the
21 program.

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

1 (c) FUNDING; USE OF EXCESS FUNDS.—Section
2 47124(b)(3) is amended by striking subparagraph (E) and
3 inserting the following:

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

9 “(F) USE OF EXCESS FUNDS.—If the Sec-
10 retary finds that all or part of an amount made
11 available under this paragraph is not required
12 during a fiscal year, the Secretary may use,
13 during such fiscal year, the amount not so re-
14 quired to carry out the program continued
15 under paragraph (1).”.

16 (d) FEDERAL SHARE.—Section 47124(b)(4)(C) is
17 amended by striking “\$1,500,000” and inserting
18 “\$2,000,000”.

19 (e) SAFETY AUDITS.—Section 47124 is amended by
20 adding at the end the following:

21 “(c) SAFETY AUDITS.—The Secretary shall establish
22 uniform standards and requirements for regular safety as-
23 sessments of air traffic control towers that receive funding
24 under this section.”.

1 **SEC. 146. RESOLUTION OF DISPUTES CONCERNING AIR-**
2 **PORT FEES.**

3 (a) IN GENERAL.—Section 47129 is amended—

4 (1) by striking the section heading and insert-
5 ing the following:

6 “§47129. **Resolution of disputes concerning airport**
7 **fees”;**

8 (2) by inserting “AND FOREIGN AIR CARRIER”
9 after “CARRIER” in the heading for subsection (d);

10 (3) by inserting “AND FOREIGN AIR CARRIER”
11 after “CARRIER” in the heading for subsection
12 (d)(2);

13 (4) by striking “air carrier” each place it ap-
14 pears and inserting “air carrier or foreign air car-
15 rier”;

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

19 (6) by striking “air carriers” and inserting “air
20 carriers or foreign air carriers”; and

21 (7) by striking “(as defined in section 40102 of
22 this title)” in subsection (a) and inserting “(as those
23 terms are defined in section 40102)”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 471 is amended by striking the item relating to
3 section 47129 and inserting the following:

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

4 **SEC. 147. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-**
5 **SORS.**

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

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

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

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

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

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

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

20 “(C) an amount equal to the remaining
21 unamortized portion of any airport improve-
22 ment grant made to that airport for purposes
23 other than land acquisition, amortized over a
24 20-year period, plus an amount equal to the
25 Federal share of the current fair market value

1 of any land acquired with an airport improve-
2 ment grant made to that airport on or after Oc-
3 tober 1, 1996, is repaid to the Secretary by the
4 private owner.

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

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

11 **SEC. 148. REPEAL OF CERTAIN LIMITATIONS ON METRO-**
12 **POLITAN WASHINGTON AIRPORTS AUTHOR-**
13 **ITY.**

14 Section 49108, and the item relating to section
15 49108 in the analysis for chapter 491, are repealed.

16 **SEC. 149. MIDWAY ISLAND AIRPORT.**

17 Section 186(d) of the Vision 100—Century of Avia-
18 tion Reauthorization Act (117 Stat. 2518) is amended by
19 striking “October 1, 2010, and for the portion of fiscal
20 year 2011 ending before April 1, 2011,” and inserting
21 “October 1, 2014,”.

22 **SEC. 150. MISCELLANEOUS AMENDMENTS.**

23 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF
24 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is
25 amended—

1 (1) in subsection (a)—

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

4 (B) in paragraph (1) by striking “system
5 in the particular area;” and inserting “system,
6 including connection to the surface transpor-
7 tation network; and”;

8 (C) in paragraph (2) by striking “; and”
9 and inserting a period; and

10 (D) by striking paragraph (3);

11 (2) in subsection (b)—

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

14 (B) by striking paragraph (2) and redesign-
15 ating paragraph (3) as paragraph (2); and

16 (C) in paragraph (2) (as so redesignated)
17 by striking “, Short Takeoff and Landing/Very
18 Short Takeoff and Landing aircraft oper-
19 ations,”; and

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

22 (b) CONSOLIDATION OF TERMINAL DEVELOPMENT
23 PROVISIONS.—Section 47119 is amended—

1 (1) by redesignating subsections (a), (b), (c),
2 and (d) as subsections (b), (c), (d), and (e), respec-
3 tively;

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

6 “(a) TERMINAL DEVELOPMENT PROJECTS.—

7 “(1) IN GENERAL.—The Secretary of Transpor-
8 tation may approve a project for terminal develop-
9 ment (including multimodal terminal development)
10 in a nonrevenue-producing public-use area of a com-
11 mercial service airport—

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

15 “(i) all the safety equipment required
16 for certification of the airport under sec-
17 tion 44706;

18 “(ii) all the security equipment re-
19 quired by regulation; and

20 “(iii) provided for access by pas-
21 sengers to the area of the airport for
22 boarding or exiting aircraft that are not
23 air carrier aircraft;

24 “(B) if the cost is directly related to mov-
25 ing passengers and baggage in air commerce

1 within the airport, including vehicles for moving
2 passengers between terminal facilities and be-
3 tween terminal facilities and aircraft; and

4 “(C) under terms necessary to protect the
5 interests of the Government.

6 “(2) PROJECT IN REVENUE-PRODUCING AREAS
7 AND NONREVENUE-PRODUCING PARKING LOTS.—In
8 making a decision under paragraph (1), the Sec-
9 retary may approve as allowable costs the expenses
10 of terminal development in a revenue-producing area
11 and construction, reconstruction, repair, and im-
12 provement in a nonrevenue-producing parking lot
13 if—

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

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

22 (3) in subsection (b)(4)(B) (as redesignated by
23 paragraph (1) of this subsection) by striking “Sec-
24 retary of Transportation” and inserting “Secretary”;

1 (4) in subsections (b)(3) and (b)(4)(A) (as re-
2 designated by paragraph (1) of this subsection) by
3 striking “section 47110(d)” and inserting “sub-
4 section (a)”;

5 (5) in subsection (b)(5) (as redesignated by
6 paragraph (1) of this subsection) by striking “sub-
7 section (b)(1) and (2)” and inserting “subsections
8 (c)(1) and (c)(2)”;

9 (6) in subsections (c)(2)(A), (c)(3), and (c)(4)
10 (as redesignated by paragraph (1) of this sub-
11 section) by striking “section 47110(d) of this title”
12 and inserting “subsection (a)”;

13 (7) in subsection (c)(2)(B) (as redesignated by
14 paragraph (1) of this subsection) by striking “sec-
15 tion 47110(d)” and inserting “subsection (a)”;

16 (8) in subsection (c)(5) (as redesignated by
17 paragraph (1) of this subsection) by striking “sec-
18 tion 47110(d)” and inserting “subsection (a)”;

19 (9) by adding at the end the following:

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

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

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

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

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

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

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

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

13 (d) CORRECTION TO EMISSION CREDITS PROVI-
14 SION.—Section 47139 is amended—

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

17 (2) in subsection (b)—

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

19 (B) by striking “47103(3)(F),”.

20 (e) CONFORMING AMENDMENT TO CIVIL PENALTY
21 ASSESSMENT AUTHORITY.—Section 46301(d)(2) is
22 amended by inserting “46319,” after “46318,”.

23 (f) OTHER CONFORMING AMENDMENTS.—

1 (1) Section 40117(a)(3)(B) is amended by
2 striking “section 47110(d)” and inserting “section
3 47119(a)”.

4 (2) Section 47108(e)(3) is amended—

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

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

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

13 (h) DEFINITIONS.—

14 (1) CONGESTED AIRPORT.—Section 47175(2) is
15 amended by striking “2001” and inserting “2004 or
16 any successor report”.

17 (2) JOINT USE AIRPORT.—Section 47175 is
18 amended by adding at the end the following:

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

1 **SEC. 151. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
2 **IBLE LAND USE PLANNING AND PROJECTS**
3 **BY STATE AND LOCAL GOVERNMENTS.**

4 Section 47141(f) is amended by striking “March 31,
5 2011” and inserting “September 30, 2014”.

6 **SEC. 152. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
7 **IN COLD WEATHER STATES.**

8 The Administrator of the Federal Aviation Adminis-
9 tration, to the extent practicable, shall schedule the Ad-
10 ministrator’s review of construction projects so that
11 projects to be carried out in States in which the weather
12 during a typical calendar year prevents major construction
13 projects from being carried out before May 1 are reviewed
14 as early as possible.

15 **SEC. 153. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**
16 **PORT SYSTEMS.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation shall begin a study to evaluate the formulation of
20 the national plan of integrated airport systems (in this
21 section referred to as the “plan”) under section 47103 of
22 title 49, United States Code.

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

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

4 (2) The changes in airport capital needs as
5 shown in the 2005–2009 and 2007–2011 plans,
6 compared with the amounts apportioned or other-
7 wise made available to individual airports between
8 2005 and 2010.

9 (3) A comparison of the amounts received by
10 airports under the airport improvement program in
11 airport apportionments, State apportionments, and
12 discretionary grants during such fiscal years with
13 capital needs as reported in the plan.

14 (4) The effect of transfers of airport apportion-
15 ments under title 49, United States Code.

16 (5) An analysis on the feasibility and advis-
17 ability of apportioning amounts under section
18 47114(c)(1) of title 49, United States Code, to the
19 sponsor of each primary airport for each fiscal year
20 an amount that bears the same ratio to the amount
21 subject to the apportionment for fiscal year 2009 as
22 the number of passenger boardings at the airport
23 during the prior calendar year bears to the aggre-
24 gate of all passenger boardings at all primary air-
25 ports during that calendar year.

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

9 (7) Any other matters pertaining to the plan
10 that the Secretary determines appropriate.

11 (c) REPORT TO CONGRESS.—

12 (1) SUBMISSION.—Not later than 36 months
13 after the date that the Secretary begins the study
14 under this section, the Secretary shall submit to the
15 Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on
17 Commerce, Science, and Transportation of the Sen-
18 ate a report on the results of the study.

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

20 (A) the findings of the Secretary on each
21 of the issues described in subsection (b);

22 (B) recommendations for any changes to
23 policies and procedures for formulating the
24 plan; and

1 (C) recommendations for any changes to
2 the methods of determining the amounts to be
3 apportioned or otherwise made available to indi-
4 vidual airports.

5 **SEC. 154. TRANSFERS OF TERMINAL AREA AIR NAVIGATION**
6 **EQUIPMENT TO AIRPORT SPONSORS.**

7 (a) IN GENERAL.—Chapter 445 is amended by add-
8 ing at the end the following:

9 **“§ 44518. Transfers of terminal area air navigation**
10 **equipment to airport sponsors**

11 “(a) IN GENERAL.—Subject to the requirements of
12 this section, the Administrator of the Federal Aviation Ad-
13 ministrator may carry out a pilot program under which
14 the Administrator may transfer ownership, operating, and
15 maintenance responsibilities for terminal area air naviga-
16 tion equipment at an airport to the airport sponsor.

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

21 “(c) TERMS AND CONDITIONS OF TRANSFER FOR
22 AIRPORT SPONSORS.—As a condition of participating in
23 the pilot program, the airport sponsor shall provide assur-
24 ances satisfactory to the Administrator that the sponsor
25 will—

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

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

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

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

23 “(e) TREATMENT OF AIRPORT COSTS.—Any costs in-
24 curred by an airport sponsor for ownership and mainte-
25 nance of terminal area air navigation equipment trans-

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

6 “(f) DEFINITIONS.—In this section, the following
7 definitions apply:

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

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

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

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

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

21 **SEC. 155. AIRPORT PRIVATIZATION PROGRAM.**

22 (a) APPROVAL OF APPLICATIONS.—Section 47134(b)
23 is 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
10 47133 (and any other law, regulation, or grant
11 assurance) to the extent necessary to permit the
12 sponsor to recover from the sale or lease of the
13 airport such amount as may be approved by the
14 Secretary 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 own-
21 ers of aircraft based at that airport, as de-
22 termined by the Secretary.”; and

23 (B) by striking subparagraph (C).

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

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

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

3 (8) 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

16 (m) 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
21 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
8 the 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
14 aircraft to ground stations and to other equipped
15 aircraft.

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
20 well as the ability of the aircraft to receive informa-
21 tion from other transmitting aircraft and the ground
22 infrastructure.

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 Sec-
6 retary 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
9 inserting “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
16 Chief NextGen Officer appointed by the Admin-
17 istrator. The Chief NextGen Officer shall report
18 directly to the Administrator and shall be sub-
19 ject to the authority of the Administrator.

20 “(B) QUALIFICATIONS.—The Chief
21 NextGen Officer shall have a demonstrated abil-
22 ity in management and knowledge of or experi-
23 ence in 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 Offi-
2 cer shall serve at the pleasure of the Adminis-
3 trator, except that the Administrator shall
4 make every effort to ensure stability and con-
5 tinuity in the leadership of the implementation
6 of NextGen.

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

13 “(2) COMPENSATION.—

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

24 “(B) BONUS.—In addition to the annual
25 rate of basic pay authorized by subparagraph

1 (A), the Chief NextGen Officer may receive a
2 bonus for any calendar year not to exceed 30
3 percent of the annual rate of basic pay, based
4 upon the Administrator’s evaluation of the
5 Chief NextGen Officer’s performance in relation
6 to the performance goals set forth in the per-
7 formance agreement described in paragraph
8 (3).

9 “(3) ANNUAL PERFORMANCE AGREEMENT.—
10 The Administrator and the Chief NextGen Officer,
11 in consultation with the Federal Aviation Manage-
12 ment Advisory Council, shall enter into an annual
13 performance agreement that sets forth measurable
14 organization and individual goals for the Chief
15 NextGen Officer in key operational areas. The
16 agreement shall be subject to review and renegoti-
17 ation on an annual basis.

18 “(4) ANNUAL PERFORMANCE REPORT.—The
19 Chief NextGen Officer shall prepare and transmit to
20 the Secretary of Transportation, the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives, the Committee on Science and
23 Technology of the House of Representatives, and the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate an annual management report

1 containing such information as may be prescribed by
2 the Secretary.

3 “(5) RESPONSIBILITIES.—The responsibilities
4 of the Chief NextGen Officer include the following:

5 “(A) Overseeing the implementation of
6 NextGen activities across all program offices of
7 the Administration.

8 “(B) Coordinating the implementation of
9 NextGen activities with the Office of Manage-
10 ment and Budget.

11 “(C) Reviewing and providing advice on
12 the Administration’s modernization programs,
13 budget, and cost accounting system with respect
14 to NextGen.

15 “(D) With respect to the budget of the Ad-
16 ministration—

17 “(i) developing a budget request of
18 the Administration related to the imple-
19 mentation of NextGen;

20 “(ii) submitting such budget request
21 to the Administrator; and

22 “(iii) ensuring that the budget request
23 supports the annual and long-range stra-
24 tegic plans of the Administration with re-
25 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
9 to allow for the incorporation of novel and cur-
10 rently unknown technologies into NextGen in
11 the future and that current decisions do not
12 bias future decisions unfairly in favor of exist-
13 ing technology at the expense of innovation.

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

19 “(6) EXCEPTION.—If the Administrator ap-
20 points as the Chief NextGen Officer, pursuant to
21 paragraph (1)(A), an Executive Schedule employee
22 covered by section 5315 of title 5, then paragraphs
23 (1)(B), (1)(C), (2), and (3) of this subsection shall
24 not apply 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
22 inserting “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
23 with section 106(l)(6).”;

24 (2) in paragraph (2) by adding at the end the
25 following: “The Administrator is authorized, not-

1 withstanding any other provision of law or policy, to
2 accept payments for services provided under this
3 subsection 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
20 GENERATION AIR TRANSPORTATION SYSTEM PLAN-
21 NING, DEVELOPMENT, AND INTERAGENCY COORDI-
22 NATION.—Section 709(a) of the Vision 100—Cen-
23 tury of Aviation Reauthorization Act (49 U.S.C.
24 40101 note; 117 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
5 following:

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

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

24 “(I) establishing specific quantitative goals
25 for the safety, capacity, efficiency, performance,

1 and environmental impacts of each phase of
2 Next Generation Air Transportation System
3 planning and development activities and meas-
4 uring actual operational experience against
5 those goals, taking into account noise pollution
6 reduction concerns of affected communities to
7 the extent practicable in establishing the envi-
8 ronmental goals;

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

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

16 “(L) overseeing, with the Administrator,
17 the selection of products or outcomes of re-
18 search and development activities that should
19 be moved to a demonstration phase; and

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

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

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

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

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

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

21 “(ii) serving as a liaison for the agency in ac-
22 tivities of the agency relating to the Next Generation
23 Air Transportation System and coordinating with
24 other Federal agencies involved in activities relating
25 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 re-
4 lating to the Next Generation Air Transportation
5 System.

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

8 “(i) ensure that the responsibilities of the agen-
9 cy relating to the Next Generation Air Transpor-
10 tation System are clearly communicated to the sen-
11 ior official of the agency designated under subpara-
12 graph (B);

13 “(ii) ensure that the performance of the senior
14 official in carrying out the responsibilities of the
15 agency relating to the Next Generation Air Trans-
16 portation System is reflected in the official’s annual
17 performance 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 super-
21 vision of the designated official; and

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

1 portation System responsibilities as set forth in the
2 integrated 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 agen-
5 cy that has responsibility for carrying out any activity
6 under the integrated plan under subsection (b) shall exe-
7 cute a memorandum of understanding with the Office obli-
8 gating 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
13 the 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

1 each fiscal year covered by the plan to carry out
2 its 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
9 the activities of the agency under the Next Genera-
10 tion Air Transportation System; and

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

15 “(7) The Associate Administrator of the Next Gen-
16 eration Air Transportation System Planning, Develop-
17 ment, and Interagency Coordination shall be a voting
18 member of the Joint Resources Council of the Federal
19 Aviation Administration.”.

20 (b) INTEGRATED PLAN.—Section 709(b) of such Act
21 (117 Stat. 2583) is amended—

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

23 (A) by striking “meets air” and inserting
24 “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
14 in the concept of operations and enterprise ar-
15 chitecture documents, that identifies each Fed-
16 eral agency or other entity responsible for each
17 activity 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 Sys-
24 tem;

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

12 “(D) an estimate of all necessary expendi-
13 tures on a year-by-year basis, including a state-
14 ment of each Federal agency or entity’s respon-
15 sibility for costs and available resources, for
16 each stage of development from the basic re-
17 search stage through the demonstration and im-
18 plementation phase;

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

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

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

9 “(H) a description of potentially signifi-
10 cant operational or workforce changes resulting
11 from deployment of the Next Generation Air
12 Transportation System.”.

13 (c) NEXTGEN IMPLEMENTATION PLAN.—Section
14 709(d) of such Act (117 Stat. 2584) is amended to read
15 as follows:

16 “(d) NEXTGEN IMPLEMENTATION PLAN.—The Ad-
17 ministrators shall develop and publish annually the docu-
18 ment known as the NextGen Implementation Plan, or any
19 successor document, that provides a detailed description
20 of how the agency is implementing the Next Generation
21 Air Transportation System.”.

22 (d) CONTINGENCY PLANNING.—The Associate Ad-
23 ministrators for the Next Generation Air Transportation
24 System Planning, Development, and Interagency Coordi-
25 nation shall, as part of the design of the System, develop

1 contingency plans for dealing with the degradation of the
2 System in the event of a natural disaster, major equip-
3 ment failure, or act of terrorism.

4 **SEC. 209. NEXT GENERATION AIR TRANSPORTATION SEN-**
5 **IOR POLICY COMMITTEE.**

6 (a) MEETINGS.—Section 710(a) of the Vision 100—
7 Century of Aviation Reauthorization Act (49 U.S.C.
8 40101 note; 117 Stat. 2584) is amended by inserting be-
9 fore the period at the end the following “and shall meet
10 at least twice each year”.

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

13 “(e) ANNUAL REPORT.—

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

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

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

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

6 “(C) a detailed description of—

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

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

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

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

1 **SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
2 **TORY.**

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

5 “(2) may construct and improve laboratories
6 and other test facilities; and

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

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

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

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

15 **SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
16 **CAST SERVICES.**

17 (a) REVIEW BY DOT INSPECTOR GENERAL.—

18 (1) IN GENERAL.—The Inspector General of
19 the Department of Transportation shall conduct a
20 review concerning the Federal Aviation Administra-
21 tion’s award and oversight of any contracts entered
22 into by the Administration to provide ADS-B serv-
23 ices for the national airspace system.

24 (2) CONTENTS.—The review shall include, at a
25 minimum—

1 (A) an examination of how the Administra-
2 tion manages program risks;

3 (B) an assessment of expected benefits at-
4 tributable to the deployment of ADS-B serv-
5 ices, including the Administration's plans for
6 implementation of advanced operational proce-
7 dures and air-to-air applications, as well as the
8 extent to which ground radar will be retained;

9 (C) an assessment of the Administration's
10 analysis of specific operational benefits, and
11 benefit/costs analyses of planned operational
12 benefits conducted by the Administration, for
13 ADS-B In and ADS-B Out avionics equipage
14 for airspace users;

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

20 (D) an assessment of whether the Admin-
21 istration and any contractors are meeting cost,
22 schedule, and performance milestones, as meas-
23 ured against the original baseline of the Admin-
24 istration's program for providing ADS-B serv-
25 ices;

1 (E) an assessment of how security issues
2 are being addressed in the overall design and
3 implementation of the ADS-B system; and

4 (F) any other matters or aspects relating
5 to contract implementation and oversight that
6 the Inspector General determines merit atten-
7 tion.

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

15 (b) RULEMAKINGS.—

16 (1) ADS-B IN.—Not later than one year after
17 the date of enactment of this Act, the Administrator
18 shall initiate a rulemaking proceeding to issue guide-
19 lines and regulations relating to ADS-B In tech-
20 nology that—

21 (A) identify the ADS-B In technology that
22 will be required under NextGen;

23 (B) subject to paragraph (3), require all
24 aircraft operating in capacity constrained air-
25 space, at capacity constrained airports, or in

1 any other airspace deemed appropriate by the
2 Administrator to be equipped with ADS-B In
3 technology by 2020; and

4 (C) identify—

5 (i) the type of avionics required of air-
6 craft for all classes of airspace;

7 (ii) the expected costs associated with
8 the avionics; and

9 (iii) the expected uses and benefits of
10 the avionics.

11 (2) READINESS VERIFICATION.—Before the
12 date on which all aircraft are required to be
13 equipped with ADS-B In technology pursuant to
14 rulemakings conducted under paragraph (1), the
15 Chief NextGen Officer shall verify that—

16 (A) the necessary ground infrastructure is
17 installed and functioning properly;

18 (B) certification standards have been ap-
19 proved; and

20 (C) appropriate operational platforms
21 interface safely and efficiently.

22 (c) USE OF ADS-B TECHNOLOGY.—

23 (1) PLANS.—Not later than 18 months after
24 the date of enactment of this Act, the Administrator
25 shall develop, in consultation with appropriate em-

1 ployee and industry groups, a plan for the use of
2 ADS–B technology for surveillance and active air
3 traffic control.

4 (2) CONTENTS.—The plan shall—

5 (A) include provisions to test the use of
6 ADS–B technology for surveillance and active
7 air traffic control in specific regions of the
8 United States with the most congested airspace;

9 (B) identify the equipment required at air
10 traffic control facilities and the training re-
11 quired for air traffic controllers;

12 (C) identify procedures, to be developed in
13 consultation with appropriate employee and in-
14 dustry groups, to conduct air traffic manage-
15 ment in mixed equipage environments; and

16 (D) establish a policy in test regions re-
17 ferred to in subparagraph (A), in consultation
18 with appropriate employee and industry groups,
19 to provide incentives for equipage with ADS–B
20 technology, including giving priority to aircraft
21 equipped with such technology before the 2020
22 equipage deadline.

1 **SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**
2 **FOR NEXTGEN.**

3 (a) REVIEW.—The Administrator of the Federal
4 Aviation Administration shall enter into an arrangement
5 with the National Research Council to review the enter-
6 prise architecture for the NextGen.

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

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

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

21 (3) determine how risks with automation efforts
22 for the NextGen can be mitigated based on the expe-
23 riences of other public or private entities in devel-
24 oping complex, software-intensive systems.

25 (c) REPORT.—Not later than one year after the date
26 of enactment of this Act, the Administrator shall submit

1 to the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Senate a
4 report containing the results of the review conducted pur-
5 suant to subsection (a).

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

7 (a) AIRPORT PROCEDURES.—

8 (1) IN GENERAL.—Not later than 6 months
9 after the date of enactment of this Act, the Adminis-
10 trator of the Federal Aviation Administration shall
11 publish a report, after consultation with representa-
12 tives of appropriate Administration employee groups,
13 airport operators, air carriers, general aviation rep-
14 resentatives, flight path service providers, and air-
15 craft manufacturers that includes the following:

16 (A) RNP/RNAV OPERATIONS.—The re-
17 quired navigation performance and area naviga-
18 tion operations, including the procedures to be
19 developed, certified, and published and the air
20 traffic control operational changes, to maximize
21 the efficiency and capacity of NextGen commer-
22 cial operations at the 35 operational evolution
23 partnership airports identified by the Adminis-
24 tration.

1 (B) COORDINATION AND IMPLEMENTATION
2 ACTIVITIES.—A description of the activities and
3 operational changes and approvals required to
4 coordinate and utilize those procedures at those
5 airports.

6 (C) IMPLEMENTATION PLAN.—A plan for
7 implementing those procedures that estab-
8 lishes—

9 (i) clearly defined budget, schedule,
10 project organization, and leadership re-
11 quirements;

12 (ii) specific implementation and tran-
13 sition steps; and

14 (iii) baseline and performance metrics
15 for—

16 (I) measuring the Administra-
17 tion’s progress in implementing the
18 plan, including the percentage utiliza-
19 tion of required navigation perform-
20 ance in the national airspace system;
21 and

22 (II) achieving measurable fuel
23 burn and carbon dioxide emissions re-
24 ductions compared to current per-
25 formance; and

1 (iv) expedited environmental review
2 procedures for timely environmental ap-
3 proval of area navigation and required
4 navigation performance that offer signifi-
5 cant efficiency improvements as deter-
6 mined by baseline and performance metrics
7 under clause (iii).

8 (D) ADDITIONAL PROCEDURES.—A proc-
9 ess for the identification, certification, and pub-
10 lication of additional required navigation per-
11 formance and area navigation procedures that
12 may be required at such airports in the future.

13 (2) IMPLEMENTATION SCHEDULE.—The Ad-
14 ministrator shall certify, publish, and implement—

15 (A) 30 percent of the required procedures
16 not later than 18 months after the date of en-
17 actment of this Act;

18 (B) 60 percent of the procedures not later
19 than 36 months after the date of enactment of
20 this Act; and

21 (C) 100 percent of the procedures before
22 June 30, 2015.

23 (b) ESTABLISHMENT OF PRIORITIES.—The Adminis-
24 trator shall extend the charter of the Performance Based
25 Navigation Aviation Rulemaking Committee as necessary

1 to establish priorities for the development, certification,
2 publication, and implementation of the navigation per-
3 formance and area navigation procedures based on their
4 potential safety and efficiency benefits to other airports
5 in the national airspace system.

6 (c) COORDINATED AND EXPEDITED REVIEW.—Navi-
7 gation performance and area navigation procedures devel-
8 oped, certified, published, and implemented under this sec-
9 tion shall be presumed to be covered by a categorical ex-
10 clusion (as defined in section 1508.4 of title 40, Code of
11 Federal Regulations) under chapter 3 of FAA Order
12 1050.1E unless the Administrator determines that ex-
13 traordinary circumstances exist with respect to the proce-
14 dure.

15 (d) DEPLOYMENT PLAN FOR NATIONWIDE DATA
16 COMMUNICATIONS SYSTEM.—Not later than one year
17 after the date of enactment of this Act, the Administrator
18 shall submit to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives a plan for implementation of a nationwide
22 data communications system. The plan shall include—

23 (1) clearly defined budget, schedule, project or-
24 ganization, and leadership requirements;

1 (2) specific implementation and transition
2 steps; and

3 (3) baseline and performance metrics for meas-
4 uring the Administration’s progress in implementing
5 the plan.

6 (e) IMPROVED PERFORMANCE STANDARDS.—

7 (1) ASSESSMENT OF WORK BEING PERFORMED
8 UNDER NEXTGEN IMPLEMENTATION PLAN.—The
9 Administrator shall clearly outline in the NextGen
10 Implementation Plan document of the Administra-
11 tion the work being performed under the plan to de-
12 termine—

13 (A) whether utilization of ADS-B, RNP,
14 and other technologies as part of NextGen im-
15 plementation will display the position of aircraft
16 more accurately and frequently so as to enable
17 a more efficient use of existing airspace and re-
18 sult in reduced consumption of aviation fuel
19 and aircraft engine emissions; and

20 (B) the feasibility of reducing aircraft sep-
21 aration standards in a safe manner as a result
22 of the implementation of such technologies.

23 (2) AIRCRAFT SEPARATION STANDARDS.—If the
24 Administrator determines that the standards re-
25 ferred to in paragraph (1)(B) can be reduced safely,

1 the Administrator shall include in the NextGen Im-
2 plementation Plan a timetable for implementation of
3 such reduced standards.

4 (f) **THIRD-PARTY USAGE.**—The Administration shall
5 establish a program under which the Administration will
6 use third parties in the development, testing, and mainte-
7 nance of flight procedures.

8 **SEC. 214. PERFORMANCE METRICS.**

9 (a) **IN GENERAL.**—Not later than 180 days after the
10 date of enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall establish and begin
12 tracking national airspace system performance metrics, in-
13 cluding, at a minimum, metrics with respect to—

14 (1) actual arrival and departure rates per hour
15 measured against the currently published aircraft
16 arrival rate and aircraft departure rate for the 35
17 operational evolution partnership airports;

18 (2) average gate-to-gate times;

19 (3) fuel burned between key city pairs;

20 (4) operations using the advanced navigation
21 procedures, including performance based navigation
22 procedures;

23 (5) the average distance flown between key city
24 pairs;

1 (6) the time between pushing back from the
2 gate and taking off;

3 (7) continuous climb or descent;

4 (8) average gate arrival delay for all arrivals;

5 (9) flown versus filed flight times for key city
6 pairs;

7 (10) implementation of NextGen Implementa-
8 tion Plan (NGIP), or any successor document, capa-
9 bilities designed to reduce emissions and fuel con-
10 sumption;

11 (11) the Administration's unit cost of providing
12 air traffic control services; and

13 (12) runway safety, including runway incur-
14 sions, operational errors, and loss of standard sepa-
15 ration events.

16 (b) BASELINES.—The Administrator, in consultation
17 with aviation industry stakeholders, shall identify base-
18 lines for each of the metrics established under subsection
19 (a) and appropriate methods to measure deviations from
20 the baselines.

21 (c) PUBLICATION.—The Administrator shall make
22 data obtained under subsection (a) available to the public
23 in a searchable, sortable, and downloadable format
24 through the Web site of the Administration and other ap-
25 propriate media.

1 (d) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Administrator shall submit
3 to the Committee on Commerce, Science, and Transpor-
4 tation of the Senate and the Committee on Transportation
5 and Infrastructure of the House of Representatives a re-
6 port that contains—

7 (1) a description of the metrics that will be
8 used to measure the Administration’s progress in
9 implementing NextGen capabilities and operational
10 results;

11 (2) information on any additional metrics devel-
12 oped; and

13 (3) a process for holding the Administration ac-
14 countable for meeting or exceeding the metrics base-
15 lines identified in subsection (b).

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

17 Not later than 180 days after the date of enactment
18 of this Act, the Administrator of the Federal Aviation Ad-
19 ministration shall develop a plan to accelerate and stream-
20 line the process for certification of NextGen technologies,
21 including—

22 (1) establishment of updated project plans and
23 timelines;

24 (2) identification of the specific activities need-
25 ed to certify NextGen technologies, including the es-

1 tabishment of NextGen technical requirements for
2 the manufacture of equipage, installation of equi-
3 page, airline operational procedures, pilot training
4 standards, air traffic control procedures, and air
5 traffic controller training;

6 (3) identification of staffing requirements for
7 the Air Certification Service and the Flight Stand-
8 ards Service, taking into consideration the leveraging
9 of assistance from third parties and designees;

10 (4) establishment of a program under which the
11 Administration will use third parties in the certifi-
12 cation process; and

13 (5) establishment of performance metrics to
14 measure the Administration's progress.

15 **SEC. 216. SURFACE SYSTEMS ACCELERATION.**

16 (a) IN GENERAL.—The Chief Operating Officer of
17 the Air Traffic Organization shall—

18 (1) evaluate the Airport Surface Detection
19 Equipment-Model X program for its potential con-
20 tribution to implementation of the NextGen initia-
21 tive;

22 (2) evaluate airport surveillance technologies
23 and associated collaborative surface management
24 software for potential contributions to implementa-
25 tion of NextGen surface management;

1 (3) accelerate implementation of the program
2 referred to in paragraph (1); and

3 (4) carry out such additional duties as the Ad-
4 ministrator of the Federal Aviation Administration
5 may require.

6 (b) EXPEDITED CERTIFICATION AND UTILIZA-
7 TION.—The Administrator shall—

8 (1) consider options for expediting the certifi-
9 cation of Ground-Based Augmentation System tech-
10 nology; and

11 (2) develop a plan to utilize such a system at
12 the 35 operational evolution partnership airports by
13 September 30, 2012.

14 **SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**
15 **CONTROL MODERNIZATION PROJECTS.**

16 (a) PROCESS FOR EMPLOYEE INCLUSION.—Notwith-
17 standing any other law or agreement, the Administrator
18 of the Federal Aviation Administration shall establish a
19 process or processes for including qualified employees to
20 serve in a collaborative and expert capacity in the planning
21 and development of air traffic control modernization
22 projects, including NextGen.

23 (b) ADHERENCE TO DEADLINES.—Participants in
24 these processes shall adhere to all deadlines and mile-
25 stones established pursuant to this title.

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

3 (1) serve as a waiver of any bargaining obliga-
4 tions or rights;

5 (2) entitle the employee or employees to any ad-
6 ditional compensation or benefits; or

7 (3) entitle the employee or employees to prevent
8 or unduly delay the exercise of management preroga-
9 tives.

10 (d) WORKING GROUPS.—Except in extraordinary cir-
11 cumstances, the Administrator shall not pay overtime re-
12 lated to work group participation.

13 (e) REPORT.—Not later than 180 days after the date
14 of enactment of this Act, the Administrator shall report
15 to Committee on Transportation and Infrastructure of the
16 House of Representatives and the Committee on Com-
17 merce, Science and Transportation of the Senate con-
18 cerning the disputes between participating employees and
19 Administration management that have led to delays to the
20 implementation of NextGen, including information on the
21 source of the dispute, the resulting length of delay, and
22 associated cost increases.

23 **SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGA-**
24 **TIONAL AIDS AND OTHER ASSETS.**

25 (a) SURVEY AND ASSESSMENT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, in order to
3 address safety and operational concerns associated
4 with the construction, alteration, establishment, or
5 expansion of wind farms in proximity to critical Fed-
6 eral Aviation Administration facilities, the Adminis-
7 trator of the Federal Aviation Administration shall
8 complete a survey and assessment of leases for crit-
9 ical Administration facility sites, including—

10 (A) an inventory of the leases that de-
11 scribes, for each such lease—

12 (i) the periodic cost, location, site,
13 terms, number of years remaining, and les-
14 sor;

15 (ii) other Administration facilities that
16 share the leasehold, including surveillance
17 and communications equipment; and

18 (iii) the type of transmission services
19 supported, including the terms of service,
20 cost, and support contract obligations for
21 the services; and

22 (B) a list of those leases for facilities lo-
23 cated in or near areas suitable for the construc-
24 tion and operation of wind farms, as deter-

1 mined by the Administrator in consultation
2 with the Secretary of Energy.

3 (2) MEMORANDUM OF UNDERSTANDING.—The
4 Administrator and the Secretary of Energy shall
5 enter into a memorandum of understanding regard-
6 ing the use and distribution of the list referred to
7 in paragraph (1)(B), including considerations of pri-
8 vacy and proprietary information, database develop-
9 ment, or other relevant applications.

10 (3) REPORT.—Upon completion of the survey
11 and assessment, the Administrator shall submit a re-
12 port to the Committee on Commerce, Science, and
13 Transportation of the Senate, the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives, and the Comptroller General con-
16 taining the Administrator’s findings, conclusions,
17 and recommendations.

18 (b) GAO ASSESSMENT.—Not later than 180 days
19 after receiving the Administrator’s report under sub-
20 section (a)(2), the Comptroller General, in consultation
21 with the Administrator and other interested parties, shall
22 report on—

23 (1) the current and potential impact of wind
24 farms on the national airspace system;

1 (2) the extent to which the Department of De-
2 fense and the Administration have guidance, proc-
3 esses, and procedures in place to evaluate the impact
4 of wind farms on the implementation of the NextGen
5 air traffic control system; and

6 (3) potential mitigation strategies, if necessary,
7 to ensure that wind farms do not have an adverse
8 impact on the implementation of the Next Genera-
9 tion air traffic control system, including the installa-
10 tion of navigational aids associated with that system.

11 (c) ISSUANCE OF GUIDELINES.—Not later than 180
12 days after the Administrator receives the Comptroller’s
13 recommendations, the Administrator shall consult with
14 State, Federal, and industry stakeholders and publish
15 guidelines for the construction and operation of wind
16 farms that are to be located in proximity to critical Admin-
17 istration facilities. The guidelines may include—

18 (1) the establishment of a zone system for wind
19 farms based on proximity to critical Administration
20 assets;

21 (2) the establishment of turbine height and
22 density limitations on such wind farms; and

23 (3) any other requirements or recommendations
24 designed to address Administration safety or oper-
25 ational concerns related to the construction, alter-

1 ation, establishment, or expansion of such wind
2 farms.

3 (d) **REPORTS.**—The Administrator and the Comp-
4 troller General shall provide a copy of reports under sub-
5 sections (a) and (b), respectively, to the Committee on
6 Commerce, Science, and Transportation, the Committee
7 on Homeland Security and Governmental Affairs, the
8 Committee on Armed Services of the Senate, the Com-
9 mittee on Transportation and Infrastructure, the Com-
10 mittee on Homeland Security, the Committee on Armed
11 Services, and the Committee on Science and Technology
12 of the House of Representatives.

13 **SEC. 219. AIRSPACE REDESIGN.**

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

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

21 (2) The critical importance of airspace redesign
22 efforts is underscored by the fact that they are high-
23 lighted in strategic plans of the Administration, in-
24 cluding Flight Plan 2009–2013 and the NextGen
25 Implementation Plan.

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

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

7 (b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/
8 PHILADELPHIA METROPOLITAN AREA AIRSPACE REDE-
9 SIGN.—

10 (1) MONITORING.—The Administrator, in con-
11 junction with the Port Authority of New York and
12 New Jersey and the Philadelphia International Air-
13 port, shall monitor the noise impacts of the New
14 York/New Jersey/Philadelphia Metropolitan Area
15 Airspace Redesign.

16 (2) REPORT.—Not later than one year following
17 the first day of completion of the New York/New
18 Jersey/Philadelphia Metropolitan Area Airspace Re-
19 design, the Administrator shall submit to Congress
20 a report on the findings of the Administrator with
21 respect to monitoring conducted under paragraph
22 (1).

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

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

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

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

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

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

23 Section 44704(a) is amended by adding at the end
24 the following:

25 “(5) RELEASE OF DATA.—

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

12 “(i) the certificate containing the re-
13 quested data has been inactive for 3 or
14 more years, except that the Administrator
15 may reduce this time if required to address
16 an unsafe condition associated with the
17 product;

18 “(ii) after using due diligence, the Ad-
19 ministrator is unable to find the owner of
20 record, or the owner of record’s heir, of the
21 type certificate or supplemental type cer-
22 tificate; and

23 “(iii) making such data available will
24 enhance aviation safety.

1 “(B) ENGINEERING DATA DEFINED.—In
2 this section, the term ‘engineering data’ as used
3 with respect to an aircraft, engine, propeller, or
4 appliance means type design drawing and speci-
5 fications for the entire aircraft, engine, pro-
6 peller, or appliance or change to the aircraft,
7 engine, propeller, or appliance, including the
8 original design data, and any associated sup-
9 plier data for individual parts or components
10 approved as part of the particular certificate for
11 the aircraft, engine, propeller, or appliance.

12 “(C) REQUIREMENT TO MAINTAIN DATA.—
13 The Administrator shall maintain engineering
14 data in the possession of the Administration re-
15 lating to a type certificate or a supplemental
16 type certificate that has been inactive for 3 or
17 more years.”.

18 **SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CER-**
19 **TIFICATES.**

20 (a) IN GENERAL.—Section 44704(e) is amended to
21 read as follows:

22 “(e) DESIGN AND PRODUCTION ORGANIZATION CER-
23 TIFICATES.—

24 “(1) ISSUANCE.—Beginning January 1, 2013,
25 the Administrator may issue a certificate to a design

1 organization, production organization, or design and
2 production organization to authorize the organiza-
3 tion to certify compliance of aircraft, aircraft en-
4 gines, propellers, and appliances with the require-
5 ments and minimum standards prescribed under sec-
6 tion 44701(a). An organization holding a certificate
7 issued under this subsection shall be known as a cer-
8 tified design and production organization (in this
9 subsection referred to as a ‘CDPO’).

10 “(2) APPLICATIONS.—On receiving an applica-
11 tion for a CDPO certificate, the Administrator shall
12 examine and rate the organization submitting the
13 application, in accordance with regulations to be pre-
14 scribed by the Administrator, to determine whether
15 the organization has adequate engineering, design,
16 and production capabilities, standards, and safe-
17 guards to make certifications of compliance as de-
18 scribed in paragraph (1).

19 “(3) ISSUANCE OF CERTIFICATES BASED ON
20 CDPO FINDINGS.—The Administrator may rely on
21 certifications of compliance by a CDPO when mak-
22 ing determinations under this section.

23 “(4) PUBLIC SAFETY.—The Administrator shall
24 include in a CDPO certificate terms required in the
25 interest of safety.

1 “(5) NO EFFECT ON POWER OF REVOCATION.—
2 Nothing in this subsection affects the authority of
3 the Secretary of Transportation to revoke a certifi-
4 cate.”.

5 (b) APPLICABILITY.—Before January 1, 2013, the
6 Administrator of the Federal Aviation Administration may
7 continue to issue certificates under section 44704(e) of
8 title 49, United States Code, as in effect on the day before
9 the date of enactment of this Act.

10 (c) CLERICAL AMENDMENTS.—Chapter 447 is
11 amended—

12 (1) in the heading for section 44704 by striking
13 “**and design organization certificates**” and
14 inserting “, **and design and production or-**
15 **ganization certificates**”; and

16 (2) in the analysis for such chapter by striking
17 the item relating to section 44704 and inserting the
18 following:

19 **SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND**
20 **REFORM.**

21 (a) GENERAL.—The Administrator of the Federal
22 Aviation Administration, in consultation with representa-
23 tives of the aviation industry, shall conduct an assessment
24 of the certification and approval process under section
25 44704 of title 49, United States Code.

1 (b) CONTENTS.—In conducting the assessment, the
2 Administrator shall consider—

3 (1) the expected number of applications for
4 product certifications and approvals the Adminis-
5 trator will receive under section 44704 of such title
6 in the 1-year, 5-year, and 10-year periods following
7 the date of enactment of this Act;

8 (2) process reforms and improvements nec-
9 essary to allow the Administrator to review and ap-
10 prove the applications in a fair and timely fashion;

11 (3) the status of recommendations made in pre-
12 vious reports on the Administration’s certification
13 process;

14 (4) methods for enhancing the effective use of
15 delegation systems, including organizational designa-
16 tion authorization;

17 (5) methods for training the Administration’s
18 field office employees in the safety management sys-
19 tem and auditing; and

20 (6) the status of updating airworthiness re-
21 quirements, including implementing recommenda-
22 tions in the Administration’s report entitled “Part
23 23—Small Airplane Certification Process Study”
24 (OK–09–3468, dated July 2009).

1 (c) RECOMMENDATIONS.—In conducting the assess-
2 ment, the Administrator shall make recommendations to
3 improve efficiency and reduce costs through streamlining
4 and reengineering the certification process under section
5 44704 of such title to ensure that the Administrator can
6 conduct certifications and approvals under such section in
7 a manner that supports and enables the development of
8 new products and technologies and the global competitive-
9 ness of the United States aviation industry.

10 (d) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the Administrator shall submit
12 to the Committee on Transportation and Infrastructure
13 of the House of Representatives and the Committee on
14 Commerce, Science, and Transportation of the Senate a
15 report on the results of the assessment, together with an
16 explanation of how the Administrator will implement rec-
17 ommendations made under subsection (c) and measure the
18 effectiveness of the recommendations.

19 (e) IMPLEMENTATION OF RECOMMENDATIONS.—Not
20 later than one year after the date of enactment of this
21 Act, the Administrator shall begin to implement the rec-
22 ommendations made under subsection (c).

1 **SEC. 305. CONSISTENCY OF REGULATORY INTERPRETA-**
2 **TION.**

3 (a) ESTABLISHMENT OF ADVISORY PANEL.—Not
4 later than 90 days after the date of enactment of this Act,
5 the Administrator of the Federal Aviation Administration
6 shall establish an advisory panel comprised of both Gov-
7 ernment and industry representatives to—

8 (1) review the October 2010 report by the Gov-
9 ernment Accountability Office on certification and
10 approval processes (GAO–11–14); and

11 (2) develop recommendations to address the
12 findings in the report and other concerns raised by
13 interested parties, including representatives of the
14 aviation industry.

15 (b) MATTERS TO BE CONSIDERED.—The advisory
16 panel shall—

17 (1) determine the root causes of inconsistent in-
18 terpretation of regulations by the Administration’s
19 Flight Standards Service and Aircraft Certification
20 Service;

21 (2) develop recommendations to improve the
22 consistency of interpreting regulations by the Ad-
23 ministration’s Flight Standards Service and Aircraft
24 Certification Service; and

25 (3) develop recommendations to improve com-
26 munications between the Administration’s Flight

1 Standards Service and Aircraft Certification Service
 2 and applicants and certificate and approval holders
 3 for the identification and resolution of potentially
 4 adverse issues in an expeditious and fair manner.

5 (c) REPORT.—Not later than 6 months after the date
 6 of enactment of this Act, the Administrator shall transmit
 7 to the Committee on Transportation and Infrastructure
 8 of the House of Representatives and the Committee on
 9 Commerce, Science, and Transportation of the Senate a
 10 report on the findings of the advisory panel, together with
 11 an explanation of how the Administrator will implement
 12 the recommendations of the advisory panel and measure
 13 the effectiveness of the recommendations.

“44704. Type certificates, production certificates, airworthiness certificates, and
 design and production organization certificates.”.

14 **SEC. 306. RUNWAY SAFETY.**

15 (a) STRATEGIC RUNWAY SAFETY PLAN.—

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

21 (2) CONTENTS OF PLAN.—The strategic run-
 22 way safety plan—

23 (A) shall include, at a minimum—

24 (i) goals to improve runway safety;

1 (ii) near and long term actions de-
2 signed to reduce the severity, number, and
3 rate of runway incursions, losses of stand-
4 ard separation, and operational errors;

5 (iii) time frames and resources needed
6 for the actions described in clause (ii);

7 (iv) a continuous evaluative process to
8 track performance toward the goals re-
9 ferred to in clause (i); and

10 (v) a review of every commercial serv-
11 ice airport (as defined in section 47102 of
12 title 49, United States Code) in the United
13 States and proposed action to improve air-
14 port lighting, provide better signs, and im-
15 prove runway and taxiway markings; and

16 (B) shall address the increased runway
17 safety risk associated with the expected in-
18 creased volume of air traffic.

19 (b) PROCESS.—Not later than 6 months after the
20 date of enactment of this Act, the Administrator shall de-
21 velop a process for tracking and investigating operational
22 errors, losses of standard separation, and runway incur-
23 sions that includes procedures for—

24 (1) identifying who is responsible for tracking
25 operational errors, losses of standard separation,

1 and runway incursions, including a process for lower
2 level employees to report to higher supervisory levels
3 and for frontline managers to receive the informa-
4 tion in a timely manner;

5 (2) conducting periodic random audits of the
6 oversight process; and

7 (3) ensuring proper accountability.

8 (c) **PLAN FOR INSTALLATION AND DEPLOYMENT OF**
9 **SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY**
10 **INCURSIONS.**—Not later than December 31, 2011, the Ad-
11 ministrator shall submit to Congress a report containing
12 a plan for the installation and deployment of systems the
13 Administrator is installing to alert controllers or flight
14 crewmembers, or both, of potential runway incursions.
15 The plan shall be integrated into the annual NextGen Im-
16 plementation Plan document of the Administration or any
17 successor document.

18 **SEC. 307. IMPROVED PILOT LICENSES.**

19 (a) **IN GENERAL.**—Not later than 9 months after the
20 date of enactment of this Act, the Administrator of the
21 Federal Aviation Administration shall begin to issue im-
22 proved pilot licenses consistent with the requirements of
23 title 49, United States Code, and title 14, Code of Federal
24 Regulations.

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

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

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

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

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

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

19 (e) REPORT.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of enactment of this Act, and annually
22 thereafter, the Administrator shall submit to the
23 Committee on Transportation and Infrastructure of
24 the House of Representatives and the Committee on
25 Commerce, Science, and Transportation of the Sen-

1 ate a report on the issuance of improved pilot li-
2 censes under this section.

3 (2) EXPIRATION.—The Administrator shall not
4 be required to submit annual reports under this sub-
5 section after the date on which the Administrator
6 begins issuing improved pilot licenses under this sec-
7 tion or December 31, 2015, whichever occurs first.

8 **SEC. 308. FLIGHT ATTENDANT FATIGUE.**

9 (a) STUDY.—The Administrator of the Federal Avia-
10 tion Administration, acting through the Civil Aerospace
11 Medical Institute, shall conduct a study on the issue of
12 flight attendant fatigue.

13 (b) CONTENTS.—The study shall include the fol-
14 lowing:

15 (1) A survey of field operations of flight attend-
16 ants.

17 (2) A study of incident reports regarding flight
18 attendant fatigue.

19 (3) A review of international policies and prac-
20 tices regarding flight limitations and rest of flight
21 attendants.

22 (4) An analysis of potential benefits of training
23 flight attendants regarding fatigue.

1 (c) REPORT.—Not later than September 30, 2012,
2 the Administrator shall submit to Congress a report on
3 the results of the study.

4 **SEC. 309. FLIGHT STANDARDS EVALUATION PROGRAM.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Administrator of the
7 Federal Aviation Administration shall modify the Flight
8 Standards Evaluation Program—

9 (1) to include periodic and random reviews as
10 part of the Administration’s oversight of air carriers;
11 and

12 (2) to prohibit an individual from participating
13 in a review or audit of an office with responsibility
14 for an air carrier under the program if the indi-
15 vidual, at any time in the 5-year period preceding
16 the date of the review or audit, had responsibility for
17 inspecting, or overseeing the inspection of, the oper-
18 ations of that carrier.

19 (b) ANNUAL REPORT.—Not later than one year after
20 the date of enactment of this Act, and annually thereafter,
21 the Administrator shall submit to the Committee on Com-
22 merce, Science, and Transportation of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report on the Flight Stand-
25 ards Evaluation Program, including the Administrator’s

1 findings and recommendations with respect to the pro-
2 gram.

3 (c) FLIGHT STANDARDS EVALUATION PROGRAM DE-
4 FINED.—In this section, the term “Flight Standards Eval-
5 uation Program” means the program established by the
6 Federal Aviation Administration in FS 1100.1B CHG3,
7 including any subsequent revisions thereto.

8 **SEC. 310. COCKPIT SMOKE.**

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

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

17 **SEC. 311. SAFETY OF AIR AMBULANCE OPERATIONS.**

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

20 **“§ 44730. Helicopter air ambulance operations**

21 **“(a) COMPLIANCE REGULATIONS.—**

22 **“(1) IN GENERAL.—**Except as provided in para-
23 graph (2), not later than 6 months after the date of
24 enactment of this section, part 135 certificate hold-
25 ers providing air ambulance services shall comply,

1 whenever medical personnel are onboard the aircraft,
2 with regulations pertaining to weather minimums
3 and flight and duty time under part 135.

4 “(2) EXCEPTION.—If a certificate holder de-
5 scribed in paragraph (1) is operating, or carrying
6 out training, under instrument flight rules, the
7 weather reporting requirement at the destination
8 shall not apply until such time as the Administrator
9 of the Federal Aviation Administration determines
10 that portable, reliable, and accurate ground-based
11 weather measuring and reporting systems are avail-
12 able.

13 “(b) RULEMAKING.—The Administrator shall con-
14 duct a rulemaking proceeding to improve the safety of
15 flight crewmembers, medical personnel, and passengers
16 onboard helicopters providing air ambulance services
17 under part 135.

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

21 “(1) Flight request and dispatch procedures, in-
22 cluding performance-based flight dispatch proce-
23 dures.

24 “(2) Pilot training standards, including—

1 “(A) mandatory training requirements, in-
2 cluding a minimum time for completing the
3 training requirements;

4 “(B) training subject areas, such as com-
5 munications procedures and appropriate tech-
6 nology use; and

7 “(C) establishment of training standards
8 in—

9 “(i) crew resource management;

10 “(ii) flight risk evaluation;

11 “(iii) preventing controlled flight into
12 terrain;

13 “(iv) recovery from inadvertent flight
14 into instrument meteorological conditions;

15 “(v) operational control of the pilot in
16 command; and

17 “(vi) use of flight simulation training
18 devices and line-oriented flight training.

19 “(3) Safety-enhancing technology and equip-
20 ment, including—

21 “(A) helicopter terrain awareness and
22 warning systems;

23 “(B) radar altimeters;

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

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

10 “(4) Such other matters as the Administrator
11 considers appropriate.

12 “(d) MINIMUM REQUIREMENTS.—In issuing a final
13 rule under subsection (b), the Administrator, at a min-
14 imum, shall provide for the following:

15 “(1) FLIGHT RISK EVALUATION PROGRAM.—
16 The Administrator shall ensure that a part 135 cer-
17 tificate holder providing helicopter air ambulance
18 services—

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

23 “(B) as part of the flight risk evaluation
24 program, develops a checklist for use by pilots

1 in determining whether a flight request should
2 be accepted; and

3 “(C) requires the pilots of the certificate
4 holder to use the checklist.

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

11 “(e) RULEMAKING.—The Administrator shall—

12 “(1) not later than 180 days after the date of
13 enactment of this section, issue a notice of proposed
14 rulemaking under subsection (b); and

15 “(2) not later than 16 months after the last
16 day of the comment period on the proposed rule,
17 issue a final rule.

18 “(f) DEFINITIONS.—In this section, the following
19 definitions apply:

20 “(1) PART 135.—The term ‘part 135’ means
21 part 135 of title 14, Code of Federal Regulations.

22 “(2) PART 135 CERTIFICATE HOLDER.—The
23 term ‘part 135 certificate holder’ means a person
24 holding a certificate issued under part 135.

1 **“§ 44731. Collection of data on helicopter air ambu-**
2 **lance operations**

3 “(a) IN GENERAL.—The Administrator of the Fed-
4 eral Aviation Administration shall require a part 135 cer-
5 tificate holder providing helicopter air ambulance services
6 to submit to the Administrator, not later than one year
7 after the date of enactment of this section, and annually
8 thereafter, a report containing, at a minimum, the fol-
9 lowing data:

10 “(1) The number of helicopters that the certifi-
11 cate holder uses to provide helicopter air ambulance
12 services and the base locations of the helicopters.

13 “(2) The number of flights and hours flown, by
14 registration number, during which helicopters oper-
15 ated by the certificate holder were providing heli-
16 copter air ambulance services.

17 “(3) The number of flight requests for a heli-
18 copter providing air ambulance services that were
19 accepted or declined by the certificate holder and the
20 type of each such flight request (such as scene re-
21 sponse, interfacility transport, organ transport, or
22 ferry or repositioning flight).

23 “(4) The number of accidents, if any, involving
24 helicopters operated by the certificate holder while
25 providing air ambulance services and a description
26 of the accidents.

1 “(5) The number of flights and hours flown
2 under instrument flight rules by helicopters operated
3 by the certificate holder while providing air ambu-
4 lance services.

5 “(6) The time of day of each flight flown by
6 helicopters operated by the certificate holder while
7 providing air ambulance services.

8 “(7) The number of incidents, if any, in which
9 a helicopter was not directly dispatched and arrived
10 to transport patients but was not utilized for patient
11 transport.

12 “(b) REPORTING PERIOD.—Data contained in a re-
13 port submitted by a part 135 certificate holder under sub-
14 section (a) shall relate to such reporting period as the Ad-
15 ministrators determines appropriate.

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

22 “(d) REPORT TO CONGRESS.—Not later than 24
23 months after the date of enactment of this section, and
24 annually thereafter, the Administrator shall submit to the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on Com-
 2 merce, Science, and Transportation of the Senate a report
 3 containing a summary of the data collected under sub-
 4 section (a).

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

9 (b) AUTHORIZED EXPENDITURES.—Section
 10 106(k)(2)(C) (as redesignated by this Act) is amended by
 11 inserting before the period the following: “and the develop-
 12 ment and maintenance of helicopter approach proce-
 13 dures”.

14 (c) CLERICAL AMENDMENT.—The analysis for chap-
 15 ter 447 is amended by adding at the end the following:

“Sec. 44730. Helicopter air ambulance operations.

“Sec. 44731. Collection of data on helicopter air ambulance operations.”.

16 **SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**
 17 **ER OBSERVATION TECHNOLOGY.**

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

21 (b) SPECIFIC REVIEW.—The review shall include, at
 22 a minimum, an examination of off-airport, low-altitude
 23 weather reporting needs, an assessment of technical alter-
 24 natives (including automated weather observation sta-

1 tions), an investment analysis, and recommendations for
2 improving weather reporting.

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

6 **SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**
7 **TO USE NIGHT VISION GOGGLES.**

8 (a) STUDY.—The Administrator of the Federal Avia-
9 tion Administration shall carry out a study on the feasi-
10 bility of requiring pilots of helicopters providing airambu-
11 lance services under part 135 of title 14, Code of Federal
12 Regulations, to use night vision goggles during nighttime
13 operations.

14 (b) CONSIDERATIONS.—In conducting the study, the
15 Administrator shall consult with owners and operators of
16 helicopters providing air ambulance services under such
17 part 135 and aviation safety professionals to determine
18 the benefits, financial considerations, and risks associated
19 with requiring the use of night vision goggles.

20 (c) REPORT TO CONGRESS.—Not later than one year
21 after the date of enactment of this Act, the Administrator
22 shall submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the
25 Senate a report on the results of the study.

1 **SEC. 314. PROHIBITION ON PERSONAL USE OF ELEC-**
2 **TRONIC DEVICES ON FLIGHT DECK.**

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

6 **“§ 44733. Use of electronic devices on flight deck**

7 “(a) IN GENERAL.—It is unlawful for a flight crew-
8 member of an aircraft used to provide air transportation
9 under part 121 of title 14, Code of Federal Regulations,
10 to use a personal wireless communications device or laptop
11 computer while at the flight crewmember’s duty station
12 on the flight deck of such an aircraft while the aircraft
13 is being operated.

14 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
15 the use of a personal wireless communications device or
16 laptop computer for a purpose directly related to operation
17 of the aircraft, or for emergency, safety-related, or em-
18 ployment-related communications, in accordance with pro-
19 cedures established by the air carrier and the Adminis-
20 trator of the Federal Aviation Administration.

21 “(c) ENFORCEMENT.—In addition to the penalties
22 provided under section 46301 applicable to any violation
23 of this section, the Administrator of the Federal Aviation
24 Administration may enforce compliance with this section
25 under section 44709 by amending, modifying, suspending,
26 or revoking a certificate under this chapter.

1 “(d) PERSONAL WIRELESS COMMUNICATIONS DE-
2 VICE DEFINED.—In this section, the term ‘personal wire-
3 less communications device’ means a device through which
4 personal wireless services (as defined in section
5 332(e)(7)(C)(i) of the Communications Act of 1934 (47
6 U.S.C. 332(e)(7)(C)(i))) are transmitted.”.

7 (b) PENALTY.—Section 44711(a) is amended—

8 (1) by striking “or” after the semicolon in
9 paragraph (8);

10 (2) by striking “title.” in paragraph (9) and in-
11 serting “title; or”; and

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

13 “(10) violate section 44733 or any regulation
14 issued thereunder.”.

15 (c) CONFORMING AMENDMENT.—The analysis for
16 chapter 447 (as amended by this Act) is further amended
17 by adding at the end the following:

“44733. Prohibition on personal use of electronic devices on flight deck.”.

18 (d) REGULATIONS.—Not later than 90 days after the
19 date of enactment of this Act, the Administrator of the
20 Federal Aviation Administration shall initiate a rule-
21 making procedure for regulations to carry out section
22 44733 of title 49, United States Code, and shall issue a
23 final rule thereunder not later than 2 years after the date
24 of enactment of this Act.

25 (e) STUDY.—

1 (1) IN GENERAL.—The Administrator of the
2 Federal Aviation Administration shall review rel-
3 evant air carrier data and carry out a study—

4 (A) to identify common sources of distrac-
5 tion for the flight crewmembers on the flight
6 deck of a commercial aircraft; and

7 (B) to determine the safety impacts of
8 such distractions.

9 (2) REPORT.—Not later than one year after the
10 date of enactment of this Act, the Administrator
11 shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the
13 Committee on Transportation and Infrastructure of
14 the House of Representatives a report that con-
15 tains—

16 (A) the findings of the study conducted
17 under paragraph (1); and

18 (B) recommendations regarding how to re-
19 duce distractions for flight crewmembers on the
20 flight deck of a commercial aircraft.

21 **SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.**

22 (a) REGULATIONS.—Not later than 3 years after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration shall issue regulations re-
25 quiring that covered work on an aircraft used to provide

1 air transportation under part 121 of title 14, Code of Fed-
2 eral Regulations, be performed by persons in accordance
3 with subsection (b).

4 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN
5 WORK.—A person may perform covered work on aircraft
6 used to provide air transportation under part 121 of title
7 14, Code of Federal Regulations, only if the person is em-
8 ployed by—

9 (1) a part 121 air carrier;

10 (2) a part 145 repair station or a person au-
11 thORIZED under section 43.17 of title 14, Code of
12 Federal Regulations; or

13 (3) subject to subsection (c), a person that—

14 (A) provides contract maintenance work-
15 ers, services, or maintenance functions to a part
16 145 repair station or part 121 air carrier; and

17 (B) meets the requirements of the part
18 121 air carrier or the part 145 repair station.

19 (c) TERMS AND CONDITIONS.—Covered work per-
20 formed by a person who is employed by a person described
21 in subsection (b)(3) shall be subject to the following terms
22 and conditions:

23 (1) The part 121 air carrier or the part 145 re-
24 pair station shall be directly in charge of the covered
25 work being performed.

1 (2) The covered work shall be carried out in ac-
2 cordance with the part 121 air carrier’s maintenance
3 manual.

4 (d) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) COVERED WORK.—The term “covered
7 work” means a required inspection item, as defined
8 by the Administrator.

9 (2) PART 121 AIR CARRIER.—The term “part
10 121 air carrier” means an air carrier that holds a
11 certificate issued under part 121 of title 14, Code of
12 Federal Regulations.

13 (3) PART 145 REPAIR STATION.—The term
14 “part 145 repair station” means a repair station
15 that holds a certificate issued under part 145 of title
16 14, Code of Federal Regulations.

17 **SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.**

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

21 **“§ 44734. Inspection of foreign repair stations**

22 “(a) IN GENERAL.—Not later than one year after the
23 date of enactment of this section, the Administrator of the
24 Federal Aviation Administration shall establish and imple-
25 ment a safety assessment system for each part 145 repair

1 station based on the type, scope, and complexity of work
2 being performed by the repair station, which shall—

3 “(1) ensure that repair stations outside the
4 United States are subject to appropriate inspections
5 that are based on identified risks and consistent
6 with United States requirements;

7 “(2) accept consideration of inspection results
8 and findings submitted by foreign civil aviation au-
9 thorities operating under a maintenance safety or
10 maintenance implementation agreement with the
11 United States in meeting the requirements of the
12 safety assessment system; and

13 “(3) require all maintenance safety or mainte-
14 nance implementation agreements with the United
15 States to provide an opportunity for the Federal
16 Aviation Administration to conduct independent in-
17 spections of covered part 145 repair stations when
18 safety concerns warrant such inspections.

19 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The
20 Administrator shall notify the Committee on Commerce,
21 Science, and Transportation of the Senate and the Com-
22 mittee on Transportation and Infrastructure of the House
23 of Representatives on or before the 30th day after initi-
24 ating formal negotiations with a foreign aviation authority
25 or other appropriate foreign government agency on a new

1 maintenance safety or maintenance implementation agree-
2 ment.

3 “(c) ANNUAL REPORT.—Not later than one year
4 after the date of enactment of this section, and annually
5 thereafter, the Administrator shall publish a report on the
6 Administration’s oversight of part 145 repair stations and
7 implementation of the safety assessment system required
8 by subsection (a), which shall—

9 “(1) describe in detail any improvements in the
10 Federal Aviation Administration’s ability to identify
11 and track where part 121 air carrier repair work is
12 performed;

13 “(2) include a staffing model to determine the
14 best placement of inspectors and the number of in-
15 spectors needed for the oversight and implementa-
16 tion;

17 “(3) describe the training provided to inspectors
18 with respect to the oversight and implementation;

19 “(4) include an assessment of the quality of
20 monitoring and surveillance by the Federal Aviation
21 Administration of work provided by its inspectors
22 and the inspectors of foreign authorities operating
23 under a maintenance safety or maintenance imple-
24 mentation agreement with the United States; and

1 “(5) specify the number of sample inspections
2 performed by Federal Aviation Administration in-
3 spectors at each repair station that is covered by a
4 maintenance safety or maintenance implementation
5 agreement with the United States.

6 “(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-
7 ING PROGRAM REQUIREMENTS.—

8 “(1) IN GENERAL.—The Secretary of State and
9 the Secretary of Transportation shall request, joint-
10 ly, the governments of foreign countries that are
11 members of the International Civil Aviation Organi-
12 zation to establish international standards for alco-
13 hol and controlled substances testing of persons that
14 perform safety-sensitive maintenance functions on
15 commercial air carrier aircraft.

16 “(2) APPLICATION TO PART 121 AIRCRAFT
17 WORK.—Not later than one year after the date of
18 enactment of this section, the Administrator shall
19 promulgate a proposed rule requiring that all part
20 145 repair station employees responsible for safety-
21 sensitive maintenance functions on part 121 air car-
22 rier aircraft are subject to an alcohol and controlled
23 substances testing program that is determined ac-
24 ceptable by the Administrator and is consistent with

1 the applicable laws of the country in which the re-
2 pair station is located.

3 “(e) INSPECTIONS.—The Administrator shall require
4 part 145 repair stations to be inspected as frequently as
5 determined warranted by the safety assessment system re-
6 quired by subsection (a), regardless of where the station
7 is located, and in a manner consistent with United States
8 obligations under international agreements.

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

11 “(1) PART 121 AIR CARRIER.—The term ‘part
12 121 air carrier’ means an air carrier that holds a
13 certificate issued under part 121 of title 14, Code of
14 Federal Regulations.

15 “(2) PART 145 REPAIR STATION.—The term
16 ‘part 145 repair station’ means a repair station that
17 holds a certificate issued under part 145 of title 14,
18 Code of Federal Regulations.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 447 (as amended by this Act) is further amended
21 by adding at the end the following:

“44734. Inspection of foreign repair stations.”.

22 **SEC. 317. SUNSET OF LINE CHECK.**

23 Section 44729(h) is amended by adding at the end
24 the following:

1 “(4) SUNSET OF LINE CHECK.—Paragraph (2)
2 shall cease to be effective following the one-year pe-
3 riod beginning on the date of enactment of the FAA
4 Reauthorization and Reform Act of 2011 unless the
5 Secretary certifies that the requirements of para-
6 graph (2) are necessary to ensure safety.”.

7 **Subtitle B—Unmanned Aircraft** 8 **Systems**

9 **SEC. 321. DEFINITIONS.**

10 In this subtitle, the following definitions apply:

11 (1) CERTIFICATE OF WAIVER; CERTIFICATE OF
12 AUTHORIZATION.—The term “certificate of waiver”
13 or “certificate of authorization” means a Federal
14 Aviation Administration grant of approval for a spe-
15 cific flight operation.

16 (2) SENSE AND AVOID CAPABILITY.—The term
17 “sense and avoid capability” means the capability of
18 an unmanned aircraft to remain a safe distance
19 from and to avoid collisions with other airborne air-
20 craft.

21 (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
22 The term “public unmanned aircraft system” means
23 an unmanned aircraft system that meets the quali-
24 fications and conditions required for operation of a

1 public aircraft, as defined by section 40102 of title
2 49, United States Code.

3 (4) SMALL UNMANNED AIRCRAFT.—The term
4 “small unmanned aircraft” means an unmanned air-
5 craft weighing less than 55 pounds.

6 (5) TEST RANGE.—The term “test range”
7 means a defined geographic area where research and
8 development are conducted.

9 (6) UNMANNED AIRCRAFT.—The term “un-
10 manned aircraft” means an aircraft that is operated
11 without the possibility of direct human intervention
12 from within or on the aircraft.

13 (7) UNMANNED AIRCRAFT SYSTEM.—The term
14 “unmanned aircraft system” means an unmanned
15 aircraft and associated elements (including commu-
16 nication links and the components that control the
17 unmanned aircraft) that are required for the pilot in
18 command to operate safely and efficiently in the na-
19 tional airspace system.

20 **SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN-**
21 **TEGRATION PLAN.**

22 (a) INTEGRATION PLAN.—

23 (1) COMPREHENSIVE PLAN.—Not later than
24 270 days after the date of enactment of this Act, the
25 Secretary of Transportation, in consultation with

1 representatives of the aviation industry and the un-
2 manned aircraft systems industry, shall develop a
3 comprehensive plan to safely integrate commercial
4 unmanned aircraft systems into the national air-
5 space system.

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

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

13 (B) provide recommendations or projec-
14 tions for the rulemaking to be conducted under
15 subsection (b)—

16 (i) to define the acceptable standards
17 for operations and certification of commer-
18 cial unmanned aircraft systems;

19 (ii) to ensure that commercial un-
20 manned aircraft systems include a sense
21 and avoid capability, if necessary for safety
22 purposes; and

23 (iii) to develop standards and require-
24 ments for the operator and pilot of a com-
25 mercial unmanned aircraft system, includ-

1 ing standards and requirements for reg-
2 istration and licensing;

3 (C) recommend how best to enhance the
4 technologies and subsystems necessary to pro-
5 vide for the safe and routine operations of com-
6 mercial unmanned aircraft systems in the na-
7 tional airspace system; and

8 (D) recommend how a phased-in approach
9 for the integration of commercial unmanned
10 aircraft systems into the national airspace sys-
11 tem can best be achieved and a timeline upon
12 which such a phase-in shall occur.

13 (3) DEADLINE.—The plan to be developed
14 under paragraph (1) shall provide for the safe inte-
15 gration of commercial unmanned aircraft systems
16 into the national airspace system not later than Sep-
17 tember 30, 2015.

18 (4) REPORT TO CONGRESS.—The Secretary
19 shall submit to Congress—

20 (A) not later than one year after the date
21 of enactment of this Act, a copy of the plan de-
22 veloped under paragraph (1); and

23 (B) annually thereafter, a report on the ac-
24 tivities of the Secretary under this section.

1 (b) RULEMAKING.—Not later than 18 months after
2 the date on which the integration plan is submitted to
3 Congress under subsection (a)(4), the Administrator of
4 the Federal Aviation Administration shall publish in the
5 Federal Register a notice of proposed rulemaking to im-
6 plement the recommendations of the integration plan.

7 **SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**
8 **CRAFT SYSTEMS.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Secretary shall deter-
11 mine if certain unmanned aircraft systems may operate
12 safely in the national airspace system. The Secretary may
13 make such determination before completion of the plan
14 and rulemaking required by section 322 of this Act or the
15 guidance required by section 324 of this Act.

16 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
17 TEMS.—In making the determination under subsection
18 (a), the Secretary shall determine, at a minimum—

19 (1) which types of unmanned aircraft systems,
20 if any, as a result of their size, weight, speed, oper-
21 ational capability, proximity to airports and popu-
22 lation areas, and operation within visual line-of-sight
23 do not create a hazard to users of the national air-
24 space system or the public or pose a threat to na-
25 tional security; and

1 (2) whether a certificate of waiver, certificate of
2 authorization, or airworthiness certification under
3 section 44704 of title 49, United States Code, is re-
4 quired for the operation of unmanned aircraft sys-
5 tems identified under paragraph (1).

6 (c) REQUIREMENTS FOR SAFE OPERATION.—If the
7 Secretary determines under this section that certain un-
8 manned aircraft systems may operate safely in the na-
9 tional airspace system, the Secretary shall establish re-
10 quirements for the safe operation of such aircraft systems
11 in the national airspace system.

12 **SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

13 (a) GUIDANCE.—Not later than 270 days after the
14 date of enactment of this Act, the Secretary shall issue
15 guidance regarding the operation of public unmanned air-
16 craft systems to—

17 (1) expedite the issuance of a certificate of au-
18 thorization process;

19 (2) provide for a collaborative process with pub-
20 lic agencies to allow for an incremental expansion of
21 access to the national airspace system as technology
22 matures. the necessary safety analysis and data be-
23 come available, and until standards are completed
24 and technology issues are resolved; and

1 (3) facilitate the capability of public agencies to
2 develop and use test ranges, subject to operating re-
3 strictions required by the Federal Aviation Adminis-
4 tration, to test and operate unmanned aircraft sys-
5 tems.

6 (b) STANDARDS FOR OPERATION AND CERTIFI-
7 CATION.—Not later than December 31, 2015, the Sec-
8 retary shall develop and implement operational and certifi-
9 cation standards for operation of public unmanned air-
10 craft systems.

11 **Subtitle C—Safety and Protections**

12 **SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT** 13 **STANDARDS INSPECTORS.**

14 (a) IN GENERAL.—Section 44711 is amended by
15 adding at the end the following:

16 “(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT
17 STANDARDS INSPECTORS.—

18 “(1) PROHIBITION.—A person holding an oper-
19 ating certificate issued under title 14, Code of Fed-
20 eral Regulations, may not knowingly employ, or
21 make a contractual arrangement that permits, an in-
22 dividual to act as an agent or representative of the
23 certificate holder in any matter before the Federal
24 Aviation Administration if the individual, in the pre-
25 ceding 2-year period—

1 “(A) served as, or was responsible for over-
2 sight of, a flight standards inspector of the Ad-
3 ministration; and

4 “(B) had responsibility to inspect, or over-
5 see inspection of, the operations of the certifi-
6 cate holder.

7 “(2) WRITTEN AND ORAL COMMUNICATIONS.—
8 For purposes of paragraph (1), an individual shall
9 be considered to be acting as an agent or representa-
10 tive of a certificate holder in a matter before the Ad-
11 ministration if the individual makes any written or
12 oral communication on behalf of the certificate hold-
13 er to the Administration (or any of its officers or
14 employees) in connection with a particular matter,
15 whether or not involving a specific party and without
16 regard to whether the individual has participated in,
17 or had responsibility for, the particular matter while
18 serving as a flight standards inspector of the Admin-
19 istration.”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a) shall not apply to an individual employed by
22 a certificate holder as of the date of enactment of this
23 Act.

1 **SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT**
2 **SYSTEM DATABASE.**

3 (a) **REVIEWS.**—The Administrator of the Federal
4 Aviation Administration shall establish a process by which
5 the air transportation oversight system database of the
6 Administration is reviewed by regional teams of employees
7 of the Administration, including at least one employee on
8 each team representing aviation safety inspectors, on a
9 monthly basis to ensure that—

10 (1) any trends in regulatory compliance are
11 identified; and

12 (2) appropriate corrective actions are taken in
13 accordance with Administration regulations, advisory
14 directives, policies, and procedures.

15 (b) **MONTHLY TEAM REPORTS.**—

16 (1) **IN GENERAL.**—A regional team of employ-
17 ees conducting a monthly review of the air transpor-
18 tation oversight system database under subsection
19 (a) shall submit to the Administrator, the Associate
20 Administrator for Aviation Safety, and the Director
21 of Flight Standards Service a report each month on
22 the results of the review.

23 (2) **CONTENTS.**—A report submitted under
24 paragraph (1) shall identify—

1 (A) any trends in regulatory compliance
2 discovered by the team of employees in con-
3 ducting the monthly review; and

4 (B) any corrective actions taken or pro-
5 posed to be taken in response to the trends.

6 (c) **BIANNUAL REPORTS TO CONGRESS.**—The Ad-
7 ministrator, on a biannual basis, shall submit to the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report on the
11 results of the reviews of the air transportation oversight
12 system database conducted under this section, including
13 copies of reports received under subsection (b).

14 **SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING**
15 **SYSTEM.**

16 (a) **VOLUNTARY DISCLOSURE REPORTING PROGRAM**
17 **DEFINED.**—In this section, the term “Voluntary Disclo-
18 sure Reporting Program” means the program established
19 by the Federal Aviation Administration through Advisory
20 Circular 00–58A, dated September 8, 2006, including any
21 subsequent revisions thereto.

22 (b) **VERIFICATION.**—The Administrator of the Fed-
23 eral Aviation Administration shall modify the Voluntary
24 Disclosure Reporting Program to require inspectors to—

1 (1) verify that air carriers are implementing
2 comprehensive solutions to correct the underlying
3 causes of the violations voluntarily disclosed by such
4 air carriers; and

5 (2) confirm, before approving a final report of
6 a violation, that a violation with the same root
7 causes, has not been previously discovered by an in-
8 spector or self-disclosed by the air carrier.

9 (c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DIS-
10 CLOSURES.—The Administrator shall establish a process
11 by which voluntary self-disclosures received from air car-
12 riers are reviewed and approved by a supervisor after the
13 initial review by an inspector.

14 (d) INSPECTOR GENERAL STUDY.—

15 (1) IN GENERAL.—The Inspector General of
16 the Department of Transportation shall conduct a
17 study of the Voluntary Disclosure Reporting Pro-
18 gram.

19 (2) REVIEW.—In conducting the study, the In-
20 spector General shall examine, at a minimum, if the
21 Administration—

22 (A) conducts comprehensive reviews of vol-
23 untary disclosure reports before closing a vol-
24 untary disclosure report under the provisions of
25 the program;

1 (B) evaluates the effectiveness of corrective
2 actions taken by air carriers; and

3 (C) effectively prevents abuse of the vol-
4 untary disclosure reporting program through its
5 secondary review of self-disclosures before they
6 are accepted and closed by the Administration.

7 (3) REPORT.—Not later than one year after the
8 date of enactment of this Act, the Inspector General
9 shall submit to the Committee on Transportation
10 and Infrastructure of the House of Representatives
11 and Committee on Commerce, Science, and Trans-
12 portation of the Senate a report on the results of the
13 study conducted under this section.

14 **SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OF-**
15 **FICE.**

16 Section 106 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(s) AVIATION SAFETY WHISTLEBLOWER INVES-
19 TIGATION OFFICE.—

20 “(1) ESTABLISHMENT.—There is established in
21 the Federal Aviation Administration (in this section
22 referred to as the ‘Agency’) an Aviation Safety
23 Whistleblower Investigation Office (in this sub-
24 section referred to as the ‘Office’).

25 “(2) DIRECTOR.—

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

4 “(B) QUALIFICATIONS.—The Director
5 shall have a demonstrated ability in investiga-
6 tions and knowledge of or experience in avia-
7 tion.

8 “(C) TERM.—The Director shall be ap-
9 pointed for a term of 5 years.

10 “(D) VACANCY.—Any individual appointed
11 to fill a vacancy in the position of the Director
12 occurring before the expiration of the term for
13 which the individual’s predecessor was ap-
14 pointed shall be appointed for the remainder of
15 that term.

16 “(3) COMPLAINTS AND INVESTIGATIONS.—

17 “(A) AUTHORITY OF DIRECTOR.—The Di-
18 rector shall—

19 “(i) receive complaints and informa-
20 tion submitted by employees of persons
21 holding certificates issued under title 14,
22 Code of Federal Regulations, and employ-
23 ees of the Agency concerning the possible
24 existence of an activity relating to a viola-
25 tion of an order, regulation, or standard of

1 the Agency or any other provision of Fed-
2 eral law relating to aviation safety;

3 “(ii) assess complaints and informa-
4 tion submitted under clause (i) and deter-
5 mine whether a substantial likelihood ex-
6 ists that a violation of an order, regulation,
7 or standard of the Agency or any other
8 provision of Federal law relating to avia-
9 tion safety has occurred; and

10 “(iii) based on findings of the assess-
11 ment conducted under clause (ii), make
12 recommendations to the Administrator in
13 writing for further investigation or correc-
14 tive actions.

15 “(B) DISCLOSURE OF IDENTITIES.—The
16 Director shall not disclose the identity of an in-
17 dividual who submits a complaint or informa-
18 tion under subparagraph (A)(i) unless—

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

21 “(ii) the Director determines, in the
22 course of an investigation, that the disclo-
23 sure is required by regulation, statute, or
24 court order, or is otherwise unavoidable, in
25 which case the Director shall provide the

1 individual reasonable advanced notice of
2 the disclosure.

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

11 “(D) ACCESS TO INFORMATION.—In con-
12 ducting an assessment of a complaint or infor-
13 mation submitted under subparagraph (A)(i),
14 the Director shall have access to all records, re-
15 ports, audits, reviews, documents, papers, rec-
16 ommendations, and other material necessary to
17 determine whether a substantial likelihood ex-
18 ists that a violation of an order, regulation, or
19 standard of the Agency or any other provision
20 of Federal law relating to aviation safety may
21 have occurred.

22 “(4) RESPONSES TO RECOMMENDATIONS.—Not
23 later than 60 days after the date on which the Ad-
24 ministrator receives a report with respect to an in-
25 vestigation, the Administrator shall respond to a rec-

1 ommendation made by the Director under subpara-
2 graph (A)(iii) in writing and retain records related
3 to any further investigations or corrective actions
4 taken in response to the recommendation.

5 “(5) INCIDENT REPORTS.—If the Director de-
6 termines there is a substantial likelihood that a vio-
7 lation of an order, regulation, or standard of the
8 Agency or any other provision of Federal law relat-
9 ing to aviation safety has occurred that requires im-
10 mediate corrective action, the Director shall report
11 the potential violation expeditiously to the Adminis-
12 trator and the Inspector General of the Department
13 of Transportation.

14 “(6) REPORTING OF CRIMINAL VIOLATIONS TO
15 INSPECTOR GENERAL.—If the Director has reason-
16 able grounds to believe that there has been a viola-
17 tion of Federal criminal law, the Director shall re-
18 port the violation expeditiously to the Inspector Gen-
19 eral.

20 “(7) ANNUAL REPORTS TO CONGRESS.—Not
21 later than October 1 of each year, the Director shall
22 submit to Congress a report containing—

23 “(A) information on the number of submis-
24 sions of complaints and information received by

1 the Director under paragraph (3)(A)(i) in the
2 preceding 12-month period;

3 “(B) summaries of those submissions;

4 “(C) summaries of further investigations
5 and corrective actions recommended in response
6 to the submissions; and

7 “(D) summaries of the responses of the
8 Administrator to such recommendations.”.

9 **SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**

10 **APPLICABLE TO FLIGHT CREWMEMBERS.**

11 (a) RULEMAKING ON APPLICABILITY OF PART 121
12 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART
13 91 OPERATIONS.—Not later than 180 days after the date
14 of enactment of this Act, the Administrator of the Federal
15 Aviation Administration shall initiate a rulemaking pro-
16 ceeding, if such a proceeding has not already been initi-
17 ated, to require a flight crewmember who is employed by
18 an air carrier conducting operations under part 121 of
19 title 14, Code of Federal Regulations, and who accepts
20 an additional assignment for flying under part 91 of such
21 title from the air carrier or from any other air carrier con-
22 ducting operations under part 121 or 135 of such title,
23 to apply the period of the additional assignment (regard-
24 less of whether the assignment is performed by the flight
25 crewmember before or after an assignment to fly under

1 part 121 of such title) toward any limitation applicable
2 to the flight crewmember relating to duty periods or flight
3 times under part 121 of such title.

4 (b) RULEMAKING ON APPLICABILITY OF PART 135
5 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART
6 91 OPERATIONS.—Not later than one year after the date
7 of enactment of this Act, the Administrator shall initiate
8 a rulemaking proceeding to require a flight crewmember
9 who is employed by an air carrier conducting operations
10 under part 135 of title 14, Code of Federal Regulations,
11 and who accepts an additional assignment for flying under
12 part 91 of such title from the air carrier or any other air
13 carrier conducting operations under part 121 or 135 of
14 such title, to apply the period of the additional assignment
15 (regardless of whether the assignment is performed by the
16 flight crewmember before or after an assignment to fly
17 under part 135 of such title) toward any limitation appli-
18 cable to the flight crewmember relating to duty periods
19 or flight times under part 135 of such title.

20 (c) SEPARATE RULEMAKING PROCEEDINGS RE-
21 QUIRED.—The rulemaking proceeding required under sub-
22 section (b) shall be separate from the rulemaking pro-
23 ceeding required under subsection (a).

1 **TITLE IV—AIR SERVICE**
2 **IMPROVEMENTS**
3 **Subtitle A—Essential Air Service**

4 **SEC. 401. ESSENTIAL AIR SERVICE MARKETING.**

5 Section 41733(c)(1) is amended—

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

8 (2) by striking “and” at the end of subpara-
9 graph (D); and

10 (3) by inserting after subparagraph (D) the fol-
11 lowing:

12 “(E) whether the air carrier has included
13 a plan in its proposal to market its services to
14 the community; and”.

15 **SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
16 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
17 **SENTIAL AIR SERVICE.**

18 Section 41733 is amended by adding at the end the
19 following:

20 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
21 NATION OF ELIGIBILITY.—

22 “(1) IN GENERAL.—The Secretary shall notify
23 each community receiving basic essential air service
24 for which compensation is being paid under this sub-
25 chapter on or before the 45th day before issuing any

1 final decision to end the payment of such compensa-
2 tion due to a determination by the Secretary that
3 providing such service requires a rate of subsidy per
4 passenger in excess of the subsidy cap.

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

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

17 “(A) the procedures established pursuant
18 to paragraph (2); and

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

23 “(4) SUBSIDY CAP DEFINED.—In this sub-
24 section, the term ‘subsidy cap’ means the subsidy

1 cap established by section 332 of Public Law 106–
2 69 (113 Stat. 1022).”.

3 **SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

4 (a) COMPENSATION GUIDELINES.—Section
5 41737(a)(1) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (B);

8 (2) in subparagraph (C) by striking the period
9 at the end and inserting a semicolon; and

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

11 “(D) include provisions under which the Sec-
12 retary may encourage an air carrier to improve air
13 service for which compensation is being paid under
14 this subchapter by incorporating financial incentives
15 in an essential air service contract based on specified
16 performance goals, including goals related to improv-
17 ing on-time performance, reducing the number of
18 flight cancellations, establishing convenient connec-
19 tions to flights providing service beyond hub air-
20 ports, and increasing marketing efforts; and

21 “(E) include provisions under which the Sec-
22 retary may execute a long-term essential air service
23 contract to encourage an air carrier to provide air
24 service to an eligible place if it would be in the pub-
25 lic interest to do so.”.

1 (b) DEADLINE FOR ISSUANCE OF REVISED GUID-
2 ANCE.—Not later than 18 months after the date of enact-
3 ment of this Act, the Secretary of Transportation shall
4 issue revised guidelines governing the rate of compensa-
5 tion payable under subchapter II of chapter 417 of title
6 49, United States Code, that incorporate the amendments
7 made by this section.

8 (c) REPORT.—Not later than 2 years after the date
9 of issuance of revised guidelines pursuant to subsection
10 (b), the Secretary shall submit to the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives and the Committee on Commerce, Science,
13 and Transportation of the Senate a report on the extent
14 to which the revised guidelines have been implemented and
15 the impact, if any, such implementation has had on air
16 carrier performance and community satisfaction with air
17 service for which compensation is being paid under sub-
18 chapter II of chapter 417 of title 49, United States Code.

19 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

20 (a) AUTHORIZATION.—Section 41742(a)(1) is
21 amended—

22 (1) by striking “the sum of \$50,000,000 is”
23 and inserting “the following sums are”; and

24 (2) by striking “subchapter for each fiscal
25 year.” and inserting “subchapter:

1 “(A) \$50,000,000 for each fiscal year
2 through fiscal year 2013; and

3 “(B) the amount necessary, as determined
4 by the Secretary, to carry out the essential air
5 service program in Alaska and Hawaii for fiscal
6 year 2014 and each fiscal year thereafter.”.

7 (b) ADDITIONAL FUNDS.—Section 41742(a)(2) is
8 amended by striking “there is authorized to be appro-
9 priated \$77,000,000 for each fiscal year” and inserting
10 “there is authorized to be appropriated out of the Airport
11 and Airway Trust Fund established under section 9502
12 of the Internal Revenue Code of 1986 \$97,500,000 for
13 fiscal year 2011, \$60,000,000 for fiscal year 2012, and
14 \$30,000,000 for fiscal year 2013”.

15 (c) DISTRIBUTION OF EXCESS FUNDS.—Section
16 41742(a) is amended by adding at the end the following:

17 “(4) DISTRIBUTION OF EXCESS FUNDS.—

18 “(A) SMALL COMMUNITY AIR SERVICE DE-
19 VELOPMENT.—For each of fiscal years 2011
20 through 2014, if the funds credited to the ac-
21 count established under section 45303 in a fis-
22 cal year exceed the amount made available
23 under paragraph (1) for that fiscal year, the ex-
24 cess funds, but not more than \$6,000,000, shall

1 be made available immediately for obligation
2 and expenditure to carry out section 41743.

3 “(B) NEXTGEN.—For each of fiscal years
4 2011 through 2014, if the funds credited to the
5 account established under section 45303 in a
6 fiscal year exceed the amount made available
7 under paragraph (1) and subparagraph (A) of
8 this paragraph for that fiscal year, the excess
9 funds shall be made available immediately for
10 obligation and expenditure to carry out Next
11 Generation Air Transportation System activi-
12 ties, including any activity specified in section
13 202 of the FAA Reauthorization and Reform
14 Act of 2011.

15 “(5) AVAILABILITY OF FUNDS.—The funds
16 made available under this subsection shall remain
17 available until expended.”.

18 (d) ADMINISTERING PROGRAM WITHIN AVAILABLE
19 FUNDING.—Section 41742(b) is amended to read as fol-
20 lows:

21 “(b) ADMINISTERING PROGRAM WITHIN AVAILABLE
22 FUNDING.—Notwithstanding any other provision of law,
23 the Secretary is authorized to take such actions as may
24 be necessary to administer the essential air service pro-

1 gram under this subchapter within the amount of funding
2 made available for the program.”.

3 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

4 (a) PRIORITIES.—Section 41743(c)(5) is amended—

5 (1) by striking “and” at the end of subpara-
6 graph (D);

7 (2) in subparagraph (E) by striking “fashion.”
8 and inserting “fashion; and”; and

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

10 “(F) multiple communities cooperate to
11 submit a regional or multistate application to
12 consolidate air service into one regional air-
13 port.”.

14 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
15 41743(e) is amended to read as follows:

16 “(e) AUTHORITY TO MAKE AGREEMENTS.—Subject
17 to the availability of amounts made available under section
18 41742(a)(4)(A), the Secretary may make agreements to
19 provide assistance under this section.”.

20 **SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
21 **CANTLY INCREASED COSTS.**

22 (a) EMERGENCY ACROSS-THE-BOARD ADJUST-
23 MENT.—Subject to the availability of funds, the Secretary
24 of Transportation may increase the rates of compensation
25 payable to air carriers under subchapter II of chapter 417

1 of title 49, United States Code, to compensate such car-
2 riers for increased aviation fuel costs without regard to
3 any agreement or requirement relating to the renegoti-
4 ation of contracts or any notice requirement under section
5 41734 of such title.

6 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-
7 DIVIDUAL CONTRACTS.—

8 (1) IN GENERAL.—Section 41734(d) is amend-
9 ed by striking “continue to pay” and all that follows
10 through “compensation sufficient” and inserting
11 “provide the carrier with compensation sufficient”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply to compensation to air
14 carriers for air service provided after the 30th day
15 following the date of enactment of this Act.

16 (c) SUBSIDY CAP.—Subject to the availability of
17 funds, the Secretary may waive, on a case-by-case basis,
18 the subsidy-per-passenger cap established by section 332
19 of Public Law 106–69 (113 Stat. 1022). A waiver issued
20 under this subsection shall remain in effect for a limited
21 period of time, as determined by the Secretary.

22 **SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PRO-**
23 **GRAM.**

24 Section 41747, and the item relating to section
25 41747 in the analysis for chapter 417, are repealed.

1 **SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.**

2 (a) IN GENERAL.—Subchapter II of chapter 417 is
3 amended by adding at the end the following:

4 **“§ 41749. Sunset**

5 “(a) IN GENERAL.—Except as provided in subsection
6 (b), the authority of the Secretary of Transportation to
7 carry out the essential air service program under this sub-
8 chapter shall sunset on October 1, 2013.

9 “(b) ALASKA AND HAWAII.—The Secretary may con-
10 tinue to carry out the essential air service program under
11 this subchapter in Alaska and Hawaii following the sunset
12 date specified in subsection (a).”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 417 is amended by inserting after the item relat-
15 ing to section 41748 the following:

“41749. Sunset.”.

16 **Subtitle B—Passenger Air Service**
17 **Improvements**

18 **SEC. 421. SMOKING PROHIBITION.**

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

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

22 (2) by striking subsections (a) and (b) and in-
23 serting the following:

1 “(a) SMOKING PROHIBITION IN INTERSTATE AND
2 INTRASTATE AIR TRANSPORTATION.—An individual may
3 not smoke—

4 “(1) in an aircraft in scheduled passenger inter-
5 state or intrastate air transportation; or

6 “(2) in an aircraft in nonscheduled passenger
7 interstate or intrastate air transportation, if a flight
8 attendant is a required crewmember on the aircraft
9 (as determined by the Administrator of the Federal
10 Aviation Administration).

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

15 “(1) in an aircraft in scheduled passenger for-
16 eign air transportation; and

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

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

“41706. Prohibitions against smoking on passenger flights.”.

1 **SEC. 422. MONTHLY AIR CARRIER REPORTS.**

2 (a) IN GENERAL.—Section 41708 is amended by
3 adding at the end the following:

4 “(c) DIVERTED AND CANCELLED FLIGHTS.—

5 “(1) MONTHLY REPORTS.—The Secretary shall
6 require an air carrier referred to in paragraph (2)
7 to file with the Secretary a monthly report on each
8 flight of the air carrier that is diverted from its
9 scheduled destination to another airport and each
10 flight of the air carrier that departs the gate at the
11 airport at which the flight originates but is cancelled
12 before wheels-off time.

13 “(2) APPLICABILITY.—An air carrier that is re-
14 quired to file a monthly airline service quality per-
15 formance report pursuant to part 234 of title 14,
16 Code of Federal Regulations, shall be subject to the
17 requirement of paragraph (1).

18 “(3) CONTENTS.—A monthly report filed by an
19 air carrier under paragraph (1) shall include, at a
20 minimum, the following information:

21 “(A) For a diverted flight—

22 “(i) the flight number of the diverted
23 flight;

24 “(ii) the scheduled destination of the
25 flight;

26 “(iii) the date and time of the flight;

1 “(iv) the airport to which the flight
2 was diverted;

3 “(v) wheels-on time at the diverted
4 airport;

5 “(vi) the time, if any, passengers
6 deplaned the aircraft at the diverted air-
7 port; and

8 “(vii) if the flight arrives at the sched-
9 uled destination airport—

10 “(I) the gate-departure time at
11 the diverted airport;

12 “(II) the wheels-off time at the
13 diverted airport;

14 “(III) the wheels-on time at the
15 scheduled arrival airport; and

16 “(IV) the gate-arrival time at the
17 scheduled arrival airport.

18 “(B) For flights cancelled after gate de-
19 parture—

20 “(i) the flight number of the cancelled
21 flight;

22 “(ii) the scheduled origin and destina-
23 tion airports of the cancelled flight;

24 “(iii) the date and time of the can-
25 celled flight;

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

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

5 “(3) SLOTS.—The Secretary shall reduce the
6 hourly air carrier slot quota for Ronald Reagan
7 Washington National Airport under section
8 93.123(a) of title 14, Code of Federal Regulations,
9 by a total of 10 slots that are available for alloca-
10 tion. Such reductions shall be taken in the 6:00
11 a.m., 10:00 p.m., or 11:00 p.m. hours, as deter-
12 mined by the Secretary, in order to grant exemp-
13 tions under subsection (a).”.

14 (d) SCHEDULING PRIORITY.—Section 41718 is
15 amended—

16 (1) by redesignating subsections (e) and (f) as
17 subsections (f) and (g), respectively; and

18 (2) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) SCHEDULING PRIORITY.—Operations conducted
21 by new entrant air carriers and limited incumbent air car-
22 riers shall be provided a scheduling priority over oper-
23 ations conducted by other air carriers granted exemptions
24 pursuant to this section, with the highest scheduling pri-
25 ority provided to beyond-perimeter operations conducted

1 by the new entrant air carriers and limited incumbent air
2 carriers.”.

3 **SEC. 424. MUSICAL INSTRUMENTS.**

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

6 **“§ 41724. Musical instruments**

7 “(a) INSTRUMENTS IN PASSENGER COMPART-
8 MENT.—An air carrier providing air transportation shall
9 permit a passenger to carry a musical instrument in a
10 closet, baggage compartment, or cargo stowage compart-
11 ment (approved by the Administrator of the Federal Avia-
12 tion Administration) in the passenger compartment of the
13 aircraft used to provide such transportation if—

14 “(1) the instrument can be stowed in accord-
15 ance with the requirements for carriage of carry-on
16 baggage or cargo set forth by the Administrator;
17 and

18 “(2) there is space for such stowage on the air-
19 craft.

20 “(b) LARGE INSTRUMENTS IN PASSENGER COMPART-
21 MENT.—An air carrier providing air transportation shall
22 permit a passenger to carry a musical instrument that is
23 too large to be secured in a closet, baggage compartment,
24 or cargo stowage compartment pursuant to subsection (a)

1 in the passenger compartment of the aircraft used to pro-
2 vide such transportation if—

3 “(1) the instrument can be stowed in accord-
4 ance with the requirements for carriage of carry-on
5 baggage or cargo set forth by the Administrator;
6 and

7 “(2) the passenger has purchased a seat to ac-
8 commodate the instrument.

9 “(c) INSTRUMENTS AS CHECKED BAGGAGE.—An air
10 carrier providing air transportation shall transport as bag-
11 gage a musical instrument that may not be carried in the
12 passenger compartment of the aircraft used to provide
13 such transportation pursuant to subsection (a) or (b) and
14 that is the property of a passenger on the aircraft if—

15 “(1) the sum of the length, width, and height
16 of the instrument (measured in inches of the outside
17 linear dimensions of the instrument, including the
18 case) does not exceed 150 inches or the size restric-
19 tions for that aircraft;

20 “(2) the weight of the instrument does not ex-
21 ceed 165 pounds or the weight restrictions for that
22 aircraft; and

23 “(3) the instrument can be stowed in accord-
24 ance with the requirements for carriage of baggage
25 or cargo set forth by the Administrator.

1 “(d) AIR CARRIER TERMS.—Nothing in this section
2 shall be construed as prohibiting an air carrier from lim-
3 iting the carrier’s liability for carrying a musical instru-
4 ment or requiring a passenger to purchase insurance to
5 cover the value of a musical instrument transported by
6 the carrier.”.

7 (b) REGULATIONS.—The Secretary of Transportation
8 may prescribe such regulations as may be necessary or ap-
9 propriate to implement the amendment made by sub-
10 section (a).

11 (c) CLERICAL AMENDMENT.—The analysis for such
12 subchapter is amended by adding at the end the following:
“41724. Musical instruments.”.

13 **SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.**

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

16 **“CHAPTER 423—PASSENGER AIR SERVICE**
17 **IMPROVEMENTS**

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

18 **“§ 42301. Emergency contingency plans**

19 “(a) SUBMISSION OF AIR CARRIER AND AIRPORT
20 PLANS.—Not later than 90 days after the date of enact-
21 ment of this section, each of the following air carriers and
22 airport operators shall submit to the Secretary of Trans-
23 portation for review and approval an emergency contin-

1 gency plan in accordance with the requirements of this
2 section:

3 “(1) An air carrier providing covered air trans-
4 portation at a large hub or medium hub airport.

5 “(2) An operator of a large hub or medium hub
6 airport.

7 “(3) An operator of an airport used by an air
8 carrier described in paragraph (1) for diversions.

9 “(b) AIR CARRIER PLANS.—

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

13 “(A) each large hub and medium hub air-
14 port at which the carrier provides covered air
15 transportation; and

16 “(B) each large hub and medium hub air-
17 port at which the carrier has flights for which
18 the carrier has primary responsibility for inven-
19 tory control.

20 “(2) CONTENTS.—An emergency contingency
21 plan submitted by an air carrier for an airport under
22 subsection (a) shall contain a description of how the
23 carrier will—

24 “(A) provide food, potable water, restroom
25 facilities, and access to medical treatment for

1 passengers onboard an aircraft at the airport
2 that is on the ground for an extended period of
3 time without access to the terminal;

4 “(B) allow passengers to deplane following
5 excessive tarmac delays; and

6 “(C) share facilities and make gates avail-
7 able at the airport in an emergency.

8 “(c) AIRPORT PLANS.—An emergency contingency
9 plan submitted by an airport operator under subsection
10 (a) shall contain a description of how the operator, to the
11 maximum extent practicable, will—

12 “(1) provide for the deplanement of passengers
13 following excessive tarmac delays;

14 “(2) provide for the sharing of facilities and
15 make gates available at the airport in an emergency;
16 and

17 “(3) provide a sterile area following excessive
18 tarmac delays for passengers who have not yet
19 cleared U.S. Customs and Border Protection.

20 “(d) UPDATES.—

21 “(1) AIR CARRIERS.—An air carrier shall up-
22 date the emergency contingency plan submitted by
23 the carrier under subsection (a) every 3 years and
24 submit the update to the Secretary for review and
25 approval.

1 “(2) AIRPORTS.—An airport operator shall up-
2 date the emergency contingency plan submitted by
3 the operator under subsection (a) every 5 years and
4 submit the update to the Secretary for review and
5 approval.

6 “(e) APPROVAL.—

7 “(1) IN GENERAL.—Not later than 60 days
8 after the date of the receipt of an emergency contin-
9 gency plan submitted under subsection (a) or an up-
10 date submitted under subsection (d), the Secretary
11 shall review and approve or, if necessary, require
12 modifications to the plan or update to ensure that
13 the plan or update will effectively address emer-
14 gencies and provide for the health and safety of pas-
15 sengers.

16 “(2) FAILURE TO APPROVE OR REQUIRE MODI-
17 FICATIONS.—If the Secretary fails to approve or re-
18 quire modifications to a plan or update under para-
19 graph (1) within the timeframe specified in that
20 paragraph, the plan or update shall be deemed to be
21 approved.

22 “(3) ADHERENCE REQUIRED.—An air carrier
23 or airport operator shall adhere to an emergency
24 contingency plan of the carrier or operator approved
25 under this section.

1 “(f) MINIMUM STANDARDS.—The Secretary may es-
2 tablish, as necessary or desirable, minimum standards for
3 elements in an emergency contingency plan required to be
4 submitted under this section.

5 “(g) PUBLIC ACCESS.—An air carrier or airport op-
6 erator required to submit an emergency contingency plan
7 under this section shall ensure public access to the plan
8 after its approval under this section on the Internet Web
9 site of the carrier or operator or by such other means as
10 determined by the Secretary.

11 “(h) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) COVERED AIR TRANSPORTATION.—The
14 term ‘covered air transportation’ means scheduled or
15 public charter passenger air transportation provided
16 by an air carrier that operates an aircraft that as
17 originally designed has a passenger capacity of 30 or
18 more seats.

19 “(2) TARMAC DELAY.—The term ‘tarmac delay’
20 means the period during which passengers are on
21 board an aircraft on the tarmac—

22 “(A) awaiting takeoff after the aircraft
23 doors have been closed or after passengers have
24 been boarded if the passengers have not been
25 advised they are free to deplane; or

1 “(B) awaiting deplaning after the aircraft
2 has landed.

3 **“§ 42302. Consumer complaints**

4 “(a) CONSUMER COMPLAINTS.—The Secretary of
5 Transportation shall take actions to notify the public of—

6 “(1) the consumer complaints hotline telephone
7 number of the Department of Transportation for the
8 use of passengers in air transportation; and

9 “(2) the Internet Web site of the Aviation Con-
10 sumer Protection Division of the Department of
11 Transportation.

12 “(b) NOTICE TO PASSENGERS ON THE INTERNET.—
13 An air carrier or foreign air carrier providing scheduled
14 air transportation using any aircraft that as originally de-
15 signed has a passenger capacity of 30 or more passenger
16 seats shall include on the Internet Web site of the car-
17 rier—

18 “(1) the consumer complaints hotline telephone
19 number of the Department of Transportation for the
20 use of passengers in air transportation;

21 “(2) the email address, telephone number, and
22 mailing address of the air carrier for the submission
23 of complaints by passengers about air travel service
24 problems; and

1 “(3) the Internet Web site and mailing address
2 of the Aviation Consumer Protection Division of the
3 Department of Transportation for the submission of
4 complaints by passengers about air travel service
5 problems.

6 “(c) NOTICE TO PASSENGERS ON BOARDING DOCU-
7 MENTATION.—An air carrier or foreign air carrier pro-
8 viding scheduled air transportation using any aircraft that
9 as originally designed has a passenger capacity of 30 or
10 more passenger seats shall include the hotline telephone
11 number referenced in subsection (a) on—

12 “(1) prominently displayed signs of the carrier
13 at the airport ticket counters in the United States
14 where the air carrier operates; and

15 “(2) any electronic confirmation of the pur-
16 chase of a passenger ticket for air transportation
17 issued by the air carrier.

18 **“§ 42303. Use of insecticides in passenger aircraft**

19 “(a) INFORMATION TO BE PROVIDED ON THE
20 INTERNET.—The Secretary of Transportation shall estab-
21 lish, and make available to the general public, an Internet
22 Web site that contains a listing of countries that may re-
23 quire an air carrier or foreign air carrier to treat an air-
24 craft passenger cabin with insecticides prior to a flight in
25 foreign air transportation to that country or to apply an

1 aerosol insecticide in an aircraft cabin used for such a
2 flight when the cabin is occupied with passengers.

3 “(b) REQUIRED DISCLOSURES.—An air carrier, for-
4 eign air carrier, or ticket agent selling, in the United
5 States, a ticket for a flight in foreign air transportation
6 to a country listed on the Internet Web site established
7 under subsection (a) shall refer the purchaser of the ticket
8 to the Internet Web site established under subsection (a)
9 for additional information.”.

10 (b) PENALTIES.—Section 46301 is amended in sub-
11 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter
12 423,” after “chapter 421,”.

13 (c) APPLICABILITY OF REQUIREMENTS.—Except as
14 otherwise provided, the requirements of chapter 423 of
15 title 49, United States Code, as added by this section,
16 shall begin to apply 60 days after the date of enactment
17 of this Act.

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

“423. Passenger Air Service Improvements 42301”.

21 **SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED**
22 **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 mem-
4 bers of the Armed Forces, many of whom are in
5 grave danger due to their engagement in, or expo-
6 sure to, 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
11 very 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
15 to 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 Con-
21 gress 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
5 leave or liberty and who are traveling by air at their
6 own 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
12 charges and any penalties;

13 (C) seek to eliminate or reduce baggage
14 and 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
25 who 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 cellations”.

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
13 number 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 pact 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
3 air 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 sub-
8 mit to the Committee on Transportation and Infrastruc-
9 ture of the House of Representatives and the Committee
10 on Commerce, Science, and Transportation of the Senate
11 a report on the results of the review conducted under this
12 section, including the assessments described in subsection
13 (b).

14 **SEC. 428. DENIED BOARDING COMPENSATION.**

15 (a) EVALUATION OF DENIED BOARDING COMPENSA-
16 TION.—Not later than 6 months after the date of enact-
17 ment of this Act, and every 2 years thereafter, the Sec-
18 retary of Transportation shall evaluate the amount pro-
19 vided by air carriers for denied boarding compensation.

20 (b) ADJUSTMENT OF AMOUNT.—If, upon completing
21 an evaluation required under subsection (a), the Secretary
22 determines that the amount provided for denied boarding
23 compensation should be adjusted, the Secretary shall issue
24 a regulation to adjust such compensation.

1 **SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.**

2 (a) STUDY.—The Comptroller General shall conduct
3 a study to—

4 (1) examine delays in the delivery of checked
5 baggage to passengers of air carriers; and

6 (2) assess the options for and examine the im-
7 pact 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
13 carriers and how the additional fees should improve an
14 air carrier's baggage performance.

15 (c) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Comptroller General shall
17 transmit to Congress a report on the results of the study.

18 **SEC. 430. SCHEDULE REDUCTION.**

19 (a) IN GENERAL.—If the Administrator of the Fed-
20 eral 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
26 departure 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 op-
6 erations so as not to exceed the maximum departure and
7 arrival rate.

8 (b) NO AGREEMENT.—If the air carriers partici-
9 pating in a meeting with respect to an airport under sub-
10 section (a) are not able to agree to a reduction in the num-
11 ber of flights to and from the airport so as not to exceed
12 the maximum departure and arrival rate, the Adminis-
13 trator shall take such action as is necessary to ensure such
14 reduction 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
11 Federal Aviation Administration, in consultation with in-
12 terested parties, shall conduct a study of operators regu-
13 lated under part 135 of title 14, Code of Federal Regula-
14 tions.

15 (b) **CONTENTS.**—In conducting the study under sub-
16 section (a), the Administrator shall analyze the part 135
17 fleet in the United States, which shall include analysis
18 of—

19 (1) the size and type of aircraft in the fleet;

20 (2) the equipment utilized by the fleet;

21 (3) the hours flown each year by the fleet;

22 (4) the utilization rates with respect to the
23 fleet;

24 (5) the safety record of various categories of
25 use and aircraft types with respect to the fleet,

1 through a review of the database of the National
2 Transportation Safety Board;

3 (6) the sales revenues of the fleet; and

4 (7) the number of passengers and airports
5 served by the fleet.

6 (c) REPORT.—

7 (1) INITIAL REPORT.—Not later than 18
8 months after the date of enactment of this Act, the
9 Administrator shall submit to the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report
13 on the results of the study conducted under sub-
14 section (a).

15 (2) UPDATES.—Not later than 3 years after the
16 date of the submission of the report required under
17 paragraph (1), and every 2 years thereafter, the Ad-
18 ministrator shall update the report required under
19 that paragraph and submit the updated report to
20 the committees specified in that paragraph.

1 **TITLE V—ENVIRONMENTAL**
2 **STREAMLINING**

3 **SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

4 (a) GENERAL REQUIREMENTS.—Section
5 40128(a)(1)(C) is amended by inserting “or voluntary
6 agreement under subsection (b)(7)” before “for the park”.

7 (b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR
8 FEWER FLIGHTS EACH YEAR.—Section 40128(a) is
9 amended by adding at the end the following:

10 “(5) EXEMPTION FOR NATIONAL PARKS WITH
11 50 OR FEWER FLIGHTS EACH YEAR.—

12 “(A) IN GENERAL.—Notwithstanding para-
13 graph (1), a national park that has 50 or fewer
14 commercial air tour operations over the park
15 each year shall be exempt from the require-
16 ments of this section, except as provided in sub-
17 paragraph (B).

18 “(B) WITHDRAWAL OF EXEMPTION.—If
19 the Director determines that an air tour man-
20 agement plan or voluntary agreement is nec-
21 essary to protect park resources and values or
22 park visitor use and enjoyment, the Director
23 shall withdraw the exemption of a park under
24 subparagraph (A).

25 “(C) LIST OF PARKS.—

1 “(i) IN GENERAL.—The Director and
2 Administrator shall jointly publish a list
3 each year of national parks that are cov-
4 ered by the exemption provided under this
5 paragraph.

6 “(ii) NOTIFICATION OF WITHDRAWAL
7 OF EXEMPTION.—The Director shall in-
8 form the Administrator, in writing, of each
9 determination to withdraw an exemption
10 under subparagraph (B).

11 “(D) ANNUAL REPORT.—A commercial air
12 tour operator conducting commercial air tour
13 operations over a national park that is exempt
14 from the requirements of this section shall sub-
15 mit to the Administrator and the Director a re-
16 port each year that includes the number of
17 commercial air tour operations the operator
18 conducted during the preceding one-year period
19 over such park.”.

20 (c) AIR TOUR MANAGEMENT PLANS.—Section
21 40128(b) is amended by adding at the end the following:

22 “(7) VOLUNTARY AGREEMENTS.—

23 “(A) IN GENERAL.—As an alternative to
24 an air tour management plan, the Director and
25 the Administrator may enter into a voluntary

1 agreement with a commercial air tour operator
2 (including a new entrant commercial air tour
3 operator and an operator that has interim oper-
4 ating authority) that has applied to conduct
5 commercial air tour operations over a national
6 park to manage commercial air tour operations
7 over such national park.

8 “(B) PARK PROTECTION.—A voluntary
9 agreement under this paragraph with respect to
10 commercial air tour operations over a national
11 park shall address the management issues nec-
12 essary to protect the resources of such park and
13 visitor use of such park without compromising
14 aviation safety or the air traffic control system
15 and may—

16 “(i) include provisions such as those
17 described in subparagraphs (B) through
18 (E) of paragraph (3);

19 “(ii) include provisions to ensure the
20 stability of, and compliance with, the vol-
21 untary agreement; and

22 “(iii) provide for fees for such oper-
23 ations.

24 “(C) PUBLIC.—The Director and the Ad-
25 ministrator shall provide an opportunity for

1 public review of a proposed voluntary agree-
2 ment under this paragraph and shall consult
3 with any Indian tribe whose tribal lands are, or
4 may be, flown over by a commercial air tour op-
5 erator under a voluntary agreement under this
6 paragraph. After such opportunity for public re-
7 view and consultation, the voluntary agreement
8 may be implemented without further adminis-
9 trative or environmental process beyond that
10 described in this subsection.

11 “(D) TERMINATION.—

12 “(i) IN GENERAL.—A voluntary agree-
13 ment under this paragraph may be termi-
14 nated at any time at the discretion of—

15 “(I) the Director, if the Director
16 determines that the agreement is not
17 adequately protecting park resources
18 or visitor experiences; or

19 “(II) the Administrator, if the
20 Administrator determines that the
21 agreement is adversely affecting avia-
22 tion safety or the national aviation
23 system.

24 “(ii) EFFECT OF TERMINATION.—If a
25 voluntary agreement with respect to a na-

1 tional park is terminated under this sub-
2 paragraph, the operators shall conform to
3 the requirements for interim operating au-
4 thority under subsection (c) until an air
5 tour management plan for the park is in
6 effect.”.

7 (d) INTERIM OPERATING AUTHORITY.—Section
8 40128(c) is amended—

9 (1) by striking paragraph (2)(I) and inserting
10 the following:

11 “(I) may allow for modifications of the in-
12 terim operating authority without further envi-
13 ronmental review beyond that described in this
14 subsection, if—

15 “(i) adequate information regarding
16 the existing and proposed operations of the
17 operator under the interim operating au-
18 thority is provided to the Administrator
19 and the Director;

20 “(ii) the Administrator determines
21 that there would be no adverse impact on
22 aviation safety or the air traffic control
23 system; and

24 “(iii) the Director agrees with the
25 modification, based on the professional ex-

1 pertise of the Director regarding the pro-
2 tection of the resources, values, and visitor
3 use and enjoyment of the park.”; and

4 (2) in paragraph (3)(A) by striking “if the Ad-
5 ministrators determines” and all that follows through
6 the period at the end and inserting “without further
7 environmental process beyond that described in this
8 paragraph, if—

9 “(i) adequate information on the pro-
10 posed operations of the operator is pro-
11 vided to the Administrator and the Direc-
12 tor by the operator making the request;

13 “(ii) the Administrator agrees that
14 there would be no adverse impact on avia-
15 tion safety or the air traffic control sys-
16 tem; and

17 “(iii) the Director agrees, based on
18 the Director’s professional expertise re-
19 garding the protection of park resources
20 and values and visitor use and enjoy-
21 ment.”.

22 (e) OPERATOR REPORTS.—Section 40128 is amend-
23 ed—

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

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) COMMERCIAL AIR TOUR OPERATOR RE-
4 PORTS.—

5 “(1) REPORT.—Each commercial air tour oper-
6 ator conducting a commercial air tour operation over
7 a national park under interim operating authority
8 granted under subsection (c) or in accordance with
9 an air tour management plan or voluntary agree-
10 ment under subsection (b) shall submit to the Ad-
11 ministrator and the Director a report regarding the
12 number of commercial air tour operations over each
13 national park that are conducted by the operator
14 and such other information as the Administrator
15 and Director may request in order to facilitate ad-
16 ministering the provisions of this section.

17 “(2) REPORT SUBMISSION.—Not later than 90
18 days after the date of enactment of the FAA Reau-
19 thorization and Reform Act of 2011, the Adminis-
20 trator and the Director shall jointly issue an initial
21 request for reports under this subsection. The re-
22 ports shall be submitted to the Administrator and
23 the Director with a frequency and in a format pre-
24 scribed by the Administrator and the Director.”.

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

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

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

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

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

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

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

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

1 “(2) use the environmental analysis prepared by
2 the State for the project or activity if such analysis
3 is adequate; and

4 “(3) as necessary, consult with the State to de-
5 scribe the supplemental analysis the State must pro-
6 vide to meet applicable Federal requirements.”.

7 **SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY**
8 **PROJECTS STREAMLINING.**

9 (a) AVIATION PROJECT REVIEW PROCESS.—Section
10 47171(a) is amended in the matter preceding paragraph
11 (1) by striking “and aviation security projects” and insert-
12 ing “aviation security projects, and NextGen environ-
13 mental efficiency projects”.

14 (b) AVIATION PROJECTS SUBJECT TO A STREAM-
15 LINED ENVIRONMENTAL REVIEW PROCESS.—Section
16 47171(b) is amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) AIRPORT CAPACITY ENHANCEMENT
20 PROJECTS AT CONGESTED AIRPORTS AND CERTAIN
21 NEXTGEN ENVIRONMENTAL EFFICIENCY
22 PROJECTS.—The following projects shall be subject
23 to the coordinated and expedited environmental re-
24 view process requirements set forth in this section:

1 “(A) An airport capacity enhancement
2 project at a congested airport.

3 “(B) A NextGen environmental efficiency
4 project at an Operational Evolution Partnership
5 airport or any congested airport.”; and

6 (2) in paragraph (2)—

7 (A) in the heading by striking “AND AVIA-
8 TION SECURITY PROJECTS” and inserting
9 “PROJECTS, AVIATION SECURITY PROJECTS,
10 AND ANY NEXTGEN ENVIRONMENTAL EFFI-
11 CIENCY PROJECTS”;

12 (B) in subparagraph (A) by striking “or
13 aviation security project” and inserting “, an
14 aviation security project, or any NextGen envi-
15 ronmental efficiency project”; and

16 (C) in subparagraph (B) by striking “or
17 aviation security project” and inserting “, avia-
18 tion security project, or NextGen environmental
19 efficiency project”.

20 (c) HIGH PRIORITY FOR ENVIRONMENTAL RE-
21 VIEWS.—Section 47171(c)(1) is amended by striking “an
22 airport capacity enhancement project at a congested air-
23 port” and inserting “a project described in subsection
24 (b)(1)”.

1 (d) IDENTIFICATION OF JURISDICTIONAL AGEN-
2 CIES.—Section 47171(d) is amended by striking “each
3 airport capacity enhancement project at a congested air-
4 port” and inserting “a project described in subsection
5 (b)(1)”.

6 (e) LEAD AGENCY RESPONSIBILITY.—Section
7 47171(h) is amended by striking “airport capacity en-
8 hancement projects at congested airports” and inserting
9 “projects described in subsection (b)(1)”.

10 (f) ALTERNATIVES ANALYSIS.—Section 47171(k) is
11 amended by striking “an airport capacity enhancement
12 project at a congested airport” and inserting “a project
13 described in subsection (b)(1)”.

14 (g) DEFINITIONS.—Section 47171 is amended by
15 adding at the end the following:

16 “(n) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) CONGESTED AIRPORT.—The term ‘con-
19 gested airport’ means an airport that accounted for
20 at least one percent of all delayed aircraft operations
21 in the United States in the most recent year for
22 which data is available and an airport listed in table
23 1 of the Federal Aviation Administration’s Airport
24 Capacity Benchmark Report 2004.

1 “(2) NEXTGEN ENVIRONMENTAL EFFICIENCY
2 PROJECT.—The term ‘NextGen environmental effi-
3 ciency project’ means a Next Generation Air Trans-
4 portation System aviation project that—

5 “(A) develops and certifies performance-
6 based navigation procedures; or

7 “(B) develops other environmental mitiga-
8 tion projects the Secretary may designate as fa-
9 cilitating a reduction in noise, fuel consumption,
10 or emissions from air traffic operations.

11 “(3) PERFORMANCE-BASED NAVIGATION.—The
12 term ‘performance-based navigation’ means a frame-
13 work for defining performance requirements in navi-
14 gation specifications that—

15 “(A) can be applied to an air traffic route,
16 instrument procedure, or defined airspace; or

17 “(B) provides a basis for the design and
18 implementation of automated flight paths, air-
19 space design, and obstacle clearance.”.

20 **SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
21 **VIEWS.**

22 Section 47173(a) is amended by striking “services of
23 consultants in order to” and all that follows through the
24 period at the end and inserting “services of consultants—

1 “(1) to facilitate the timely processing, review,
2 and completion of environmental activities associated
3 with an airport development project;

4 “(2) to conduct special environmental studies
5 related to an airport project funded with Federal
6 funds;

7 “(3) to conduct special studies or reviews to
8 support approved noise compatibility measures de-
9 scribed in part 150 of title 14, Code of Federal Reg-
10 ulations;

11 “(4) to conduct special studies or reviews to
12 support environmental mitigation in a record of deci-
13 sion or finding of no significant impact by the Fed-
14 eral Aviation Administration; and

15 “(5) to facilitate the timely processing, review,
16 and completion of environmental activities associated
17 with new or amended flight procedures, including
18 performance-based navigation procedures, such as
19 required navigation performance procedures and
20 area navigation procedures.”.

21 **SEC. 505. NOISE COMPATIBILITY PROGRAMS.**

22 Section 47504(a)(2) is amended—

23 (1) by striking “and” after the semicolon in
24 subparagraph (D);

1 (2) by striking “operations.” in subparagraph
2 (E) and inserting “operations; and”; and

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

4 “(F) conducting comprehensive land use plan-
5 ning (including master plans, traffic studies, envi-
6 ronmental evaluation, and economic and feasibility
7 studies), jointly with neighboring local jurisdictions
8 undertaking community redevelopment in an area in
9 which land or other property interests have been ac-
10 quired by the operator pursuant to this section, to
11 encourage and enhance redevelopment opportunities
12 that reflect zoning and uses that will prevent the in-
13 troduction of additional incompatible uses and en-
14 hance redevelopment potential.”.

15 **SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
16 **PROCEDURES.**

17 Section 47504 is amended by adding at the end the
18 following:

19 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
20 DURES.—

21 “(1) IN GENERAL.—In accordance with sub-
22 section (c)(1), the Secretary may make a grant to an
23 airport operator to assist in completing environ-
24 mental review and assessment activities for pro-
25 posals to implement flight procedures at such airport

1 that have been approved as part of an airport noise
2 compatibility program under subsection (b).

3 “(2) ADDITIONAL STAFF.—The Administrator
4 may accept funds from an airport operator, includ-
5 ing funds provided to the operator under paragraph
6 (1), to hire additional staff or obtain the services of
7 consultants in order to facilitate the timely proc-
8 essing, review, and completion of environmental ac-
9 tivities associated with proposals to implement flight
10 procedures at such airport that have been approved
11 as part of an airport noise compatibility program
12 under subsection (b).

13 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
14 LECTIONS.—Notwithstanding section 3302 of title
15 31, any funds accepted under this section—

16 “(A) shall be credited as offsetting collec-
17 tions to the account that finances the activities
18 and services for which the funds are accepted;

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

22 “(C) shall remain available until ex-
23 pended.”.

1 **SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF**
2 **RESIDENTIAL PROPERTIES.**

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

5 “(f) DETERMINATION OF FAIR MARKET VALUE OF
6 RESIDENTIAL PROPERTIES.—In approving a project to
7 acquire residential real property using financial assistance
8 made available under this section or chapter 471, the Sec-
9 retary shall ensure that the appraisal of the property to
10 be acquired disregards any decrease or increase in the fair
11 market value of the real property caused by the project
12 for which the property is to be acquired, or by the likeli-
13 hood that the property would be acquired for the project,
14 other than that due to physical deterioration within the
15 reasonable control of the owner.”.

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

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

21 **“§47534. Prohibition on operating certain aircraft**
22 **weighing 75,000 pounds or less not com-**
23 **plying with stage 3 noise levels**

24 “(a) PROHIBITION.—Except as otherwise provided by
25 this section, after December 31, 2014, a person may not
26 operate a civil subsonic jet airplane with a maximum

1 weight of 75,000 pounds or less, and for which an air-
2 worthiness certificate (other than an experimental certifi-
3 cate) has been issued, to or from an airport in the United
4 States unless the Secretary of Transportation finds that
5 the aircraft complies with stage 3 noise levels.

6 “(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIG-
7 UOUS STATES.—Subsection (a) shall not apply to aircraft
8 operated only outside the 48 contiguous States.

9 “(c) TEMPORARY OPERATIONS.—The Secretary may
10 allow temporary operation of an aircraft otherwise prohib-
11 ited from operation under subsection (a) to or from an
12 airport in the contiguous United States by granting a spe-
13 cial flight authorization for one or more of the following
14 circumstances:

15 “(1) To sell, lease, or use the aircraft outside
16 the 48 contiguous States.

17 “(2) To scrap the aircraft.

18 “(3) To obtain modifications to the aircraft to
19 meet stage 3 noise levels.

20 “(4) To perform scheduled heavy maintenance
21 or significant modifications on the aircraft at a
22 maintenance facility located in the contiguous 48
23 States.

1 “(5) To deliver the aircraft to an operator leas-
2 ing the aircraft from the owner or return the air-
3 craft to the lessor.

4 “(6) To prepare, park, or store the aircraft in
5 anticipation of any of the activities described in
6 paragraphs (1) through (5).

7 “(7) To provide transport of persons and goods
8 in the relief of an emergency situation.

9 “(8) To divert the aircraft to an alternative air-
10 port in the 48 contiguous States on account of
11 weather, mechanical, fuel, air traffic control, or
12 other safety reasons while conducting a flight in
13 order to perform any of the activities described in
14 paragraphs (1) through (7).

15 “(d) REGULATIONS.—The Secretary may prescribe
16 such regulations or other guidance as may be necessary
17 for the implementation of this section.

18 “(e) STATUTORY CONSTRUCTION.—

19 “(1) AIP GRANT ASSURANCES.—Noncompliance
20 with subsection (a) shall not be construed as a viola-
21 tion of section 47107 or any regulations prescribed
22 thereunder.

23 “(2) PENDING APPLICATIONS.—Nothing in this
24 section may be construed as interfering with, nul-
25 lifying, or otherwise affecting determinations made

1 by the Federal Aviation Administration, or to be
2 made by the Administration, with respect to applica-
3 tions under part 161 of title 14, Code of Federal
4 Regulations, that were pending on the date of enact-
5 ment of this section.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 47531 is amended—

8 (A) in the section heading by striking “**for**
9 **violating sections 47528–47530**”; and

10 (B) by striking “47529, or 47530” and in-
11 serting “47529, 47530, or 47534”.

12 (2) Section 47532 is amended by inserting “or
13 47534” after “47528–47531”.

14 (3) The analysis for subchapter II of chapter
15 475 is amended—

16 (A) by striking the item relating to section
17 47531 and inserting the following:

“47531. Penalties.”; and

18 (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.”.

19 **SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**
20 **PILOT PROGRAM.**

21 (a) IN GENERAL.—The Secretary of Transportation
22 shall carry out a pilot program at not more than 5 public-
23 use airports under which the Federal Aviation Administra-

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

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

15 (c) MAXIMUM AMOUNT.—Not more than a total of
16 \$2,500,000 may be expended under the pilot program at
17 any single public-use airport.

18 **SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-**
19 **EFFECTIVE AIR TRAFFIC CONTROL FACILI-**
20 **TIES.**

21 The Administrator of the Federal Aviation Adminis-
22 tration may implement, to the extent practicable, sustain-
23 able practices for the incorporation of energy-efficient de-
24 sign, equipment, systems, and other measures in the con-
25 struction and major renovation of air traffic control facili-

1 ties of the Administration in order to reduce energy con-
2 sumption at, improve the environmental performance of,
3 and reduce the cost of maintenance for such facilities.

4 **SEC. 511. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the European Union directive extending the
7 European Union’s emissions trading proposal to
8 international civil aviation without working through
9 the International Civil Aviation Organization (in this
10 section referred to as the “ICAO”) in a consensus-
11 based fashion is inconsistent with the Convention on
12 International Civil Aviation, completed in Chicago on
13 December 7, 1944 (TIAS 1591; commonly known as
14 the “Chicago Convention”), and other relevant air
15 services agreements and antithetical to building
16 international cooperation to address effectively the
17 problem of greenhouse gas emissions by aircraft en-
18 gaged in international civil aviation; and

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

1 **SEC. 512. AVIATION NOISE COMPLAINTS.**

2 (a) TELEPHONE NUMBER POSTING.—Not later than
3 90 days after the date of enactment of this Act, each
4 owner or operator of a large hub airport (as defined in
5 section 40102(a) of title 49, United States Code) shall
6 publish on an Internet Web site of the airport a telephone
7 number to receive aviation noise complaints related to the
8 airport.

9 (b) SUMMARIES AND REPORTS.—Not later than 15
10 months after the date of enactment of this Act, and annu-
11 ally thereafter, an owner or operator that receives noise
12 complaints from 25 individuals during the preceding year
13 under subsection (a) shall submit to the Administrator of
14 the Federal Aviation Administration a report regarding
15 the number of complaints received and a summary regard-
16 ing the nature of such complaints. The Administrator
17 shall make such information available to the public by
18 electronic means.

19 **TITLE VI—FAA EMPLOYEES AND**
20 **ORGANIZATION**

21 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-**
22 **SONNEL MANAGEMENT SYSTEM.**

23 (a) DISPUTE RESOLUTION.—Section 40122(a) is
24 amended—

25 (1) by redesignating paragraphs (3) and (4) as
26 paragraphs (5) and (6), respectively; and

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

3 “(2) DISPUTE RESOLUTION.—

4 “(A) MEDIATION.—If the Administrator
5 does not reach an agreement under paragraph
6 (1) or the provisions referred to in subsection
7 (g)(2)(C) with the exclusive bargaining rep-
8 resentative of the employees, the Administrator
9 and the bargaining representative—

10 “(i) shall use the services of the Fed-
11 eral Mediation and Conciliation Service to
12 attempt to reach such agreement in ac-
13 cordance with part 1425 of title 29, Code
14 of Federal Regulations (as in effect on the
15 date of enactment of the FAA Reauthor-
16 ization and Reform Act of 2011); or

17 “(ii) may by mutual agreement adopt
18 alternative procedures for the resolution of
19 disputes or impasses arising in the negotia-
20 tion of the collective-bargaining agreement.

21 “(B) MID-TERM BARGAINING.—If the serv-
22 ices of the Federal Mediation and Conciliation
23 Service under subparagraph (A)(i) do not lead
24 to the resolution of issues in controversy arising
25 from the negotiation of a mid-term collective-

1 bargaining agreement, the Federal Service Im-
2 passes Panel shall assist the parties in resolving
3 the impasse in accordance with section 7119 of
4 title 5.

5 “(C) BINDING ARBITRATION FOR TERM
6 BARGAINING.—

7 “(i) ASSISTANCE FROM FEDERAL
8 SERVICE IMPASSES PANEL.—If the services
9 of the Federal Mediation and Conciliation
10 Service under subparagraph (A)(i) do not
11 lead to the resolution of issues in con-
12 troversy arising from the negotiation of a
13 term collective-bargaining agreement, the
14 Administrator and the exclusive bargaining
15 representative of the employees (in this
16 subparagraph referred to as the ‘parties’)
17 shall submit their issues in controversy to
18 the Federal Service Impasses Panel. The
19 Panel shall assist the parties in resolving
20 the impasse by asserting jurisdiction and
21 ordering binding arbitration by a private
22 arbitration board consisting of 3 members.

23 “(ii) APPOINTMENT OF ARBITRATION
24 BOARD.—The Executive Director of the
25 Panel shall provide for the appointment of

1 the 3 members of a private arbitration
2 board under clause (i) by requesting the
3 Director of the Federal Mediation and
4 Conciliation Service to prepare a list of not
5 less than 15 names of arbitrators with
6 Federal sector experience and by providing
7 the list to the parties. Not later than 10
8 days after receiving the list, the parties
9 shall each select one person from the list.
10 The 2 arbitrators selected by the parties
11 shall then select a third person from the
12 list not later than 7 days after being se-
13 lected. If either of the parties fails to select
14 a person or if the 2 arbitrators are unable
15 to agree on the third person in 7 days, the
16 parties shall make the selection by alter-
17 nately striking names on the list until one
18 arbitrator remains.

19 “(iii) FRAMING ISSUES IN CON-
20 TROVERSY.—If the parties do not agree on
21 the framing of the issues to be submitted
22 for arbitration, the arbitration board shall
23 frame the issues.

24 “(iv) HEARINGS.—The arbitration
25 board shall give the parties a full and fair

1 hearing, including an opportunity to
2 present evidence in support of their claims
3 and an opportunity to present their case in
4 person, by counsel, or by other representa-
5 tive as they may elect.

6 “(v) DECISIONS.—The arbitration
7 board shall render its decision within 90
8 days after the date of its appointment. De-
9 cisions of the arbitration board shall be
10 conclusive and binding upon the parties.

11 “(vi) MATTERS FOR CONSIDER-
12 ATION.—The arbitration board shall take
13 into consideration such factors as—

14 “(I) the effect of its arbitration
15 decisions on the Federal Aviation Ad-
16 ministration’s ability to attract and
17 retain a qualified workforce;

18 “(II) the effect of its arbitration
19 decisions on the Federal Aviation Ad-
20 ministration’s budget;

21 “(III) the effect of its arbitration
22 decisions on other Federal Aviation
23 Administration employees; and

24 “(IV) any other factors whose
25 consideration would assist the board

1 in fashioning a fair and equitable
2 award.

3 “(vii) COSTS.—The parties shall share
4 costs of the arbitration equally.

5 “(3) RATIFICATION OF AGREEMENTS.—Upon
6 reaching a voluntary agreement or at the conclusion
7 of the binding arbitration under paragraph (2)(C),
8 the final agreement, except for those matters de-
9 cided by an arbitration board, shall be subject to
10 ratification by the exclusive bargaining representa-
11 tive of the employees, if so requested by the bar-
12 gaining representative, and the final agreement shall
13 be subject to approval by the head of the agency in
14 accordance with the provisions referred to in sub-
15 section (g)(2)(C).”.

16 **SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.**

17 Section 40122(g)(2) is amended—

18 (1) in subparagraph (G) by striking “and”
19 after the semicolon;

20 (2) in subparagraph (H) by striking “Board.”
21 and inserting “Board;”; and

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

23 “(I) subsections (b), (c), and (d) of section
24 4507 (relating to Meritorious Executive or Dis-
25 tinguished Executive rank awards) and sub-

1 sections (b) and (c) of section 4507a (relating
2 to Meritorious Senior Professional or Distin-
3 guished Senior Professional rank awards), ex-
4 cept that—

5 “(i) for purposes of applying such
6 provisions to the personnel management
7 system—

8 “(I) the term ‘agency’ means the
9 Department of Transportation;

10 “(II) the term ‘senior executive’
11 means a Federal Aviation Administra-
12 tion executive;

13 “(III) the term ‘career appointee’
14 means a Federal Aviation Administra-
15 tion career executive; and

16 “(IV) the term ‘senior career em-
17 ployee’ means a Federal Aviation Ad-
18 ministration career senior profes-
19 sional;

20 “(ii) receipt by a career appointee or
21 a senior career employee of the rank of
22 Meritorious Executive or Meritorious Sen-
23 ior Professional entitles the individual to a
24 lump-sum payment of an amount equal to
25 20 percent of annual basic pay, which shall

1 be in addition to the basic pay paid under
2 the Federal Aviation Administration Exec-
3 utive Compensation Plan; and

4 “(iii) receipt by a career appointee or
5 a senior career employee of the rank of
6 Distinguished Executive or Distinguished
7 Senior Professional entitles the individual
8 to a lump-sum payment of an amount
9 equal to 35 percent of annual basic pay,
10 which shall be in addition to the basic pay
11 paid under the Federal Aviation Adminis-
12 tration Executive Compensation Plan;”.

13 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

14 (a) STUDY.—

15 (1) IN GENERAL.—The Administrator of the
16 Federal Aviation Administration shall conduct a
17 study to assess the adequacy of the Administrator’s
18 technical training strategy and improvement plan for
19 airway transportation systems specialists (in this
20 section referred to as “FAA systems specialists”).

21 (2) CONTENTS.—The study shall include—

22 (A) a review of the current technical train-
23 ing strategy and improvement plan for FAA
24 systems specialists;

1 (B) recommendations to improve the tech-
2 nical training strategy and improvement plan
3 needed by FAA systems specialists to be pro-
4 ficient in the maintenance of the latest tech-
5 nologies;

6 (C) a description of actions that the Ad-
7 ministration has undertaken to ensure that
8 FAA systems specialists receive up-to-date
9 training on the latest technologies; and

10 (D) a recommendation regarding the most
11 cost-effective approach to provide training to
12 FAA systems specialists.

13 (3) REPORT.—Not later than one year after the
14 date of enactment of this Act, the Administrator
15 shall submit to the Committee on Transportation
16 and Infrastructure of the House of Representatives
17 and the Committee on Commerce, Science, and
18 Transportation of the Senate a report on the results
19 of the study.

20 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

21 (1) STUDY BY NATIONAL ACADEMY OF
22 SCIENCES.—Not later than 90 days after the date of
23 enactment of this Act, the Administrator of the Fed-
24 eral Aviation Administration shall make appropriate
25 arrangements for the National Academy of Sciences

1 to conduct a study of the assumptions and methods
2 used by the Federal Aviation Administration to esti-
3 mate staffing needs for FAA systems specialists to
4 ensure proper maintenance and certification of the
5 national airspace system in the most cost effective
6 manner.

7 (2) CONSULTATION.—In conducting the study,
8 the National Academy of Sciences shall interview in-
9 terested parties, including labor, government, and
10 industry representatives.

11 (3) REPORT.—Not later than one year after the
12 initiation of the arrangements under paragraph (1),
13 the National Academy of Sciences shall submit to
14 Congress a report on the results of the study.

15 **SEC. 604. SAFETY CRITICAL STAFFING.**

16 (a) IN GENERAL.—Not later than October 1, 2011,
17 the Administrator of the Federal Aviation Administration
18 shall implement, to the extent practicable and in a cost-
19 effective manner, the staffing model for aviation safety in-
20 spectors developed pursuant to the National Academy of
21 Sciences study entitled “Staffing Standards for Aviation
22 Safety Inspectors”. In doing so, the Administrator shall
23 consult with interested persons, including aviation safety
24 inspectors.

1 (b) REPORT.—Not later than October 1 of each fiscal
2 year beginning after September 30, 2011, the Adminis-
3 trator shall submit to the Committee on Transportation
4 and Infrastructure of the House of Representatives and
5 the Committee on Commerce, Science, and Transportation
6 of the Senate, the staffing model described in subsection
7 (a).

8 (c) SAFETY CRITICAL POSITIONS DEFINED.—In this
9 section, the term “safety critical positions” means—

10 (1) aviation safety inspectors, safety technical
11 specialists, and operational support positions in the
12 Flight Standards Service (as such terms are used in
13 the Administration’s fiscal year 2011 congressional
14 budget justification); and

15 (2) manufacturing safety inspectors, pilots, en-
16 gineers, chief scientific and technical advisors, safety
17 technical specialists, and operational support posi-
18 tions in the Aircraft Certification Service (as such
19 terms are used in the Administration’s fiscal year
20 2011 congressional budget justification).

21 **SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.**

22 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—
23 Not later than 90 days after the date of enactment of this
24 Act, the Administrator of the Federal Aviation Adminis-
25 tration shall enter into appropriate arrangements with the

1 National Academy of Sciences to conduct a study of the
2 air traffic controller standards used by the Federal Avia-
3 tion Administration (in this section referred to as the
4 “FAA”) to estimate staffing needs for FAA air traffic
5 controllers to ensure the safe operation of the national air-
6 space system in the most cost effective manner.

7 (b) CONSULTATION.—In conducting the study, the
8 National Academy of Sciences shall interview interested
9 parties, including employee, Government, and industry
10 representatives.

11 (c) CONTENTS.—The study shall include—

12 (1) an examination of representative informa-
13 tion on productivity, human factors, traffic activity,
14 and improved technology and equipment used in air
15 traffic control;

16 (2) an examination of recent National Academy
17 of Sciences reviews of the complexity model per-
18 formed by MITRE Corporation that support the
19 staffing standards models for the en route air traffic
20 control environment; and

21 (3) consideration of the Administration’s cur-
22 rent and estimated budgets and the most cost-effec-
23 tive staffing model to best leverage available fund-
24 ing.

1 (d) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the National Academy of
3 Sciences shall submit to the Committee on Transportation
4 and Infrastructure of the House of Representatives and
5 the Committee on Commerce, Science, and Transportation
6 of the Senate a report 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 sub-
11 section (e); and

12 (2) by inserting after subsection (e) 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
7 in the same manner as, any other individual ap-
8 pointed 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
12 submit to Congress a report that evaluates the effec-
13 tiveness of the air traffic control specialist qualifica-
14 tion training provided pursuant to this section, in-
15 cluding the graduation rates of candidates who re-
16 ceived a CTO certificate and are working in airport
17 traffic 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 cer-
11 tifications to such candidates.

12 “(B) TREATMENT OF REIMBURSE-
13 MENTS.—Notwithstanding section 3302 of title
14 31, any reimbursement authorized to be col-
15 lected under subparagraph (A) shall—

16 “(i) be credited as offsetting collec-
17 tions to the account that finances the ac-
18 tivities and services for which the reim-
19 bursement is accepted;

20 “(ii) be available for expenditure only
21 to pay the costs of activities and services
22 for which the reimbursement is accepted,
23 including all costs associated with col-
24 lecting 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
7 adequacy of training programs for air traffic controllers,
8 including the Administrator’s technical training strategy
9 and 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 train-
13 ing strategy and improvement plan;

14 (2) an analysis of the competencies required of
15 air traffic controllers for successful performance in
16 the current and future projected air traffic control
17 environment;

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 iden-
24 tified 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
10 of the House of Representatives and the Committee on
11 Commerce, Science, and Transportation of the Senate a
12 report on the results of the study.

13 **SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.**

14 (a) STUDY.—The Comptroller General shall conduct
15 a 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
18 title 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
22 Federal Aviation Administration a new controller orienta-
23 tion session at the Mike Monroney Aeronautical Center
24 for graduates of CTI programs followed by on-the-job
25 training for newly hired air traffic controllers who are

1 graduates of CTI programs and shall include an analysis
2 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
10 submit to the Committee on Transportation and Infra-
11 structure of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate a report on the results of the study.

14 **SEC. 609. FAA FACILITY CONDITIONS.**

15 (a) STUDY.—The Comptroller General shall conduct
16 a study of—

17 (1) the conditions of a sampling of Federal
18 Aviation Administration facilities across the United
19 States, including offices, towers, centers, and ter-
20 minal radar air control;

21 (2) reports from employees of the Administra-
22 tion relating to respiratory ailments and other health
23 conditions resulting from exposure to mold, asbestos,
24 poor air quality, radiation, and facility-related haz-
25 ards in 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 re-
6 mediation for unsafe facility conditions;

7 (5) whether employees of the Administration
8 who report facility-related illnesses are treated ap-
9 propriately;

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 Comp-
18 troller General shall review the facility condition indices
19 of the Administration for inclusion in the recommenda-
20 tions under 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
3 health and safety;

4 (2) ensure that the Administration is using sci-
5 entifically approved remediation techniques in all fa-
6 cilities; and

7 (3) assist the Administration in making pro-
8 grammatic changes so that aging 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
12 submit to the Administrator, the Committee on Com-
13 merce, Science, and Transportation of the Senate, and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives a report on results of the study,
16 including the recommendations under subsection (c).

17 **SEC. 610. FRONTLINE MANAGER STAFFING.**

18 (a) STUDY.—Not later than 45 days after the date
19 of 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
3 development, 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
21 the Administration, including the Chief Operating Officer
22 of 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 re-
3 port on the results of the study and a description of any
4 determinations submitted to the Chief Operating Officer
5 under 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)
14 is amended by striking “shall extend through” and all that
15 follows through “the termination date” and inserting
16 “shall extend through September 30, 2013, and may ex-
17 tend 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)
24 shall be provided in an airline industry spon-

1 sored risk retention or other risk-sharing ar-
2 rangement 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
13 by 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
20 31, 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,
3 2001, 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
9 Secretary may certify” and inserting “ending on Decem-
10 ber 31, 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 amend-
17 ed by striking “agent” and inserting “agent, or a claims
18 adjuster 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
23 the following:

24 “(4) Section 552a of title 5 shall not apply to dislo-
25 sures that the Administrator may make from the systems

1 of records of the Administration to any Federal law en-
2 forcement, intelligence, protective service, immigration, or
3 national security official in order to assist the official re-
4 ceiving the information in the performance of official du-
5 ties.”.

6 **SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS**
7 **AND DATABASE SYSTEMS.**

8 (a) IN GENERAL.—Chapter 401 is amended by add-
9 ing at the end the following:

10 **“§ 40130. FAA access to criminal history records and**
11 **database systems**

12 “(a) ACCESS TO RECORDS AND DATABASE SYS-
13 TEMS.—

14 “(1) ACCESS TO INFORMATION.—Notwith-
15 standing section 534 of title 28, and regulations
16 issued to implement such section, the Administrator
17 of the Federal Aviation Administration may have di-
18 rect access to a system of documented criminal jus-
19 tice information maintained by the Department of
20 Justice or by a State, but may do so only for the
21 purpose of carrying out civil and administrative re-
22 sponsibilities of the Administration to protect the
23 safety and security of the national airspace system
24 or to support the missions of the Department of

1 Justice, the Department of Homeland Security, and
2 other law enforcement agencies.

3 “(2) RELEASE OF INFORMATION.—In accessing
4 a system referred to in paragraph (1), the Adminis-
5 trator shall be subject to the same conditions and
6 procedures established by the Department of Justice
7 or the State for other governmental agencies with di-
8 rect access to the system.

9 “(3) LIMITATION.—The Administrator may not
10 use the direct access authorized under paragraph (1)
11 to conduct criminal investigations.

12 “(b) DESIGNATED EMPLOYEES.—The Administrator
13 shall designate, by order, employees of the Administration
14 who shall carry out the authority described in subsection
15 (a). The designated employees may—

16 “(1) have direct access to and receive criminal
17 history, driver, vehicle, and other law enforcement
18 information contained in the law enforcement data-
19 bases of the Department of Justice, or any jurisdic-
20 tion of a State, in the same manner as a police offi-
21 cer employed by a State or local authority of that
22 State who is certified or commissioned under the
23 laws of that State;

24 “(2) use any radio, data link, or warning sys-
25 tem of the Federal Government, and of any jurisdic-

1 tion in a State, that provides information about
2 wanted persons, be-on-the-lookout notices, warrant
3 status, or other officer safety information to which
4 a police officer employed by a State or local author-
5 ity in that State who is certified or commissioned
6 under the laws of that State has direct access and
7 in the same manner as such police officer; and

8 “(3) receive Federal, State, or local government
9 communications with a police officer employed by a
10 State or local authority in that State in the same
11 manner as a police officer employed by a State or
12 local authority in that State who is commissioned
13 under the laws of that State.

14 “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE
15 INFORMATION DEFINED.—In this section, the term ‘sys-
16 tem of documented criminal justice information’ means
17 any law enforcement database, system, or communication
18 containing information concerning identification, criminal
19 history, arrests, convictions, arrest warrants, wanted or
20 missing persons, including the National Crime Informa-
21 tion Center and its incorporated criminal history data-
22 bases and the National Law Enforcement Telecommuni-
23 cations System.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records and database systems.”.

1 **SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

2 Section 46301 is amended—

3 (1) in subsection (a)(1)(A) by inserting “chap-
4 ter 451,” before “section 47107(b)”;

5 (2) in subsection (a)(5)(A)(i)—

6 (A) by striking “or chapter 449” and in-
7 serting “chapter 449”; and

8 (B) by inserting after “44909)” the fol-
9 lowing: “, or chapter 451”;

10 (3) in subsection (d)(2)—

11 (A) by inserting after “44723)” the fol-
12 lowing: “, chapter 451 (except section 45107)”;

13 (B) by inserting after “44909),” the fol-
14 lowing: “section 45107,”;

15 (C) by striking “46302” and inserting
16 “section 46302”; and

17 (D) by striking “46303” and inserting
18 “section 46303”; and

19 (4) in subsection (f)(1)(A)(i)—

20 (A) by striking “or chapter 449” and in-
21 serting “chapter 449”; and

22 (B) by inserting after “44909)” the fol-
23 lowing: “, or chapter 451”.

1 **SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA**
2 **SERVICES AND FACILITIES.**

3 (a) IN GENERAL.—Chapter 445 is amended by add-
4 ing at the end the following new section:

5 **“§ 44518. Realignment and consolidation of FAA serv-**
6 **ices and facilities**

7 “(a) PURPOSE.—The purpose of this section is to es-
8 tablish a fair process that will result in the realignment
9 and consolidation of FAA services and facilities to help
10 reduce capital, operating, maintenance, and administrative
11 costs and facilitate Next Generation Air Transportation
12 System air traffic control modernization efforts without
13 adversely affecting safety.

14 “(b) GENERAL AUTHORITY.—Subject to the require-
15 ments of this section, the Administrator of the Federal
16 Aviation Administration shall realign and consolidate FAA
17 services and facilities pursuant to recommendations made
18 by the Aviation Facilities and Services Board established
19 under subsection (g).

20 “(c) ADMINISTRATOR’S RECOMMENDATIONS.—

21 “(1) PROPOSED CRITERIA.—

22 “(A) IN GENERAL.—The Administrator
23 shall develop proposed criteria for use by the
24 Administrator in making recommendations for
25 the realignment and consolidation of FAA serv-
26 ices and facilities under this section.

1 “(B) PUBLICATION; TRANSMITTAL TO CON-
2 GRESS.—Not later than 30 days after the date
3 of enactment of this section, the Administrator
4 shall publish the proposed criteria in the Fed-
5 eral Register and transmit the proposed criteria
6 to the congressional committees of interest.

7 “(C) NOTICE AND COMMENT.—The Ad-
8 ministrator shall provide an opportunity for
9 public comment on the proposed criteria for a
10 period of at least 30 days and shall include no-
11 tice of that opportunity in the Federal Register.

12 “(2) FINAL CRITERIA.—

13 “(A) IN GENERAL.—The Administrator
14 shall establish final criteria based on the pro-
15 posed criteria developed under paragraph (1).

16 “(B) PUBLICATION; TRANSMITTAL TO CON-
17 GRESS.—Not later than 90 days after the date
18 of enactment of this section, the Administrator
19 shall publish the final criteria in the Federal
20 Register and transmit the final criteria to the
21 congressional committees of interest.

22 “(3) RECOMMENDATIONS.—

23 “(A) IN GENERAL.—The Administrator
24 shall make recommendations for the realign-
25 ment and consolidation of FAA services and fa-

1 ilities under this section based on the final cri-
2 teria established under paragraph (2).

3 “(B) CONTENTS.—The recommendations
4 shall consist of a list of FAA services and facili-
5 ties for realignment and consolidation, together
6 with a justification for each service and facility
7 included on the list.

8 “(C) PUBLICATION; TRANSMITTAL TO
9 BOARD AND CONGRESS.—Not later than 120
10 days after the date of enactment of this Act,
11 the Administrator shall publish the rec-
12 ommendations in the Federal Register and
13 transmit the recommendations to the Board
14 and the congressional committees of interest.

15 “(D) INFORMATION.—The Administrator
16 shall make available to the Board and the
17 Comptroller General all information used by the
18 Administrator in establishing the recommenda-
19 tions.

20 “(E) ADDITIONAL RECOMMENDATIONS.—
21 The Administrator is authorized to make addi-
22 tional recommendations under this paragraph
23 every 2 years.

24 “(d) BOARD’S REVIEW AND RECOMMENDATIONS.—

1 “(1) PUBLIC HEARINGS.—Not later than 30
2 days after the date of receipt of the Administrator’s
3 recommendations under subsection (c), the Board
4 shall conduct public hearings on the recommenda-
5 tions.

6 “(2) BOARD’S RECOMMENDATIONS.—

7 “(A) REPORT TO CONGRESS.—Based on
8 the Board’s review and analysis of the Adminis-
9 trator’s recommendations and any public com-
10 ments received under paragraph (1), the Board
11 shall develop a report containing the Board’s
12 findings and conclusions concerning the Admin-
13 istrator’s recommendations, together with the
14 Board’s recommendations for realignment and
15 consolidation of FAA services and facilities. The
16 Board shall explain and justify in the report
17 any recommendation made by the Board that
18 differs from a recommendation made by the Ad-
19 ministrator.

20 “(B) PUBLICATION IN FEDERAL REG-
21 ISTER; TRANSMITTAL TO CONGRESS.—Not later
22 than 60 days after the date of receipt of the
23 Administrator’s recommendations under sub-
24 section (c), the Board shall publish the report

1 in the Federal Register and transmit the report
2 to the congressional committees of interest.

3 “(3) ASSISTANCE OF COMPTROLLER GEN-
4 ERAL.—The Comptroller General shall assist the
5 Board, to the extent requested by the Board, in the
6 Board’s review and analysis of the Administrator’s
7 recommendations.

8 “(e) REALIGNMENT AND CONSOLIDATION OF FAA
9 SERVICES AND FACILITIES.—Subject to subsection (f),
10 the Administrator shall—

11 “(1) realign or consolidate the FAA services
12 and facilities recommended for realignment or con-
13 solidation by the Board in a report transmitted
14 under subsection (d);

15 “(2) initiate all such realignments and consoli-
16 dations not later than one year after the date of the
17 report; and

18 “(3) complete all such realignments and con-
19 solidations not later than 3 years after the date of
20 the report.

21 “(f) CONGRESSIONAL DISAPPROVAL.—

22 “(1) IN GENERAL.—The Administrator may not
23 carry out a recommendation of the Board for re-
24 alignment or consolidation of FAA services and fa-
25 cilities that is included in a report transmitted under

1 subsection (d) if a joint resolution of disapproval is
2 enacted disapproving such recommendation before
3 the earlier of—

4 “(A) the last day of the 30-day period be-
5 ginning on the date of the report; or

6 “(B) the adjournment of Congress sine die
7 for the session during which the report is trans-
8 mitted.

9 “(2) COMPUTATION OF 30-DAY PERIOD.—For
10 purposes of paragraph (1)(A), the days on which ei-
11 ther house of Congress is not in session because of
12 an adjournment of more than 3 days to a day cer-
13 tain shall be excluded in computation of the 30-day
14 period.

15 “(g) AVIATION FACILITIES AND SERVICES BOARD.—

16 “(1) ESTABLISHMENT.—Not later than 180
17 days after the date of enactment of this section, the
18 Secretary of Transportation shall establish an inde-
19 pendent board to be known as the ‘Aviation Facili-
20 ties and Services Board’.

21 “(2) COMPOSITION.—The Board shall be com-
22 posed of the following members:

23 “(A) The Secretary (or a designee of the
24 Secretary), who shall be the Chair of the Board.

1 “(B) Two members appointed by the Sec-
2 retary, who may not be officers or employees of
3 the Federal Government.

4 “(C) The Comptroller General (or a des-
5 ignee of the Comptroller General), who shall be
6 a nonvoting member of the Board.

7 “(3) DUTIES.—The Board shall carry out the
8 duties specified for the Board in this section.

9 “(4) TERM.—The members of the Board to be
10 appointed under paragraph (2)(B) shall each be ap-
11 pointed for a term of 3 years.

12 “(5) VACANCIES.—A vacancy in the Board shall
13 be filled in the same manner as the original appoint-
14 ment was made, but the individual appointed to fill
15 the vacancy shall serve only for the unexpired por-
16 tion of the term for which the individual’s prede-
17 cessor was appointed.

18 “(6) COMPENSATION AND BENEFITS.—A mem-
19 ber of the Board may not receive any compensation
20 or benefits from the Federal Government for serving
21 on the Board, except that—

22 “(A) a member shall receive compensation
23 for work injuries under subchapter I of chapter
24 81 of title 5; and

1 “(B) a member shall be paid actual travel
2 expenses and per diem in lieu of subsistence ex-
3 penses when away from the member’s usual
4 place of residence in accordance with section
5 5703 of title 5.

6 “(7) STAFF.—The Administrator shall make
7 available to the Board such staff, information, and
8 administrative services and assistance as may be
9 reasonably required to enable the Board to carry out
10 its responsibilities under this section. The Board
11 may employ experts and consultants on a temporary
12 or intermittent basis with the approval of the Sec-
13 retary.

14 “(8) FEDERAL ADVISORY COMMITTEE ACT.—
15 The Federal Advisory Committee Act (5 U.S.C.
16 App.) shall not apply to the Board.

17 “(h) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
19 appropriated to the Administrator for each of fiscal
20 years 2011 through 2014 \$200,000 for the Board to
21 carry out its duties.

22 “(2) AVAILABILITY OF AMOUNTS.—Amounts
23 appropriated pursuant to paragraph (1) shall remain
24 available until expended.

1 “(i) EFFECT ON OTHER AUTHORITIES.—Nothing in
2 this section shall be construed to affect the authorities
3 provided in section 44503 or the existing authorities or
4 responsibilities of the Administrator under this title to
5 manage the operations of the Federal Aviation Adminis-
6 tration, including realignment or consolidation of facilities
7 or services.

8 “(j) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) BOARD.—The term ‘Board’ means the
11 Aviation Facilities and Services Board established
12 under subsection (g).

13 “(2) CONGRESSIONAL COMMITTEES OF INTER-
14 EST.—The term ‘congressional committees of inter-
15 est’ means the Committee on Transportation and In-
16 frastructure of the House of Representatives and the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate.

19 “(3) FAA.—The term ‘FAA’ means the Fed-
20 eral Aviation Administration.

21 “(4) REALIGNMENT.—The term ‘realignment’
22 includes any action that relocates functions and per-
23 sonnel positions but does not include an overall re-
24 duction in personnel resulting from workload adjust-
25 ments.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 445 is amended by adding at the end the following:

“Sec. 44518. Realignment and consolidation of FAA services and facilities.”.

3 **SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
4 **CARGO AIRCRAFT.**

5 (a) STUDY.—Not later than 180 days after the date
6 of enactment of this Act, the Administrator of the Federal
7 Aviation Administration, in consultation with appropriate
8 air carriers, aircraft manufacturers, and air carrier labor
9 representatives, shall conduct a study to assess the feasi-
10 bility of developing a physical means, or a combination of
11 physical and procedural means, to prohibit individuals
12 other than authorized flight crewmembers from accessing
13 the flight deck of an all-cargo aircraft.

14 (b) REPORT.—Not later than one year after the date
15 of enactment of this Act, the Administrator shall submit
16 to the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee on
18 Commerce, Science, and Transportation of the Senate a
19 report on the results of the study.

20 **SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**
21 **REDUNDANT, OR OTHERWISE UNNECESSARY**
22 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**
23 **MAT.**

24 (a) CONSOLIDATION OR ELIMINATION OF RE-
25 PORTS.—Not later than 2 years after the date of enact-

1 ment of this Act, and every 2 years thereafter, the Admin-
2 istrator of the Federal Aviation Administration shall sub-
3 mit to the Committee on Commerce, Science, and Trans-
4 portation of the Senate and the Committee on Transpor-
5 tation and Infrastructure of the House of Representatives
6 a report containing—

7 (1) a list of obsolete, redundant, or otherwise
8 unnecessary reports the Administration is required
9 by law to submit to the Congress or publish that the
10 Administrator recommends eliminating or consoli-
11 dating with other reports; and

12 (2) an estimate of the cost savings that would
13 result from the elimination or consolidation of those
14 reports.

15 (b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, the Administration—

18 (A) may not publish any report required or
19 authorized by law in printed format; and

20 (B) shall publish any such report by post-
21 ing it on the Administration’s Internet Web site
22 in an easily accessible and downloadable elec-
23 tronic format.

1 (2) EXCEPTION.—Paragraph (1) does not apply
2 to any report with respect to which the Adminis-
3 trator determines that—

4 (A) its publication in printed format is es-
5 sential to the mission of the Federal Aviation
6 Administration; or

7 (B) its publication in accordance with the
8 requirements of paragraph (1) would disclose
9 matter—

10 (i) described in section 552(b) of title
11 5, United States Code; or

12 (ii) the disclosure of which would have
13 an adverse impact on aviation safety or se-
14 curity, as determined by the Adminis-
15 trator.

16 **SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

17 The Secretary of Transportation may not use any
18 funds made available pursuant to this Act (including any
19 amendment made by this Act) to name, rename, designate,
20 or redesignate any project or program authorized by this
21 Act (including any amendment made by this Act) for an
22 individual then serving in Congress as a Member, Dele-
23 gate, Resident Commissioner, or Senator.

1 **SEC. 808. STUDY ON AVIATION FUEL PRICES.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the Comptroller General
4 shall conduct a study and report to Congress on the im-
5 pact of increases in aviation fuel prices on the Airport and
6 Airway Trust Fund and the aviation industry in general.

7 (b) CONTENTS.—The study shall include an assess-
8 ment of the impact of increases in aviation fuel prices
9 on—

- 10 (1) general aviation;
- 11 (2) commercial passenger aviation;
- 12 (3) piston aircraft purchase and use;
- 13 (4) the aviation services industry, including re-
14 pair and maintenance services;
- 15 (5) aviation manufacturing;
- 16 (6) aviation exports; and
- 17 (7) the use of small airport installations.

18 (c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—
19 In conducting the study required by subsection (a), the
20 Comptroller General shall use the average aviation fuel
21 price for fiscal year 2010 as a baseline and measure the
22 impact of increases in aviation fuel prices that range from
23 5 percent to 200 percent over the 2010 baseline.

1 **SEC. 809. WIND TURBINE LIGHTING.**

2 (a) STUDY.—The Administrator of the Federal Avia-
3 tion Administration shall conduct a study on wind turbine
4 lighting systems.

5 (b) CONTENTS.—In conducting the study, the Ad-
6 ministrator shall examine the following:

7 (1) The aviation safety issues associated with
8 alternative lighting strategies, technologies, and reg-
9 ulations.

10 (2) The feasibility of implementing alternative
11 lighting strategies or technologies to improve avia-
12 tion safety.

13 (3) Any other issue relating to wind turbine
14 lighting.

15 (c) REPORT.—Not later than one year after the date
16 of enactment of this Act, the Administrator shall submit
17 to Congress a report on the results of the study, including
18 information and recommendations concerning the issues
19 examined under subsection (b).

20 **SEC. 810. AIR-RAIL CODE SHARING STUDY.**

21 (a) CODE SHARE STUDY.—Not later than 180 days
22 after the date of enactment of this Act, the Comptroller
23 General shall initiate a study regarding—

24 (1) the existing airline and intercity passenger
25 rail code sharing arrangements; and

1 (2) the feasibility, costs to taxpayers and other
2 parties, and benefits of increasing intermodal
3 connectivity of airline and intercity passenger rail fa-
4 cilities and systems to improve passenger travel.

5 (b) CONSIDERATIONS.—In conducting the study, the
6 Comptroller General shall consider—

7 (1) the potential costs to taxpayers and other
8 parties and benefits of the implementation of more
9 integrated scheduling between airlines and Amtrak
10 or other intercity passenger rail carriers achieved
11 through code sharing arrangements;

12 (2) airport and intercity passenger rail oper-
13 ations that can improve connectivity between air-
14 ports and intercity passenger rail facilities and sta-
15 tions;

16 (3) the experience of other countries with air-
17 port and intercity passenger rail connectivity; and

18 (4) such other issues the Comptroller General
19 considers appropriate.

20 (c) REPORT.—Not later than one year after com-
21 mencing the study required by subsection (a), the Comp-
22 troller General shall submit to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives a report on the results of the

1 study, including any conclusions of the Comptroller Gen-
2 eral resulting from the study.

3 **SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT**
4 **RULES AREA.**

5 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later
6 than 180 days after the date of enactment of this Act,
7 the Administrator of the Federal Aviation Administration,
8 in consultation with Secretary of Homeland Security and
9 Secretary of Defense, shall submit to the Committee on
10 Transportation and Infrastructure and the Committee on
11 Homeland Security of the House of Representatives and
12 the Committee on Commerce, Science, and Transportation
13 of the Senate a plan for the D.C. Metropolitan Area Spe-
14 cial Flight Rules Area.

15 (b) CONTENTS OF PLAN.—The plan shall outline spe-
16 cific changes to the D.C. Metropolitan Area Special Flight
17 Rules Area that will decrease operational impacts and im-
18 prove general aviation access to airports in the National
19 Capital Region that are currently impacted by the zone.

20 **SEC. 812. FAA REVIEW AND REFORM.**

21 (a) AGENCY REVIEW.—Not later than 60 days after
22 the date of enactment of this Act, the Administrator of
23 the Federal Aviation Administration shall undertake a
24 thorough review of each program, office, and organization

1 within the Administration, including the Air Traffic Orga-
2 nization, to identify—

3 (1) duplicative positions, programs, roles, or of-
4 fices;

5 (2) wasteful practices;

6 (3) redundant, obsolete, or unnecessary func-
7 tions;

8 (4) inefficient processes; and

9 (5) ineffectual or outdated policies.

10 (b) ACTIONS TO STREAMLINE AND REFORM FAA.—

11 Not later than 120 days after the date of enactment of
12 this Act, the Administrator shall undertake such actions
13 as may be necessary to address the Administrator’s find-
14 ings under subsection (a), including—

15 (1) consolidating, phasing-out, or eliminating
16 duplicative positions, programs, roles, or offices;

17 (2) eliminating or streamlining wasteful prac-
18 tices;

19 (3) eliminating or phasing-out redundant, obso-
20 lete, or unnecessary functions;

21 (4) reforming and streamlining inefficient proc-
22 esses so that the activities of the Administration are
23 completed in an expedited and efficient manner; and

24 (5) reforming or eliminating ineffectual or out-
25 dated policies.

1 (c) AUTHORITY.—Notwithstanding any other provi-
2 sion of law, the Administrator shall have the authority to
3 undertake the actions required under subsection (b).

4 (d) REPORT TO CONGRESS.—Not later than 150 days
5 after the date of enactment of this Act, the Administrator
6 shall submit to Congress a report on the actions taken
7 by the Administrator under this section, including any rec-
8 ommendations for legislative or administrative actions.

9 **TITLE IX—NATIONAL**
10 **MEDIATION BOARD**

11 **SEC. 901. AUTHORITY OF INSPECTOR GENERAL.**

12 Title I of the Railway Labor Act (45 U.S.C. 151 et
13 seq.) is amended by adding at the end the following:

14 “AUTHORITY OF INSPECTOR GENERAL

15 “SEC. 15. (a) IN GENERAL.—The Inspector General
16 of the Department of Transportation, in accordance with
17 the mission of the Inspector General to prevent and detect
18 fraud and abuse, is authorized to review the financial
19 management, property management, and business oper-
20 ations of the Mediation Board, including internal account-
21 ing and administrative control systems, to determine com-
22 pliance with applicable Federal laws, rules, and regula-
23 tions.

24 “(b) DUTIES.—In carrying out this section, the In-
25 spector General shall—

1 “(1) keep the chairman of the Mediation Board
2 and Congress fully and currently informed about
3 problems relating to administration of the internal
4 accounting and administrative control systems of the
5 Mediation Board;

6 “(2) issue findings and recommendations for
7 actions to address such problems; and

8 “(3) report periodically to Congress on any
9 progress made in implementing actions to address
10 such problems.

11 “(c) ACCESS TO INFORMATION.—In carrying out this
12 section, the Inspector General may exercise authorities
13 granted to the Inspector General under subsections (a)
14 and (b) of section 6 of the Inspector General Act of 1978
15 (5 U.S.C. App.).

16 “(d) AUTHORIZATIONS OF APPROPRIATIONS.—

17 “(1) FUNDING.—There are authorized to be ap-
18 propriated to the Secretary of Transportation for
19 use by the Inspector General of the Department of
20 Transportation not more than \$125,000 for each of
21 fiscal years 2011 through 2014 to cover expenses as-
22 sociated with activities pursuant to the authority ex-
23 ercised under this section.

24 “(2) REIMBURSABLE AGREEMENT.—In the ab-
25 sence of an appropriation under this subsection for

1 an expense referred to in paragraph (1), the Inspec-
2 tor General and the Mediation Board shall have a
3 reimbursable agreement to cover such expense.”.

4 **SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDI-**
5 **ATION BOARD.**

6 Title I of the Railway Labor Act (as amended by sec-
7 tion 901 of this Act) is further amended by adding at the
8 end the following:

9 “EVALUATION AND AUDIT OF MEDIATION BOARD

10 “SEC. 16. (a) IN GENERAL.—In order to promote
11 economy, efficiency, and effectiveness in the administra-
12 tion of the programs, operations, and activities of the Me-
13 diation Board, the Comptroller General shall evaluate and
14 audit the programs and expenditures of the Mediation
15 Board. Such an evaluation and audit shall be conducted
16 at least annually, but may be conducted as determined
17 necessary by the Comptroller General or the appropriate
18 congressional committees.

19 “(b) RESPONSIBILITY OF COMPTROLLER GEN-
20 ERAL.—The Comptroller General shall evaluate and audit
21 Mediation Board programs, operations, and activities, in-
22 cluding at a minimum—

23 “(1) information management and security, in-
24 cluding privacy protection of personally identifiable
25 information;

26 “(2) resource management;

1 “(3) workforce development;

2 “(4) procurement and contracting planning,
3 practices, and policies;

4 “(5) the extent to which the Mediation Board
5 follows leading practices in selected management
6 areas; and

7 “(6) the processes the Mediation Board follows
8 to address challenges in—

9 “(A) initial investigations of representation
10 applications;

11 “(B) determining and certifying represent-
12 atives of employees; and

13 “(C) ensuring that the process occurs with-
14 out interference, influence, or coercion.

15 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
16 DEFINED.—In this section, the term ‘appropriate congres-
17 sional committees’ means the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committee on Commerce, Science, and Transpor-
20 tation of the Senate.”.

21 **SEC. 903. REPEAL OF RULE.**

22 Effective January 1, 2011, the rule prescribed by the
23 National Mediation Board relating to representation elec-
24 tion procedures published on May 11, 2010 (95 Fed. Reg.

1 26062) and revising sections 1202 and 1206 of title 29,
2 Code of Federal Regulations, shall have no force or effect.

3 **TITLE X—COMMERCIAL SPACE**
4 **TRANSPORTATION**

5 **SEC. 1001. SPACE FLIGHT PASSENGERS.**

6 Chapter 701 is amended—

7 (1) by striking “space flight participant” each
8 place it appears and inserting “space flight pas-
9 senger”; and

10 (2) by striking “space flight participants” each
11 place it appears and inserting “space flight pas-
12 sengers”.

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