

110TH CONGRESS
1ST SESSION

H. R. 2881

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2007

Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. DEFazio, Ms. NORTON, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mrs. TAUSCHER, Mr. BOSWELL, Mr. HOLDEN, Mr. BAIRD, Mr. LARSEN of Washington, Mr. CAPUANO, Ms. CARSON, Mr. BISHOP of New York, Mr. HIGGINS, Mr. CARNAHAN, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. LIPINSKI, Ms. MATSUI, Mr. SPACE, Ms. HIRONO, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. HALL of New York, Mr. KAGEN, and Mr. COHEN) 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 2008 through 2011, to 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 Act of 2007”.

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.

Subtitle B—Passenger Facility Charges

- Sec. 111. PFC authority.
- Sec. 112. PFC eligibility for bicycle storage.
- Sec. 113. Noise compatibility projects.
- Sec. 114. Intermodal ground access project pilot program.
- Sec. 115. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

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

Subtitle D—AIP Modifications

- Sec. 131. Amendments to AIP definitions.
- Sec. 132. Amendments to grant assurances.
- Sec. 133. Government share of project costs.
- Sec. 134. Amendments to allowable costs.
- Sec. 135. Uniform certification training for airport concessions under disadvantaged business enterprise program.
- Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.
- Sec. 137. Calculation of State apportionment fund.
- Sec. 138. Reducing apportionments.
- Sec. 139. Minimum amount for discretionary fund.
- Sec. 140. Marshall Islands, Micronesia, and Palau.
- Sec. 141. Use of apportioned amounts.
- Sec. 142. Sale of private airport to public sponsor.
- Sec. 143. Airport privatization pilot program.
- Sec. 144. Airport security program.
- Sec. 145. Sunset of pilot program for purchase of airport development rights.
- Sec. 146. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 147. Repeal of limitations on Metropolitan Washington Airports Authority.

- Sec. 148. Midway Island Airport.
- Sec. 149. Miscellaneous amendments.

TITLE II—AIR TRAFFIC CONTROL MODERNIZATION

Subtitle A—Next Generation Air Transportation System

- Sec. 201. Mission statement; sense of Congress.
- Sec. 202. Next generation air transportation system joint planning and development office.
- Sec. 203. Next Generation Air Transportation Senior Policy Committee.
- Sec. 204. Automatic dependent surveillance-broadcast services.
- Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.
- Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.
- Sec. 208. DOT inspector general review of operational and approach procedures by a third party.
- Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.
- Sec. 210. NEXTGEN technology testbed.

Subtitle B—Miscellaneous

- Sec. 211. Clarification of authority to enter into reimbursable agreements.
- Sec. 212. Definition of air navigation facility.
- Sec. 213. Improved management of property inventory.
- Sec. 214. Clarification to acquisition reform authority.
- Sec. 215. Assistance to foreign aviation authorities.
- Sec. 216. Front line manager staffing.
- Sec. 217. Flight service stations.

TITLE III—SAFETY

Subtitle A—General Provisions

- Sec. 301. Age standards for pilots.
- Sec. 302. Judicial review of denial of airman certificates.
- Sec. 303. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 304. Inspection of foreign repair stations.
- Sec. 305. Runway incursion reduction.
- Sec. 306. Improved pilot licenses.
- Sec. 307. Aircraft fuel tank safety improvement.
- Sec. 308. Flight crew fatigue.
- Sec. 309. OSHA standards.
- Sec. 310. Aircraft surveillance in mountainous areas.
- Sec. 311. Off-airport, low-altitude aircraft weather observation technology.

Subtitle B—Unmanned Aircraft Systems

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

TITLE IV—AIR SERVICE IMPROVEMENTS

- Sec. 401. Monthly air carrier reports.
- Sec. 402. Flight operations at Reagan National Airport.
- Sec. 403. EAS contract guidelines.
- Sec. 404. Essential air service reform.
- Sec. 405. Small community air service.
- Sec. 406. Air passenger service improvements.
- Sec. 407. Contents of competition plans.
- Sec. 408. Extension of competitive access reports.
- Sec. 409. Contract tower program.
- Sec. 410. Airfares for members of the Armed Forces.
- Sec. 411. Medical oxygen and portable respiratory assistive devices.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. CLEEN engine and airframe technology partnership.
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 507. Environmental mitigation pilot program.
- Sec. 508. Aircraft departure queue management pilot program.
- Sec. 509. High performance and sustainable air traffic control facilities.
- Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.
- Sec. 511. Production of alternative jet fuel technology for civil aircraft.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. MSPB remedial authority for FAA employees.
- Sec. 602. FAA technical training and staffing.
- Sec. 603. Designee program.
- Sec. 604. Staffing model for aviation safety inspectors.
- Sec. 605. Safety critical staffing.
- Sec. 606. Center for excellence in aviation employment.
- Sec. 607. FAA air traffic controller staffing.
- Sec. 608. Assessment of training programs for air traffic controllers.
- Sec. 609. Collegiate training initiative study.

TITLE VII—AVIATION INSURANCE

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

TITLE VIII—MISCELLANEOUS

- Sec. 801. Air carrier citizenship.
- Sec. 802. Disclosure of data to Federal agencies in interest of national security.
- Sec. 803. FAA access to criminal history records and database systems.
- Sec. 804. Clarification of air carrier fee disputes.

- Sec. 805. Study on national plan of integrated airport systems.
- Sec. 806. Consolidation and realignment of FAA facilities.
- Sec. 807. Transportation Security Administration centralized training facility feasibility study.
- Sec. 808. GAO study on cooperation of airline industry in international child abduction cases.
- Sec. 809. Lost Nation Airport, Ohio.
- Sec. 810. Pollock Municipal Airport, Louisiana.
- Sec. 811. Human intervention and motivation study program.
- Sec. 812. Washington, D.C., Air Defense Identification Zone.
- Sec. 813. Merrill Field Airport, municipality of Anchorage, Alaska.
- Sec. 814. William P. Hobby Airport, Houston, Texas.

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 apply only to fiscal
 11 years beginning after September 30, 2007.

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—
 19 (1) by striking “September 30, 2003” and in-
 20 serting “September 30, 2007”; and

1 (2) by striking paragraphs (1) through (4) and
 2 inserting the following:

3 “(1) \$3,800,000,000 for fiscal year 2008;

4 “(2) \$3,900,000,000 fiscal year 2009;

5 “(3) \$4,000,000,000 fiscal year 2010; and

6 “(4) \$4,100,000,000 fiscal year 2011.”.

7 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
 8 is amended by striking “September 30, 2007” and insert-
 9 ing “September 30, 2011”.

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

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 12 48101(a) is amended by striking paragraphs (1) through
 13 (4) and inserting the following:

14 “(1) \$3,120,000,000 for fiscal year 2008;

15 “(2) \$3,246,000,000 for fiscal year 2009;

16 “(3) \$3,259,000,000 for fiscal year 2010; and

17 “(4) \$3,353,000,000 for fiscal year 2011.”.

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

21 “(c) WAKE VORTEX MITIGATION.—Of amounts ap-
 22 propriated under subsection (a), such sums as may be nec-
 23 essary for each of fiscal years 2008 through 2011 may
 24 be used for the development and analysis of wake vortex
 25 mitigation, including advisory systems.

1 “(d) WEATHER HAZARDS.—

2 “(1) IN GENERAL.—Of amounts appropriated
3 under subsection (a), such sums as may be nec-
4 essary for each of fiscal years 2008 through 2011
5 may be used for the development of in-flight and
6 ground-based weather threat mitigation systems, in-
7 cluding ground de-icing and anti-icing systems and
8 other systems for predicting, detecting, and miti-
9 gating the effects of certain weather conditions on
10 both airframes and engines.

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

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

15 “(B) oceanic weather, including convective
16 weather, and other hazards associated with oce-
17 anic operations (where commercial traffic is
18 high and only rudimentary satellite sensing is
19 available) to reduce the hazards presented to
20 commercial aviation, including convective
21 weather ice crystal ingestion threats; and

22 “(C) en route turbulence prediction.

23 “(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts
24 appropriated under subsection (a) and section 106(k)(1),
25 such sums as may be necessary for each of fiscal years

1 2008 through 2011 may be used to advance the develop-
 2 ment and implementation of safety management systems.

3 “(f) RUNWAY INCURSION REDUCTION PROGRAMS.—
 4 Of amounts appropriated under subsection (a),
 5 \$8,000,000 for fiscal year 2008, \$10,000,000 for fiscal
 6 year 2009, \$12,000,000 for fiscal year 2010, and
 7 \$12,000,000 for fiscal year 2011 may be used for the de-
 8 velopment and implementation of runway incursion reduc-
 9 tion programs.

10 “(g) RUNWAY STATUS LIGHTS.—Of amounts appro-
 11 priated under subsection (a), \$15,000,000 for fiscal year
 12 2008, \$27,000,000 for fiscal year 2009, \$12,000,000 for
 13 fiscal year 2010, and \$20,000,000 for 2011 may be used
 14 for the acquisition and installation of runway status
 15 lights.”.

16 **SEC. 103. FAA OPERATIONS.**

17 (a) IN GENERAL.—Section 106(k)(1) is amended by
 18 striking subparagraphs (A) through (D) and inserting the
 19 following:

20 “(A) \$8,726,000,000 for fiscal year 2008;

21 “(B) \$8,978,000,000 for fiscal year 2009;

22 “(C) \$9,305,000,000 for fiscal year 2010;

23 and

24 “(D) \$9,590,000,000 for fiscal year
 25 2011.”.

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

3 (1) by striking subparagraphs (A), (B), (C),
4 (D), and (F);

5 (2) by redesignating subparagraphs (E) and
6 (G) as subparagraphs (A) and (B), respectively; and

7 (3) in subparagraphs (A) and (B) (as so redesi-
8 gnated) by striking “2004 through 2007” and in-
9 serting “2008 through 2011”.

10 (c) AIRLINE DATA AND ANALYSIS.—There is author-
11 ized to be appropriated to the Secretary of Transportation
12 out of the Airport and Airway Trust Fund established by
13 section 9502 of the Internal Revenue Code of 1986 (26
14 U.S.C. 9502) to fund airline data collection and analysis
15 by the Bureau of Transportation Statistics in the Re-
16 search and Innovative Technology Administration of the
17 Department of Transportation—

18 (1) \$4,000,000 for fiscal year 2008; and

19 (2) \$6,000,000 for each of fiscal years 2009,
20 2010, and 2011.

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

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

1 “(A) IN GENERAL.—The total budget re-
2 sources made available from the Airport and
3 Airway Trust Fund each fiscal year through fis-
4 cal year 2011 pursuant to sections 48101,
5 48102, 48103, and 106(k) shall—

6 “(i) in each of fiscal years 2008 and
7 2009, be equal to 95 percent of the esti-
8 mated level of receipts plus interest cred-
9 ited to the Airport and Airway Trust Fund
10 for that fiscal year; and

11 “(ii) in each of fiscal years 2010 and
12 2011, be equal to the sum of—

13 “(I) 95 percent of the estimated
14 level of receipts plus interest credited
15 to the Airport and Airway Trust
16 Fund for that fiscal year; and

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

1 Such amounts may be used only for avia-
 2 tion investment programs listed in sub-
 3 section (b).’”.

4 (b) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-
 5 TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)
 6 is amended by striking “2007” and inserting “2011”.

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

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

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

14 (d) ENFORCEMENT OF GUARANTEES.—Section
 15 48114(c)(2) is amended by striking “2007” and inserting
 16 “2011”.

17 **Subtitle B—Passenger Facility** 18 **Charges**

19 **SEC. 111. PFC AUTHORITY.**

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

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

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

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

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

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

9 (d) CORRECTION OF REFERENCES.—

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

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

14 (B) in the heading for paragraph (5) of
 15 subsection (a) by striking “FEE” and inserting
 16 “CHARGE”;

17 (C) in the heading for subsection (e) by
 18 striking “FEES” and inserting “CHARGES”;

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

21 (E) in the heading for paragraph (5) of
 22 subsection (l) by striking “FEE” and inserting
 23 “CHARGE”;

24 (F) in the heading for subsection (m) by
 25 striking “FEES” and inserting “CHARGES”;

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

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

7 (I) by striking “fees” each place it appears
 8 and inserting “charges”.

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

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

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

15 (C) Section 47114(f).

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

17 (E) Section 47139(b).

18 (F) Section 47524(e).

19 (G) Section 47526(2).

20 (H) Section 49108(2).

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

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

24 “(H) A project to construct secure bicycle
 25 storage facilities that are to be used by pas-

1 sengers at the airport and that are in compli-
2 ance with applicable security standards.”.

3 (b) REPORT TO CONGRESS.—Not later than one year
4 after the date of enactment of this Act, the Administrator
5 of the Federal Aviation Administration shall submit to
6 Congress a report on the progress being made by airports
7 to install bicycle parking for airport customers and airport
8 employees.

9 **SEC. 113. NOISE COMPATIBILITY PROJECTS.**

10 Section 40117(b) is amended by adding at the end
11 the following:

12 “(7) NOISE MITIGATION FOR CERTAIN
13 SCHOOLS.—

14 “(A) IN GENERAL.—In addition to the
15 uses specified in paragraphs (1), (4), and (6),
16 the Secretary may authorize a passenger facility
17 charge imposed under paragraph (1) or (4) at
18 a large hub airport that is the subject of an
19 amended judgment and final order in con-
20 demnation filed on January 7, 1980, by the Su-
21 perior Court of the State of California for the
22 county of Los Angeles, to be used for a project
23 to carry out noise mitigation for a building, or
24 for the replacement of a relocatable building
25 with a permanent building, in the noise im-

1 pacted area surrounding the airport at which
2 such building is used primarily for educational
3 purposes, notwithstanding the air easement
4 granted or any terms to the contrary in such
5 judgment and final order, if—

6 “(i) the Secretary determines that the
7 building is adversely affected by airport
8 noise;

9 “(ii) the building is owned or char-
10 tered by the school district that was the
11 plaintiff in case number 986,442 or
12 986,446, which was resolved by such judg-
13 ment and final order;

14 “(iii) the project is for a school identi-
15 fied in 1 of the settlement agreements ef-
16 fective February 16, 2005, between the
17 airport and each of the school districts;

18 “(iv) in the case of a project to re-
19 place a relocatable building with a perma-
20 nent building, the eligible project costs are
21 limited to the actual structural construc-
22 tion costs necessary to mitigate aircraft
23 noise in instructional classrooms to an in-
24 terior noise level meeting current stand-

1 ards of the Federal Aviation Administra-
2 tion; and

3 “(v) the project otherwise meets the
4 requirements of this section for authoriza-
5 tion of a passenger facility charge.

6 “(B) ELIGIBLE PROJECT COSTS.—In sub-
7 paragraph (A)(iv), the term ‘eligible project
8 costs’ means the difference between the cost of
9 standard school construction and the cost of
10 construction necessary to mitigate classroom
11 noise to the standards of the Federal Aviation
12 Administration.”.

13 **SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT**
14 **PROGRAM.**

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

17 “(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR
18 INTERMODAL GROUND ACCESS PROJECTS.—

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

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

8 “(3) ELIGIBLE COSTS.—

9 “(A) IN GENERAL.—For purposes of para-
10 graph (1), the eligible cost of an intermodal
11 ground access project shall be the total cost of
12 the project multiplied by the ratio that—

13 “(i) the number of individuals pro-
14 jected to use the project to gain access to
15 or depart from the airport; bears to

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

18 “(B) DETERMINATIONS REGARDING PRO-
19 JECTED PROJECT USE.—

20 “(i) IN GENERAL.—Except as pro-
21 vided by clause (ii), the Secretary shall de-
22 termine the projected use of a project for
23 purposes of subparagraph (A) at the time
24 the project is approved under this sub-
25 section.

1 “(ii) PUBLIC TRANSPORTATION
2 PROJECTS.—In the case of a project ap-
3 proved under this section to be financed in
4 part using funds administered by the Fed-
5 eral Transit Administration, the Secretary
6 shall use the travel forecasting model for
7 the project at the time such project is ap-
8 proved by the Federal Transit Administra-
9 tion to enter preliminary engineering to de-
10 termine the projected use of the project for
11 purposes of subparagraph (A).”.

12 **SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING**
13 **CONNECTING PASSENGERS.**

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

17 (1) the impacts on airports of accommodating
18 connecting passengers; and

19 (2) the treatment of airports at which the ma-
20 jority of passengers are connecting passengers under
21 the passenger facility charge program authorized by
22 section 40117 of title 49, United States Code.

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

1 (1) the differences in facility needs, and the
2 costs for constructing, maintaining, and operating
3 those facilities, for airports at which the majority of
4 passengers are connecting passengers as compared
5 to airports at which the majority of passengers are
6 originating and destination passengers;

7 (2) whether the costs to an airport of accommo-
8 dating additional connecting passengers differs from
9 the cost of accommodating additional originating
10 and destination passengers;

11 (3) for each airport charging a passenger facil-
12 ity charge, the percentage of passenger facility
13 charge revenue attributable to connecting passengers
14 and the percentage of such revenue attributable to
15 originating and destination passengers;

16 (4) the potential effects on airport revenues of
17 requiring airports to charge different levels of pas-
18 senger facility charges on connecting passengers and
19 originating and destination passengers; and

20 (5) the added costs to air carriers of collecting
21 passenger facility charges under a system in which
22 different levels of passenger facility charges are im-
23 posed on connecting passengers and originating and
24 destination passengers.

25 (c) REPORT TO CONGRESS.—

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

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

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

8 (B) recommendations, if any, of the Sec-
 9 retary based on the results of the study for any
 10 changes to the passenger facility charge pro-
 11 gram, including recommendations as to whether
 12 different levels of passenger facility charges
 13 should be imposed on connecting passengers
 14 and originating and destination passengers.

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

16 **SEC. 121. UPDATE ON OVERFLIGHTS.**

17 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

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

19 “(b) ESTABLISHMENT AND ADJUSTMENT OF
 20 FEES.—

21 “(1) IN GENERAL.—In establishing and adjust-
 22 ing fees under subsection (a), the Administrator
 23 shall ensure that the fees are reasonably related to
 24 the Administration’s costs, as determined by the Ad-
 25 ministrator, of providing the services rendered. Serv-

1 ices for which costs may be recovered include the
2 costs of air traffic control, navigation, weather serv-
3 ices, training, and emergency services which are
4 available to facilitate safe transportation over the
5 United States and the costs of other services pro-
6 vided by the Administrator, or by programs financed
7 by the Administrator, to flights that neither take off
8 nor land in the United States. The determination of
9 such costs by the Administrator, and the allocation
10 of such costs by the Administrator to services pro-
11 vided, are not subject to judicial review.

12 “(2) ADJUSTMENT OF FEES.—The Adminis-
13 trator shall adjust the overflight fees established by
14 subsection (a)(1) by expedited rulemaking and begin
15 collections under the adjusted fees by October 1,
16 2008. In developing the adjusted overflight fees, the
17 Administrator may seek and consider the rec-
18 ommendations offered by an aviation rulemaking
19 committee for overflight fees that are provided to
20 the Administrator by June 1, 2008, and are in-
21 tended to ensure that overflight fees are reasonably
22 related to the Administrator’s costs of providing air
23 traffic control and related services to overflights.

24 “(3) AIRCRAFT ALTITUDE.—Nothing in this
25 section shall require the Administrator to take into

1 account aircraft altitude in establishing any fee for
2 aircraft operations in en route or oceanic airspace.

3 “(4) COSTS DEFINED.—In this subsection, the
4 term ‘costs’ includes those costs associated with the
5 operation, maintenance, leasing costs, and overhead
6 expenses of the services provided and the facilities
7 and equipment used in such services, including the
8 projected costs for the period during which the serv-
9 ices will be provided.

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

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

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

22 **SEC. 122. REGISTRATION FEES.**

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

1 **“§ 45305. Registration, certification, and related fees**

2 “(a) GENERAL AUTHORITY AND FEES.—The Admin-
3 istrator of the Federal Aviation Administration shall es-
4 tablish the following fees for services and activities of the
5 Administration:

6 “(1) \$130 for registering an aircraft.

7 “(2) \$45 for replacing an aircraft registration.

8 “(3) \$130 for issuing an original dealer’s air-
9 craft certificate.

10 “(4) \$105 for issuing an aircraft certificate
11 (other than an original dealer’s aircraft certificate).

12 “(5) \$80 for issuing a special registration num-
13 ber.

14 “(6) \$50 for issuing a renewal of a special reg-
15 istration number.

16 “(7) \$130 for recording a security interest in
17 an aircraft or aircraft part.

18 “(8) \$50 for issuing an airman certificate.

19 “(9) \$25 for issuing a replacement airman cer-
20 tificate.

21 “(10) \$42 for issuing an airman medical certifi-
22 cate.

23 “(11) \$100 for providing a legal opinion per-
24 taining to aircraft registration or recordation.

25 “(b) FEES CREDITED AS OFFSETTING COLLEC-
26 TIONS.—

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

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

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

11 “(C) remain available until expended.

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

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

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 453 is amended by adding at the end the following:
 “45305. Registration, certification, and related fees.”.

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

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

7 “(1) IN GENERAL.—A fee”; and

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

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

14 **Subtitle D—AIP Modifications**

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

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

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

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

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

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

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

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

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

17 (1) by redesignating paragraphs (23) through
18 (25) as paragraphs (25) through (28), respectively;

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

21 and

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

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

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

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

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

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

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

20 “(29) ‘terminal development’ means—

21 “(A) development of—

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

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

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

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

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

8 **SEC. 132. AMENDMENTS TO GRANT ASSURANCES.**

9 (a) GENERAL WRITTEN ASSURANCES.—Section
 10 47107(a)(16)(D)(ii) is amended by inserting before the
 11 semicolon at the end the following: “, except in the case
 12 of a relocation or replacement of an existing airport facil-
 13 ity that meets the conditions of section 47110(d)”.

14 (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

15 (1) USE OF PROCEEDS.—Section
 16 47107(c)(2)(A)(iii) is amended by striking “paid to
 17 the Secretary” and all that follows before the semi-
 18 colon and inserting “reinvested in another project at
 19 the airport or transferred to another airport as the
 20 Secretary prescribes under paragraph (4)”.

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

23 “(4) PRIORITIES FOR REINVESTMENT.—In ap-
 24 proving the reinvestment or transfer of proceeds
 25 under subsection (c)(2)(A)(iii), the Secretary shall

1 give preference, in descending order, to the following
2 actions:

3 “(A) Reinvestment in an approved noise
4 compatibility project.

5 “(B) Reinvestment in an approved project
6 that is eligible for funding under section
7 47117(e).

8 “(C) Reinvestment in an approved airport
9 development project that is eligible for funding
10 under sections 47114, 47115, or 47117.

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

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

16 (c) CLERICAL AMENDMENT.—Section
17 47107(c)(2)(B)(iii) is amended by striking “the Fund”
18 and inserting “the Airport and Airway Trust Fund estab-
19 lished under section 9502 of the Internal Revenue Code
20 of 1986 (26 U.S.C. 9502)”.

21 **SEC. 133. GOVERNMENT SHARE OF PROJECT COSTS.**

22 Section 47109 is amended—

23 (1) in subsection (a) by striking “provided in
24 subsection (b) or subsection (c) of this section” and

1 inserting “otherwise specifically provided in this sec-
 2 tion”; and

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

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

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

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

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

21 **SEC. 134. AMENDMENTS TO ALLOWABLE COSTS.**

22 (a) ALLOWABLE PROJECT COSTS.—Section
 23 47110(b)(2) is amended—

24 (1) by striking “or” at the end of subparagraph
 25 (C);

1 (2) by striking the semicolon at the end of sub-
2 paragraph (D) and inserting “; or”; and

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

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

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

11 “(ii) the cost is in accordance with an air-
12 port layout plan approved by the Secretary and
13 with all statutory and administrative require-
14 ments that would have been applicable to the
15 project if the project had been carried out after
16 execution of the grant agreement;

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

20 “(iv) the sponsor’s decision to proceed with
21 the project in advance of execution of the grant
22 agreement does not affect the priority assigned
23 to the project by the Secretary for the alloca-
24 tion of discretionary funds;”.

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

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

3 “(d) RELOCATION OF AIRPORT-OWNED FACILI-
4 TIES.—The Secretary may determine that the costs of re-
5 locating or replacing an airport-owned facility are allow-
6 able for an airport development project at an airport only
7 if—

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

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

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

16 (c) NONPRIMARY AIRPORTS.—Section 47110(h) is
17 amended—

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

20 (2) by striking “, including fuel farms and
21 hangars,”.

22 **SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIR-**
23 **PORT CONCESSIONS UNDER DISADVAN-**
24 **TAGED BUSINESS ENTERPRISE PROGRAM.**

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

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

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

5 “(8) MANDATORY TRAINING PROGRAM FOR AIR-
6 PORT CONCESSIONS.—

7 “(A) IN GENERAL.—Not later than one
8 year after the date of enactment of this sub-
9 section, the Secretary shall establish a manda-
10 tory training program for persons described in
11 subparagraph (C) on the certification of wheth-
12 er a small business concern in airport conces-
13 sions qualifies as a small business concern
14 owned and controlled by a socially and economi-
15 cally disadvantaged individual for purposes of
16 paragraph (1).

17 “(B) IMPLEMENTATION.—The training
18 program may be implemented by one or more
19 private entities approved by the Secretary.

20 “(C) PARTICIPANTS.—Each official or
21 agent of an airport owner or operator who is re-
22 quired to provide a written assurance under
23 paragraph (1) that the airport owner or oper-
24 ator will meet the percentage goal of paragraph
25 (1) or who is responsible for determining

whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.”.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (a).

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

1 (B) by inserting after subparagraph (A)
 2 the following:

3 “(B) ‘small business concern’ has the same
 4 meaning given that term in section 3 of the Small
 5 Business Act (15 U.S.C. 632).”; and

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

7 “(3) A contract involving labor for carrying out an
 8 airport development project under a grant agreement
 9 under this subchapter must require that a preference be
 10 given to the use of small business concerns owned and con-
 11 trolled by disabled veterans.”.

12 **SEC. 137. CALCULATION OF STATE APPORTIONMENT FUND.**

13 Section 47114(d) is amended—

14 (1) in paragraph (2)—

15 (A) by striking “Except as provided in
 16 paragraph (3), the Secretary” and inserting
 17 “The Secretary”; and

18 (B) by striking “18.5 percent” and insert-
 19 ing “10 percent”; and

20 (2) by striking paragraph (3) and inserting the
 21 following:

22 “(3) ADDITIONAL AMOUNT.—

23 “(A) IN GENERAL.—In addition to
 24 amounts apportioned under paragraph (2) and
 25 subject to subparagraph (B), the Secretary

shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

“(i) \$150,000; or

“(ii) $\frac{1}{5}$ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

“(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than \$300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of \$300,000,000.”.

SEC. 138. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) in subparagraph (B)—

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

3 (B) by striking the period at the end and
4 inserting “; and”; and

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

6 “(C) in the case of a charge of more than
7 \$4.50 imposed by the sponsor of an airport en-
8 planing at least one percent of the total number
9 of boardings each year in the United States,
10 100 percent of the projected revenues from the
11 charge in the fiscal year but not more than 100
12 percent of the amount that otherwise would be
13 apportioned under this section.”.

14 **SEC. 139. MINIMUM AMOUNT FOR DISCRETIONARY FUND.**

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

19 **SEC. 140. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

20 Section 47115(j) is amended by striking “fiscal years
21 2004 through 2007” and inserting “fiscal years 2008
22 through 2011”.

23 **SEC. 141. USE OF APPORTIONED AMOUNTS.**

24 Section 47117(e)(1)(A) is amended—

25 (1) in the first sentence—

1 (A) by striking “35 percent” and inserting
2 “\$300,000,000”;

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

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

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

14 **SEC. 142. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

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

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

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

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

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

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

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

4 “(C) an amount equal to the remaining
 5 unamortized portion of any airport improve-
 6 ment grant made to that airport for purposes
 7 other than land acquisition, amortized over a
 8 20-year period, plus an amount equal to the
 9 Federal share of the current fair market value
 10 of any land acquired with an airport improve-
 11 ment grant made to that airport, is repaid to
 12 the Secretary by the private owner.

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

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

19 **SEC. 143. AIRPORT PRIVATIZATION PILOT PROGRAM.**

20 (a) APPROVAL REQUIREMENTS.—Section 47134 is
 21 amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), and
 22 (c)(4)(A) by striking “65 percent” and inserting “75 per-
 23 cent”.

24 (b) PROHIBITION ON RECEIPT OF FUNDS.—

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

3 “(n) PROHIBITION ON RECEIPT OF CERTAIN
4 FUNDS.—An airport receiving an exemption under sub-
5 section (b) shall be prohibited from receiving apportion-
6 ments under section 47114 or discretionary funds under
7 section 47115.”.

8 (2) CONFORMING AMENDMENTS.—Section
9 47134(g) is amended—

10 (A) in the subsection heading by striking
11 “APPORTIONMENTS;”;

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

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

15 (D) by redesignating paragraph (3) as
16 paragraph (2).

17 (c) FEDERAL SHARE OF PROJECT COSTS.—Section
18 47109(a) is amended—

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

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

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

1 **SEC. 144. AIRPORT SECURITY PROGRAM.**

2 Section 47137(g) is amended by striking
3 “\$5,000,000” and inserting “\$8,500,000”.

4 **SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**
5 **AIRPORT DEVELOPMENT RIGHTS.**

6 Section 47138 is amended by adding at the end the
7 following:

8 “(f) SUNSET.—This section shall not be in effect
9 after September 30, 2007.”.

10 **SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
11 **IBLE LAND USE PLANNING AND PROJECTS**
12 **BY STATE AND LOCAL GOVERNMENTS.**

13 Section 47141(f) is amended by striking “September
14 30, 2007” and inserting “September 30, 2011”.

15 **SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN**
16 **WASHINGTON AIRPORTS AUTHORITY.**

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

19 **SEC. 148. MIDWAY ISLAND AIRPORT.**

20 Section 186(d) of the Vision 100—Century of Avia-
21 tion Reauthorization Act (117 Stat. 2518) is amended by
22 striking “October 1, 2007” and inserting “October 1,
23 2011”.

1 **SEC. 149. MISCELLANEOUS AMENDMENTS.**

2 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF
3 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is
4 amended—

5 (1) in subsection (a)—

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

8 (B) in paragraph (1) by striking “system
9 in the particular area;” and inserting “system,
10 including connection to the surface transpor-
11 tation network; and”;

12 (C) in paragraph (2) by striking “; and”
13 and inserting a period; and

14 (D) by striking paragraph (3);

15 (2) in subsection (b)—

16 (A) by striking paragraph (2) and redesign-
17 ating paragraph (3) as paragraph (2); and

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

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

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

26 (1) in paragraph (1)—

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

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

5 “(C) ‘Afghanistan-Iraq war veteran’ means an
 6 individual who served on active duty (as defined by
 7 section 101 of title 38) in the armed forces for a pe-
 8 riod of more than 180 consecutive days, any part of
 9 which occurred during the period beginning on Sep-
 10 tember 11, 2001, and ending on the date prescribed
 11 by presidential proclamation or by law as the last
 12 date of Operation Iraqi Freedom, and who was sepa-
 13 rated from the armed forces under honorable condi-
 14 tions.”; and

15 (2) in paragraph (2) by striking “veterans and”
 16 and inserting “veterans, Afghanistan-Iraq war vet-
 17 erans, and”.

18 (c) CONSOLIDATION OF TERMINAL DEVELOPMENT

19 PROVISIONS.—Section 47119 is amended—

20 (1) by redesignating subsections (a), (b), (c)
 21 and (d) as subsections (b), (c), (d) and (e), respec-
 22 tively; and

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

25 “(a) TERMINAL DEVELOPMENT PROJECTS.—

1 “(1) IN GENERAL.—The Secretary may approve
2 a project for terminal development (including
3 multimodal terminal development) in a nonrevenue-
4 producing public-use area of a commercial service
5 airport—

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

9 “(i) all the safety equipment required
10 for certification of the airport under sec-
11 tion 44706;

12 “(ii) all the security equipment re-
13 quired by regulation; and

14 “(iii) provided for access by pas-
15 sengers to the area of the airport for
16 boarding or exiting aircraft that are not
17 air carrier aircraft;

18 “(B) if the cost is directly related to mov-
19 ing passengers and baggage in air commerce
20 within the airport, including vehicles for moving
21 passengers between terminal facilities and be-
22 tween terminal facilities and aircraft; and

23 “(C) under terms necessary to protect the
24 interests of the Government.

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

9 “(A) except as provided in section
10 47108(e)(3), the airport does not have more
11 than .05 percent of the total annual passenger
12 boardings in the United States; and

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

17 (3) in paragraphs (3) and (4)(A) of subsection
18 (b) (as redesignated by paragraph (1) of this sub-
19 section) by striking “section 47110(d)” and insert-
20 ing “subsection (a)”; and

21 (4) in paragraph (5) of subsection (b) (as re-
22 designated by paragraph (1) of this subsection) by
23 striking “subsection (b)(1) and (2)” and inserting
24 “subsections (c)(1) and (c)(2)”;

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

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

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

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

15 (d) ANNUAL REPORT.—Section 47131(a) is amend-
 16 ed—

17 (1) by striking “April 1” and inserting “June
 18 1”; and

19 (2) by striking paragraphs (1), (2), (3), and (4)
 20 and inserting the following:

21 “(1) a summary of airport development and
 22 planning completed;

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

24 “(3) an accounting of discretionary and appor-
 25 tioned funds allocated;

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

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

4 (1) in subsection (a) by striking
5 “47102(3)(F),”; and

6 (2) in subsection (b) by striking
7 “47102(3)(F),” each place it appears.

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

11 (g) OTHER CONFORMING AMENDMENTS.—Sections
12 40117(a)(3) and 47108(e)(3) are each amended by strik-
13 ing “section 47110(d)” each place it appears and inserting
14 “section 47119(a)”.

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

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

1 **TITLE II—AIR TRAFFIC**
2 **CONTROL MODERNIZATION**
3 **Subtitle A—Next Generation Air**
4 **Transportation System**

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

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

7 (1) The United States faces a great national
8 challenge as the Nation’s aviation infrastructure is
9 at a crossroads.

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

19 (3) The aviation industry accounts for more
20 than 10,000,000 jobs in the United States and con-
21 tributes approximately \$900,000,000,000 annually
22 to the United States gross domestic product.

23 (4) The United States air transportation sys-
24 tem continues to drive economic growth in the
25 United States and will continue to be a major eco-

1 nomic driver as air traffic triples over the next 20
2 years.

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

13 (6) The benefits of the NextGen System, in
14 terms of promoting economic growth and develop-
15 ment, are enormous.

16 (7) The NextGen System will guide the path of
17 the United States air transportation system in the
18 challenging years ahead.

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

21 (1) modernizing the air transportation system
22 is a national priority and the United States must
23 make a commitment to revitalizing this essential
24 component of the Nation’s transportation infrastruc-
25 ture;

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

4 (3) the Joint Planning and Development Office
5 of the Federal Aviation Administration and the Next
6 Generation Air Transportation System Senior Policy
7 Committee, each established by Congress in 2003,
8 will lead and facilitate this important national mis-
9 sion to ensure that the programs and capabilities of
10 the NextGen System are carefully integrated and
11 aligned;

12 (4) Government agencies and industry must
13 work together, carefully integrating and aligning
14 their work to meet the needs of the NextGen System
15 in the development of budgets, programs, planning,
16 and research;

17 (5) the Department of Transportation, the Fed-
18 eral Aviation Administration, the Department of De-
19 fense, the Department of Homeland Security, the
20 Department of Commerce, and the National Aero-
21 nautics and Space Administration must work in co-
22 operation and make transformational improvements
23 to the United States air transportation infrastruc-
24 ture a priority; and

1 (6) due to the critical importance of the
2 NextGen System to the economic and national secu-
3 rity of the United States, partner departments and
4 agencies must be provided with the resources re-
5 quired to complete the implementation of the
6 NextGen System.

7 **SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYS-**
8 **TEM JOINT PLANNING AND DEVELOPMENT**
9 **OFFICE.**

10 (a) ESTABLISHMENT.—

11 (1) ASSOCIATE ADMINISTRATOR FOR THE NEXT
12 GENERATION AIR TRANSPORTATION SYSTEM.—Sec-
13 tion 709(a) of Vision 100—Century of Aviation Re-
14 authorization Act (49 U.S.C. 40101 note; 117 Stat.
15 2582) is amended—

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

19 (B) by inserting after paragraph (1) the
20 following:

21 “(2) The director of the Office shall be the Associate
22 Administrator for the Next Generation Air Transportation
23 System, who shall be appointed by the Administrator of
24 the Federal Aviation Administration. The Associate Ad-
25 ministrators shall report to the Administrator.”.

1 (2) 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 Adminis-
9 trator of the National Aeronautics and Space Ad-
10 ministration, the Secretary of Commerce, the Sec-
11 retary of Homeland Security, and the head of any
12 other Federal agency from which the Secretary of
13 Transportation requests assistance under subpara-
14 graph (A) shall designate a senior official in the
15 agency to be responsible for—

16 “(i) carrying out the activities of the agen-
17 cy relating to the Next Generation Air Trans-
18 portation System in coordination with the Of-
19 fice, including the execution of all aspects of the
20 work of the agency in developing and imple-
21 menting the integrated work plan described in
22 subsection (b)(5);

23 “(ii) serving as a liaison for the agency in
24 activities of the agency relating to the Next
25 Generation Air Transportation System and co-

1 ordinating with other Federal agencies involved
2 in activities relating to the System; and

3 “(iii) ensuring that the agency meets its
4 obligations as set forth in any memorandum of
5 understanding executed by or on behalf of the
6 agency relating to the Next Generation Air
7 Transportation System.

8 “(C) The head of a Federal agency referred to
9 in subparagraph (B) shall ensure that—

10 “(i) the responsibilities of the agency relat-
11 ing to the Next Generation Air Transportation
12 System are clearly communicated to the senior
13 official of the agency designated under subpara-
14 graph (B); and

15 “(ii) the performance of the senior official
16 in carrying out the responsibilities of the agency
17 relating to the Next Generation Air Transpor-
18 tation System is reflected in the official’s an-
19 nual performance evaluations and compensa-
20 tion.”.

21 (3) COORDINATION WITH OMB.—Section 709(a)
22 of such Act (117 Stat. 2582) is further amended by
23 adding at the end the following:

24 “(6)(A) The Office shall work with the Director of
25 the Office of Management and Budget to develop a process

1 whereby the Director will identify projects related to the
2 Next Generation Air Transportation System across the
3 agencies referred to in paragraph (4)(A) and consider the
4 Next Generation Air Transportation System as a unified,
5 cross-agency program.

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

8 “(i) oversee the development of the integrated
9 plan under subsection (a)(3)(A);

10 “(ii) ensure that—

11 “(I) each Federal agency covered by the
12 plan has sufficient funds requested in the Presi-
13 dent’s budget, as submitted under section
14 1105(a) of title 31, United States Code, for
15 each fiscal year covered by the plan to carry out
16 its responsibilities under the plan; and

17 “(II) the development and implementation
18 of the Next Generation Air Transportation Sys-
19 tem remains on schedule; and

20 “(iii) identify and justify as part of the Presi-
21 dent’s budget submission any inconsistencies be-
22 tween the plan and amounts requested in the budg-
23 et.

24 “(7) The Associate Administrator of the Next Gen-
25 eration Air Transportation System shall be a voting mem-

1 ber of the Joint Resources Council of the Federal Aviation
2 Administration.”.

3 (b) INTEGRATED PLAN.—Section 709(b) of such Act
4 (117 Stat. 2583) is amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “beyond those currently included in the
7 Federal Aviation Administration’s operational evo-
8 lution plan”;

9 (2) by striking “and” at the end of paragraph
10 (3);

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

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

14 “(5) a multiagency integrated work plan for the
15 Next Generation Air Transportation System that in-
16 cludes—

17 “(A) an outline of the activities required to
18 achieve the end-state architecture, as expressed
19 in the concept of operations and enterprise ar-
20 chitecture documents, that identifies each Fed-
21 eral agency or other entity responsible for each
22 activity in the outline;

23 “(B) details on a year-by-year basis of spe-
24 cific accomplishments, activities, research re-
25 quirements, rulemakings, policy decisions, and

1 other milestones of progress for each Federal
2 agency or entity conducting activities relating to
3 the Next Generation Air Transportation Sys-
4 tem;

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

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

23 “(E) a clear explanation of how each step
24 in the development of the Next Generation Air
25 Transportation System will lead to the following

1 step and of the implications of not successfully
 2 completing a step in the time period described
 3 in the integrated work plan.”.

4 (c) OPERATIONAL EVOLUTION PARTNERSHIP.—Sec-
 5 tion 709(d) of such Act (117 Stat. 2584) is amended to
 6 read as follows:

7 “(d) OPERATIONAL EVOLUTION PARTNERSHIP.—
 8 The Administrator of the Federal Aviation Administration
 9 shall develop and publish annually the document known
 10 as the ‘Operational Evolution Partnership’, or any suc-
 11 cessor document, that provides a detailed description of
 12 how the agency is implementing the Next Generation Air
 13 Transportation System.”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 15 709(e) of such Act (117 Stat. 2584) is amended by strik-
 16 ing “2010” and inserting “2011”.

17 **SEC. 203. NEXT GENERATION AIR TRANSPORTATION SEN-**
 18 **IOR POLICY COMMITTEE.**

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

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

1 “(e) ANNUAL REPORT.—

2 “(1) SUBMISSION TO CONGRESS.—Not later
3 than one year after the date of enactment of this
4 subsection, and annually thereafter on the date of
5 submission of the President’s budget request to Con-
6 gress under section 1105(a) of title 31, United
7 States Code, the Secretary shall submit to the Com-
8 mittee on Transportation and Infrastructure and the
9 Committee on Science of the House of Representa-
10 tives and the Committee on Commerce, Science, and
11 Transportation of the Senate a report summarizing
12 the progress made in carrying out the integrated
13 work plan required by section 709(b)(5) and any
14 changes in that plan.

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

16 “(A) a copy of the updated integrated
17 work plan;

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

23 “(C) a detailed description of—

24 “(i) the success or failure of each item
25 of the integrated work plan for the pre-

vious year and relevant information as to why any milestone was not met; and

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

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

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as “ADS-B”) technology into the national airspace system.

(2) CONTENTS.—The report shall include—

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

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications; and

1 (C) a discussion of protections that the
2 Administration will require as part of any con-
3 tract or program in the event of a contractor's
4 default, bankruptcy, acquisition by another en-
5 tity, or any other event jeopardizing the unin-
6 terrupted provision of ADS-B services.

7 (3) SUBMISSION TO CONGRESS.—Not later than
8 90 days 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 the report
13 prepared under paragraph (1).

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

18 (1) require approval by the Administrator be-
19 fore the contract may be assigned to or assumed by
20 another entity, including any successor entity, sub-
21 sidiary of the contractor, or other corporate entity;

22 (2) provide that the assets, equipment, hard-
23 ware, and software used in the performance of the
24 contract be designated as critical national infrastruc-
25 ture for national security and related purposes;

1 (3) require the contractor to provide continued
2 broadcast services for a reasonable period, as deter-
3 mined by the Administrator, until the provision of
4 such services can be transferred to another vendor
5 or to the Government in the event of a termination
6 of the contract;

7 (4) require the contractor to provide continued
8 broadcast services for a reasonable period, as deter-
9 mined by the Administrator, until the provision of
10 such services can be transferred to another vendor
11 or to the Government in the event of material non-
12 performance, as determined by the Administrator;
13 and

14 (5) permit the Government to acquire or utilize
15 for a reasonable period, as determined by the Ad-
16 ministrator, the assets, equipment, hardware, and
17 software necessary to ensure the continued and un-
18 interrupted provision of ADS-B services and to have
19 ready access to such assets, equipment, hardware,
20 and software through its own personnel, agents, or
21 others, if the Administrator provides reasonable
22 compensation for such acquisition or utilization.

23 (c) REVIEW BY DOT INSPECTOR GENERAL.—

24 (1) IN GENERAL.—The Inspector General of
25 the Department of Transportation shall conduct a

1 review concerning the Federal Aviation Administra-
2 tion's award and oversight of any contract entered
3 into by the Administration to provide ADS-B serv-
4 ices for the national airspace system.

5 (2) CONTENTS.—The review shall include, at a
6 minimum—

7 (A) an examination of how program risks
8 are being managed;

9 (B) an assessment of expected benefits at-
10 tributable to the deployment of ADS-B serv-
11 ices, including the implementation of advanced
12 operational procedures and air-to-air applica-
13 tions as well as to the extent to which ground
14 radar will be retained;

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 whether security
2 issues are being adequately addressed in the
3 overall design and implementation of the ADS–
4 B system; and

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

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

16 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**
17 **CONTROL MODERNIZATION PROJECTS.**

18 (a) IN GENERAL.—The Administrator of the Federal
19 Aviation Administration shall establish a process for in-
20 cluding in the planning, development, and deployment of
21 air traffic control modernization projects (including the
22 Next Generation Air Transportation System) and collabo-
23 rating with qualified employees selected by each exclusive
24 collective bargaining representative of employees of the

1 Administration who are likely to be impacted by such plan-
2 ning, development, and deployment.

3 (b) PARTICIPATION.—

4 (1) BARGAINING OBLIGATIONS AND RIGHTS.—

5 Participation in the process described in subsection

6 (a) shall not be construed as a waiver of any bar-
7 gaining obligations or rights under section
8 40122(a)(1) or 40122(g)(2)(C) of title 49, United
9 States Code.

10 (2) CAPACITY AND COMPENSATION.—Exclusive
11 collective bargaining representatives and selected
12 employees participating in the process described in
13 subsection (a) shall—

14 (A) serve in a collaborative and advisory
15 capacity; and

16 (B) receive appropriate travel and per
17 diem expenses in accordance with the travel
18 policies of the Administration in addition to any
19 regular compensation and benefits.

20 (c) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Administrator shall submit
22 to the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Senate a
25 report on the implementation of this section.

1 **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**
2 **TRANSFORMING TO THE NEXT GENERATION**
3 **AIR TRANSPORTATION SYSTEM.**

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

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

10 (1) An evaluation of the continued implementa-
11 tion and institutionalization of the processes that are
12 key to the ability of the Air Traffic Organization to
13 effectively maintain management structures and sys-
14 tems acquisitions procedures utilized under the cur-
15 rent air traffic control modernization program as a
16 basis for the NextGen System.

17 (2) An assessment of the progress and chal-
18 lenges associated with collaboration and contribu-
19 tions of the partner agencies working with the Joint
20 Planning and Development Office of the Federal
21 Aviation Administration (in this section referred to
22 as the “JPDO”) in planning and implementing the
23 NextGen System.

24 (3) The progress and challenges associated with
25 coordinating government and industry stakeholders
26 in activities relating to the NextGen System, includ-

1 ing an assessment of the contributions of the
2 NextGen Institute.

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

6 (5) An evaluation of the recently modified orga-
7 nizational structure of the JPDO.

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

10 (7) Any other matters or aspects of planning
11 and coordination of the NextGen System by the
12 Federal Aviation Administration and the JPDO that
13 the Comptroller General determines appropriate.

14 (c) REPORTS.—

15 (1) REPORT TO CONGRESS ON PRIORITIES.—

16 Not later than one year after the date of enactment
17 of this Act, the Comptroller General shall determine
18 the priority of topics to be reviewed under this sec-
19 tion and report such priorities to the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate.

23 (2) PERIODIC REPORTS TO CONGRESS ON RE-
24 SULTS OF THE REVIEW.—The Comptroller General
25 shall periodically submit to the committees referred

1 to in paragraph (1) a report on the results of the
2 review conducted under this section.

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

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

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

16 (1) En Route Automation Modernization
17 (ERAM).

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

21 (3) Automatic Dependent Surveillance-Broad-
22 cast (ADS-B).

23 (4) System Wide Information Management
24 (SWIM).

1 (5) Traffic Flow Management Modernization
2 (TFM–M).

3 (c) REVIEW.—The review shall include, at a min-
4 imum, an assessment of the progress and challenges re-
5 lated to the development of standards, regulations, and
6 procedures that will be necessary to implement the
7 NextGen System, including required navigation perform-
8 ance, area navigation, the airspace management program,
9 and other programs and procedures that the Comptroller
10 General identifies as relevant to the transformation of the
11 air traffic system.

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

19 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**
20 **ATIONAL AND APPROACH PROCEDURES BY A**
21 **THIRD PARTY.**

22 (a) REVIEW.—The Inspector General of the Depart-
23 ment of Transportation shall conduct a review regarding
24 the effectiveness of the oversight activities conducted by
25 the Federal Aviation Administration in connection with

1 any agreement with or delegation of authority to a third
2 party for the development of flight procedures for the na-
3 tional airspace system.

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

6 (1) an assessment of the extent to which the
7 Federal Aviation Administration is relying or in-
8 tends to rely on a third party for the development
9 of new procedures and a determination of whether
10 the Administration has established sufficient mecha-
11 nisms and staffing to provide safety oversight of a
12 third party; and

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

19 (c) REPORT.—Not later than one year after the date
20 of enactment of this Act, the Inspector General shall sub-
21 mit to the Committee on Transportation and Infrastruc-
22 ture of the House of Representatives and the Committee
23 on Commerce, Science, and Transportation of the Senate
24 a report on the results of the review conducted under this

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

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

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

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

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

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

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

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

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

11 Of amounts appropriated under section 48101(a) of
12 title 49, United States Code, the Administrator of the
13 Federal Aviation Administration shall use such sums as
14 may be necessary for each of the fiscal years 2008 through
15 2011 to contribute to the establishment by a public-private
16 partnership (including a university component with sig-
17 nificant aviation expertise in air traffic management, sim-
18 ulation, meteorology, and engineering and aviation busi-
19 ness) an airport-based testing site for existing Next Gen-
20 eration Air Transport System technologies. The Adminis-
21 trator shall ensure that next generation air traffic control
22 integrated systems developed by private industries are in-
23 stalled at the site for demonstration, operational research,
24 and evaluation by the Administration. The testing site

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

3 **Subtitle B—Miscellaneous**

4 **SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO** 5 **REIMBURSABLE AGREEMENTS.**

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

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

9 Section 40102(4) is amended—

10 (1) by redesignating subparagraph (D) as sub-
 11 paragraph (E);

12 (2) by striking subparagraphs (B) and (C) and
 13 inserting the following:

14 “(B) runway lighting and airport surface
 15 visual and other navigation aids;

16 “(C) aeronautical and meteorological infor-
 17 mation to air traffic control facilities or air-
 18 craft;

19 “(D) communication, navigation, or sur-
 20 veillance equipment for air-to-ground or air-to-
 21 air applications;”;

22 (3) in subparagraph (E) (as redesignated by
 23 paragraph (1) of this section)—

24 (A) by striking “another structure” and
 25 inserting “any structure, equipment,”; and

1 (B) by striking the period at the end and
2 inserting “; and”; and

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

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

6 **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
7 **TORY.**

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

13 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**
14 **THORITY.**

15 Section 40110(c) is amended—

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

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

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

21 **SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**
22 **TIES.**

23 Section 40113(e) is amended—

24 (1) in paragraph (1)—

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

3 (B) by striking the period at the end of the
4 first sentence and inserting “or efficiency. The
5 Administrator may participate in, and submit
6 offers in response to, competitions to provide
7 such services, and may contract with foreign
8 aviation authorities to provide such services
9 consistent with section 106(l)(6). Notwith-
10 standing any other provision of law or policy,
11 the Administrator may accept payments re-
12 ceived under this subsection in arrears.”; and

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

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

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

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

3 (1) the number of supervisory positions of oper-
4 ation requiring watch coverage in each air traffic
5 control facility;

6 (2) coverage requirements in relation to traffic
7 demand;

8 (3) facility type;

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

11 (5) proficiency and training requirements; and

12 (6) such other factors as the Administrator con-
13 siders appropriate.

14 (c) DETERMINATIONS.—The Administrator shall
15 transmit any determinations made as a result of the study
16 to the Chief Operating Officer for the air traffic control
17 system.

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

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

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

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

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

12 (2) actual staffing levels for individual facilities;

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

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

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

1 mittee on Commerce, Science, and Transportation of the
 2 Senate a report containing—

3 (1) a description of monitoring system;

4 (2) if the Administrator determines that con-
 5 tractual changes or corrective actions are required
 6 for the Administration to ensure that the vendor
 7 under a contract for flight service station services
 8 provides safe and high quality service to consumers,
 9 a description of the changes or actions required; and

10 (3) a description of the contingency plans of the
 11 Administrator and the protections that the Adminis-
 12 trator will have in place to provide uninterrupted
 13 flight service station services in the event of—

14 (A) material non-performance of the con-
 15 tract;

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

18 (C) any other event that could jeopardize
 19 the uninterrupted provision of flight service sta-
 20 tion services.

21 **TITLE III—SAFETY**

22 **Subtitle A—General Provisions**

23 **SEC. 301. AGE STANDARDS FOR PILOTS.**

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

1 **“§ 44729. Age standards for pilots**

2 “(a) IN GENERAL.—Subject to the limitation in sub-
3 section (c), a pilot may serve in multicrew covered oper-
4 ations until attaining 65 years of age.

5 “(b) COVERED OPERATIONS DEFINED.—In this sec-
6 tion, the term ‘covered operations’ means operations under
7 part 121 of title 14, Code of Federal Regulations.

8 “(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

9 “(1) APPLICABILITY OF ICAO STANDARD.—A
10 pilot who has attained 60 years of age may serve as
11 pilot-in-command in covered operations between the
12 United States and another country only if there is
13 another pilot in the flight deck crew who has not yet
14 attained 60 years of age.

15 “(2) SUNSET OF LIMITATION.—Paragraph (1)
16 shall cease to be effective on such date as the Con-
17 vention on International Civil Aviation provides that
18 a pilot who has attained 60 years of age may serve
19 as pilot-in-command in international commercial op-
20 erations without regard to whether there is another
21 pilot in the flight deck crew who has not attained
22 age 60.

23 “(d) SUNSET OF AGE-60 RETIREMENT RULE.—On
24 and after the date of enactment of this section, section
25 121.383(c) of title 14, Code of Federal Regulations, shall
26 cease to be effective.

1 “(e) APPLICABILITY.—

2 “(1) NONRETROACTIVITY.—No person who has
3 attained 60 years of age before the date of enact-
4 ment of this section may serve as a pilot for an air
5 carrier engaged in covered operations unless—

6 “(A) such person is in the employment of
7 that air carrier in such operations on such date
8 of enactment as a required flight deck crew
9 member; or

10 “(B) such person is newly hired by an air
11 carrier as a pilot on or after such date of enact-
12 ment without credit for prior seniority or prior
13 longevity for benefits or other terms related to
14 length of service prior to the date of rehire
15 under any labor agreement or employment poli-
16 cies of the air carrier.

17 “(2) PROTECTION FOR COMPLIANCE.—An ac-
18 tion taken in conformance with this section, taken in
19 conformance with a regulation issued to carry out
20 this section, or taken prior to the date of enactment
21 of this section in conformance with section
22 121.383(e) of title 14, Code of Federal Regulations
23 (as in effect before such date of enactment), may
24 not serve as a basis for liability or relief in a pro-

1 ceeding before any court or agency of the United
2 States or of any State or locality.

3 “(f) AMENDMENTS TO LABOR AGREEMENTS AND
4 BENEFIT PLANS.—Any amendment to a labor agreement
5 or benefit plan of an air carrier that is required to conform
6 with the requirements of this section or a regulation issued
7 to carry out this section, and is applicable to pilots rep-
8 resented for collective bargaining, shall be made by agree-
9 ment of the air carrier and the designated bargaining rep-
10 resentative of the pilots of the air carrier.

11 “(g) MEDICAL STANDARDS AND RECORDS.—

12 “(1) MEDICAL EXAMINATIONS AND STAND-
13 ARDS.—Except as provided by paragraph (2), a per-
14 son serving as a pilot for an air carrier engaged in
15 covered operations shall not be subject to different
16 medical standards, or different, greater, or more fre-
17 quent medical examinations, on account of age un-
18 less the Secretary determines (based on data re-
19 ceived or studies published after the date of enact-
20 ment of this section) that different medical stand-
21 ards, or different, greater, or more frequent medical
22 examinations, are needed to ensure an adequate level
23 of safety in flight.

24 “(2) DURATION OF FIRST-CLASS MEDICAL CER-
25 TIFICATE.—No person who has attained 60 years of

1 age may serve as a pilot of an air carrier engaged
2 in covered operations unless the person has a first-
3 class medical certificate. Such a certificate shall ex-
4 pire on the last day of the 6-month period following
5 the date of examination shown on the certificate.

6 “(h) SAFETY.—

7 “(1) TRAINING.—Each air carrier engaged in
8 covered operations shall continue to use pilot train-
9 ing and qualification programs approved by the Fed-
10 eral Aviation Administration, with specific emphasis
11 on initial and recurrent training and qualification of
12 pilots who have attained 60 years of age, to ensure
13 continued acceptable levels of pilot skill and judg-
14 ment.

15 “(2) LINE EVALUATIONS.—Not later than 6
16 months after the date of enactment of this section,
17 and every 6 months thereafter, an air carrier en-
18 gaged in covered operations shall evaluate the per-
19 formance of each pilot of the air carrier who has at-
20 tained 60 years of age through a line check of such
21 pilot. Notwithstanding the preceding sentence, an air
22 carrier shall not be required to conduct for a 6-
23 month period a line check under this paragraph of
24 a pilot serving as second in command if the pilot has

1 undergone a regularly scheduled simulator evalua-
2 tion during that period.

3 “(3) GAO REPORT.—Not later than 24 months
4 after the date of enactment of this section, the
5 Comptroller General shall submit to the Committee
6 on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report
9 concerning the effect, if any, on aviation safety of
10 the modification to pilot age standards made by sub-
11 section (a).”.

12 (b) CLERICAL AMENDMENT.—The analysis for such
13 chapter is amended by adding at the end the following:
 “44729. Age standards for pilots.”.

14 **SEC. 302. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**
15 **TIFICATES.**

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

19 “(3) JUDICIAL REVIEW.—A person who is sub-
20 stantially affected by an order of the Board under
21 this subsection, or the Administrator if the Adminis-
22 trator decides that an order of the Board will have
23 a significant adverse impact on carrying out this
24 subtitle, may seek judicial review of the order under
25 section 46110. The Administrator shall be made a

1 party to the judicial review proceedings. The find-
 2 ings of fact of the Board in any such case are con-
 3 clusive if supported by substantial evidence.”.

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

7 **SEC. 303. RELEASE OF DATA RELATING TO ABANDONED**
 8 **TYPE CERTIFICATES AND SUPPLEMENTAL**
 9 **TYPE CERTIFICATES.**

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

12 “(5) RELEASE OF DATA.—

13 “(A) IN GENERAL.—Notwithstanding any
 14 other provision of law, the Administrator may
 15 make available upon request to a person seek-
 16 ing to maintain the airworthiness of an aircraft,
 17 engine, propeller, or appliance, engineering data
 18 in the possession of the Administration relating
 19 to a type certificate or a supplemental type cer-
 20 tificate for such aircraft, engine, propeller, or
 21 appliance, without the consent of the owner of
 22 record, if the Administrator determines that—

23 “(i) the certificate containing the re-
 24 quested data has been inactive for 3 or
 25 more years;

1 “(ii) after using due diligence, the Ad-
2 ministrator is unable to find the owner of
3 record, or the owner of record’s heir, of the
4 type certificate or supplemental certificate;
5 and

6 “(iii) making such data available will
7 enhance aviation safety.

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

19 (b) DESIGN ORGANIZATION CERTIFICATES.—Section
20 44704(e)(1) is amended by striking “Beginning 7 years
21 after the date of enactment of this subsection,” and insert-
22 ing “Beginning January 1, 2013,”.

1 **SEC. 304. INSPECTION OF FOREIGN REPAIR STATIONS.**

2 (a) IN GENERAL.—Chapter 447 (as amended by sec-
3 tion 301 of this Act) is further amended by adding at the
4 end the following:

5 **“§ 44730. Inspection of foreign repair stations**

6 “Not later than one year after the date of enactment
7 of this section, and annually thereafter, the Administrator
8 of the Federal Aviation Administration shall submit to
9 Congress a certification that each foreign repair station
10 that is certified by the Administrator under part 145 of
11 title 14, Code of Federal Regulations, and performs work
12 on air carrier aircraft or components has been inspected
13 by safety inspectors of the Administration not fewer than
14 2 times in the preceding calendar year.”.

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

“44730. Inspection of foreign repair stations.”.

17 **SEC. 305. RUNWAY INCURSION REDUCTION.**

18 Not later than December 31, 2008, the Administrator
19 of the Federal Aviation Administration shall submit to
20 Congress a report containing a plan for the installation
21 and deployment of systems the Administration is installing
22 to alert controllers or flight crews, or both, of potential
23 runway incursions. The plan shall be integrated into the
24 annual Operational Evolution Partnership document of
25 the Administration or any successor document.

1 **SEC. 306. IMPROVED PILOT LICENSES.**

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

8 (b) REQUIREMENTS.—Improved pilots licenses issued
9 under subsection (a) shall—

10 (1) be resistant to tampering, alteration, and
11 counterfeiting;

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

14 (3) be capable of accommodating a digital pho-
15 tograph, a biometric identifier, or any other unique
16 identifier that the Administrator considers nec-
17 essary.

18 (c) TAMPERING.—To the extent practical, the Admin-
19 istrator shall develop methods to determine or reveal
20 whether any component or security feature of a license
21 issued under subsection (a) has been tampered, altered,
22 or counterfeited.

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

1 (e) REPORT.—Not later than 9 months after the date
2 of enactment of this Act and every 6 months thereafter
3 until September 30, 2011, the Administrator shall submit
4 to the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee on
6 Commerce, Science, and Transportation of the Senate a
7 report on the issuance of improved pilot licenses under this
8 section.

9 **SEC. 307. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.**

10 Not later than December 31, 2007, the Administrator
11 of the Federal Aviation Administration shall issue a final
12 rule regarding the reduction of fuel tank flammability in
13 transport category aircraft.

14 **SEC. 308. FLIGHT CREW FATIGUE.**

15 (a) IN GENERAL.—Not later than 3 months after the
16 date of enactment of this Act, the Administrator of the
17 Federal Aviation Administration shall conclude arrange-
18 ments with the National Academy of Sciences for a study
19 of pilot fatigue.

20 (b) STUDY.—The study shall include consideration
21 of—

22 (1) research on pilot fatigue, sleep, and circa-
23 dian rhythms;

24 (2) sleep and rest requirements of pilots rec-
25 ommended by the National Aeronautics and Space

1 Administration and the National Transportation
2 Safety Board; and

3 (3) Federal Aviation Administration and inter-
4 national standards regarding flight limitations and
5 rest for pilots.

6 (c) REPORT.—Not later than 18 months after initi-
7 ating the study, the National Academy of Sciences shall
8 submit to the Administrator a report containing its find-
9 ings and recommendations regarding the study under sub-
10 sections (a) and (b), including recommendations with re-
11 spect to Federal Aviation Administration regulations gov-
12 erning flight time limitations and rest requirements for
13 pilots.

14 (d) RULEMAKING.—After the Administrator receives
15 the report of the National Academy of Sciences, the Ad-
16 ministrator shall consider the findings in the report and
17 update as appropriate based on scientific data Federal
18 Aviation Administration regulations governing flight time
19 limitations and rest requirements for pilots.

20 (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-
21 TIGUE STUDY RECOMMENDATIONS.—Not later than 60
22 days after the date of enactment of this Act, the Adminis-
23 trator shall initiate a process for the Civil Aerospace Med-
24 ical Institute to carry out its recommendations for further
25 study of the issue of flight attendant fatigue and to submit

1 not later than March 31, 2009, to Congress a report on
2 such process, including an analysis of the following:

3 (1) A survey of field operations of flight attend-
4 ants.

5 (2) A study of incident reports regarding flight
6 attendant fatigue.

7 (3) Field research on the effects of such fa-
8 tigue.

9 (4) A validation of models for assessing flight
10 attendant fatigue, international policies, and prac-
11 tices regarding flight limitations and rest of flight
12 attendants, and the potential benefits of training
13 flight attendants regarding such fatigue.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as necessary
16 to carry out this section.

17 **SEC. 309. OSHA STANDARDS.**

18 (a) IN GENERAL.—The Administrator of the FAA
19 shall—

20 (1) not later than 6 months after the date of
21 enactment of this Act, establish milestones, in con-
22 sultation with the Administrator of the OSHA, to
23 complete work begun under the August 2000 memo-
24 randum of understanding between the FAA and
25 OSHA and to address issues needing further action

1 identified in the joint report of the FAA and OSHA
2 in December 2000; and

3 (2) not later than 24 months after the date of
4 enactment of this Act, issue a policy statement to
5 set forth the circumstances in which requirements of
6 OSHA may be applied to crewmembers while work-
7 ing in an aircraft cabin.

8 (b) CONTENTS OF POLICY STATEMENT.—

9 (1) ESTABLISHMENT OF COORDINATING
10 BODY.—The policy statement to be developed under
11 subsection (a)(2) shall provide for the establishment
12 of a coordinating body, similar to the aviation safety
13 and health joint team established pursuant to the
14 August 2000 memorandum of understanding be-
15 tween the FAA and OSHA, that includes represent-
16 atives designated by the FAA and OSHA—

17 (A) to examine the applicability of current
18 and proposed regulations of OSHA for applica-
19 tion and enforcement by the FAA;

20 (B) to recommend policies for facilitating
21 the training of inspectors of the FAA; and

22 (C) to make recommendations that will
23 govern the inspection and enforcement by the
24 FAA of occupational safety and health stand-

1 ards on board an aircraft providing air trans-
2 portation.

3 (2) FAA STANDARDS.—The policy statement to
4 be developed under subsection (a)(2) shall ensure
5 that standards adopted by the FAA set forth clear-
6 ly—

7 (A) the circumstances under which an em-
8 ployer is required to take action to address oc-
9 cupational safety and health hazards;

10 (B) the measures required of an employer
11 under the standard; and

12 (C) the compliance obligations of an em-
13 ployer under the standard.

14 (c) REPORT TO CONGRESS.—Not later than 6
15 months after the date of enactment of this Act, the Ad-
16 ministrators of the FAA shall submit to Congress a report
17 describing the milestones established under subsection
18 (a)(1).

19 (d) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

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

23 (2) OSHA.—The term “OSHA” means the
24 “Occupational Safety and Health Administration”.

1 **SEC. 310. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS**
2 **AREAS.**

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

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

12 **SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**
13 **ER OBSERVATION TECHNOLOGY.**

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

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

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

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN- TEGRATION PLAN.

(a) INTEGRATION PLAN.—

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

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

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

(B) provide recommendations for the rule-making to be conducted under subsection (b) to—

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

1 (ii) ensure that any commercial un-
2 manned aircraft system includes a detect,
3 sense, and avoid capability; and

4 (iii) develop standards and require-
5 ments for the operator or programmer of
6 a commercial unmanned aircraft system,
7 including standards and requirements for
8 registration and licensing;

9 (C) recommend how best to enhance the
10 technologies and subsystems necessary to effect
11 the safe and routine operations of commercial
12 unmanned aircraft systems in the national air-
13 space system; and

14 (D) recommend how a phased-in approach
15 to the integration of commercial unmanned air-
16 craft systems into the national airspace system
17 can best be achieved and a timeline upon which
18 such a phase-in shall occur.

19 (3) DEADLINE.—The plan to be developed
20 under paragraph (1) shall provide for the safe inte-
21 gration of commercial unmanned aircraft systems
22 into the national airspace system as soon as possible,
23 but not later than September 30, 2012.

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

1 Secretary shall submit to the Committee on Trans-
2 portation and Infrastructure of the House of Rep-
3 resentatives and the Committee on Commerce,
4 Science, and Transportation of the Senate a copy of
5 the plan developed under paragraph (1).

6 (b) RULEMAKING.—Not later than 18 months after
7 the date on which the integration plan is submitted to
8 Congress under subsection (a)(4), the Administrator of
9 the Federal Aviation Administration shall publish in the
10 Federal Register a notice of proposed rulemaking to im-
11 plement the recommendations of the integration plan.

12 (c) AUTHORIZATION.—There are authorized to be ap-
13 propriated such sums as may be necessary to carry out
14 this section.

15 **SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**
16 **CRAFT SYSTEMS.**

17 (a) IN GENERAL.—Notwithstanding the require-
18 ments of sections 321 and 323, and not later than 6
19 months after the date of enactment of this Act, the Sec-
20 retary shall determine if certain unmanned aircraft sys-
21 tems may operate safely in the national airspace system
22 before completion of the plan and rulemaking required by
23 section 321 or the guidance required by section 323.

1 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
2 TEMS.—In making the determination under subsection
3 (a), the Secretary shall determine, at a minimum—

4 (1) which types of unmanned aircraft systems,
5 if any, as a result of their size, weight, speed, oper-
6 ational capability, proximity to airports and popu-
7 lation areas, and operation within visual line-of-sight
8 do not create a hazard to users of the national air-
9 space system or the public or pose a threat to na-
10 tional security; and

11 (2) whether a certificate of authorization or an
12 airworthiness certification under section 44704 of
13 title 49, United States Code, is required for the op-
14 eration of unmanned aircraft systems identified
15 under paragraph (1).

16 (c) REQUIREMENTS FOR SAFE OPERATION.—If the
17 Secretary determines under this section that certain un-
18 manned aircraft systems may operate safely in the na-
19 tional airspace system, the Secretary shall establish re-
20 quirements for the safe operation of such aircraft systems
21 in the national airspace system.

22 **SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

23 Not later than 9 months after the date of enactment
24 of this Act, the Secretary shall issue guidance regarding
25 the operation of public unmanned aircraft systems to—

1 (1) expedite the issuance of a certificate of au-
2 thorization process;

3 (2) provide for a collaborative process with pub-
4 lic agencies to allow for an incremental expansion of
5 access to the national airspace system as technology
6 matures and the necessary safety analysis and data
7 become available and until standards are completed
8 and technology issues are resolved; and

9 (3) facilitate the capability of public agencies to
10 develop and use test ranges, subject to operating re-
11 strictions required by the Federal Aviation Adminis-
12 tration, to test and operate unmanned aircraft sys-
13 tems.

14 **SEC. 324. DEFINITIONS.**

15 In this subtitle, the following definitions apply:

16 (1) **CERTIFICATE OF AUTHORIZATION.**—The
17 term “certificate of authorization” means a Federal
18 Aviation Administration grant of approval for a spe-
19 cific flight operation.

20 (2) **DETECT, SENSE, AND AVOID CAPABILITY.**—
21 The term “detect, sense, and avoid capability”
22 means the technical capability to perform separation
23 assurance and collision avoidance, as defined by the
24 Federal Aviation Administration.

1 (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—

2 The term “public unmanned aircraft system” means
3 an unmanned aircraft system that meets the quali-
4 fications and conditions required for operation of a
5 public aircraft, as defined by section 40102 of title
6 49, United States Code.

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Transportation.

9 (5) TEST RANGE.—The term “test range”
10 means a defined geographic area where research and
11 development are conducted.

12 (6) UNMANNED AIRCRAFT.—The term “un-
13 manned aircraft” means an aircraft that is operated
14 without the possibility of direct human intervention
15 from within or on the aircraft.

16 (7) UNMANNED AIRCRAFT SYSTEM.—The term
17 “unmanned aircraft system” means an unmanned
18 aircraft and associated elements (such as commu-
19 nication links and a ground control station) that are
20 required to operate safely and efficiently in the na-
21 tional airspace system.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

“(c) DIVERTED AND CANCELLED FLIGHTS.—

“(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

“(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

“(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

“(A) For a diverted flight—

“(i) the flight number of the diverted flight;

1 “(ii) the scheduled destination of the
2 flight;

3 “(iii) the date and time of the flight;

4 “(iv) the airport to which the flight
5 was diverted;

6 “(v) wheels-on time at the diverted
7 airport;

8 “(vi) the time, if any, passengers
9 deplaned the aircraft at the diverted air-
10 port; and

11 “(vii) if the flight arrives at the sched-
12 uled destination airport—

13 “(I) the gate-departure time at
14 the diverted airport;

15 “(II) the wheels-off time at the
16 diverted airport;

17 “(III) the wheels-on time at the
18 scheduled arrival airport; and

19 “(IV) the gate arrival time at the
20 scheduled arrival airport.

21 “(B) For flights cancelled after gate de-
22 parture—

23 “(i) the flight number of the cancelled
24 flight;

1 “(ii) the scheduled origin and destina-
2 tion airports of the cancelled flight;

3 “(iii) the date and time of the can-
4 celled flight;

5 “(iv) the gate-departure time of the
6 cancelled flight; and

7 “(v) the time the aircraft returned to
8 the gate.

9 “(4) PUBLICATION.—The Secretary shall com-
10 pile the information provided in the monthly reports
11 filed pursuant to paragraph (1) in a single monthly
12 report and publish such report on the Web site of
13 the Department of Transportation.”.

14 (b) EFFECTIVE DATE.—The Secretary of Transpor-
15 tation shall require monthly reports pursuant to the
16 amendment made by subsection (a) beginning not later
17 than 90 days after the date of enactment of this Act.

18 **SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIR-**
19 **PORT.**

20 (a) BEYOND PERIMETER EXEMPTIONS.—Section
21 41718(a) is amended by striking “24” and inserting “34”.

22 (b) LIMITATIONS.—Section 41718(c)(2) is amended
23 by striking “3 operations” and inserting “5 operations”.

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

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

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

5 “(3) SLOTS.—The Administrator of the Federal
6 Aviation Administration shall reduce the hourly air
7 carrier slot quota for Ronald Reagan Washington
8 National Airport in section 93.123(a) of title 14,
9 Code of Federal Regulations, by a total of 10 slots
10 that are available for allocation. Such reductions
11 shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00
12 p.m. hours, as determined by the Administrator, in
13 order to grant exemptions 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 afforded 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 to be afforded to beyond-perimeter operations con-

1 ducted by new entrant air carriers and limited incumbent
2 air carriers.”.

3 **SEC. 403. EAS CONTRACT GUIDELINES.**

4 Section 41737(a)(1) is amended—

5 (1) by striking “and” at the end of subpara-
6 graph (B);

7 (2) in subparagraph (C) by striking “provided.”
8 and inserting “provided;”; and

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

10 “(D) include provisions under which the Sec-
11 retary may encourage an air carrier to improve air
12 service for which compensation is being paid under
13 this subchapter by incorporating financial incentives
14 in an essential air service contract based on specified
15 performance goals; and

16 “(E) include provisions under which the Sec-
17 retary may execute a long-term essential air service
18 contract to encourage an air carrier to provide air
19 service to an eligible place if it would be in the pub-
20 lic interest to do so.”.

21 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
23 41742(a)(2) is amended by striking “\$77,000,000” and
24 inserting “\$83,000,000”.

25 (b) DISTRIBUTION OF EXCESS FUNDS.—

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

3 “(4) DISTRIBUTION OF EXCESS FUNDS.—Of
 4 the funds, if any, credited to the account established
 5 under section 45303 in a fiscal year that exceed the
 6 \$50,000,000 made available for such fiscal year
 7 under paragraph (1)—

8 “(A) one-half shall be made available im-
 9 mediately for obligation and expenditure to
 10 carry out section 41743; and

11 “(B) one-half shall be made available im-
 12 mediately for obligation and expenditure to
 13 carry out subsection (b).”.

14 (2) CONFORMING AMENDMENT.—Section
 15 41742(b) is amended—

16 (A) in the first sentence by striking “mon-
 17 eys credited” and all that follows before “shall
 18 be used” and inserting “amounts made avail-
 19 able under subsection (a)(4)(B)”; and

20 (B) in the second sentence by striking
 21 “any amounts from those fees” and inserting
 22 “any of such amounts”.

23 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

24 (a) PRIORITIES.—Section 41743(c)(5) is amended—

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

3 (2) in subparagraph (E) by striking “fashion.”
 4 and inserting “fashion; and”; and

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

6 “(F) multiple communities cooperate to
 7 submit a regional or multistate application to
 8 improve air service.”.

9 (b) EXTENSION OF AUTHORIZATION.—Section
 10 41743(e)(2) is amended by striking “2008” and inserting
 11 “2011”.

12 **SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.**

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

15 **“CHAPTER 423—AIR PASSENGER SERVICE**
 16 **IMPROVEMENTS**

“Sec. 42301. Emergency contingency plans.

“Sec. 42302. Consumer complaints.

“Sec. 42303. Use of insecticides on passenger aircraft.

17 **“§ 42301. Emergency contingency plans**

18 “(a) SUBMISSION OF AIR CARRIER AND AIRPORT
 19 PLANS.—Not later than 90 days after the date of enact-
 20 ment of this section, each air carrier providing covered air
 21 transportation at a large hub airport or medium hub air-
 22 port and each operator of a large hub airport or medium
 23 hub airport shall submit to the Secretary of Transpor-

1 tation for review and approval an emergency contingency
2 plan in accordance with the requirements of this section.

3 “(b) COVERED AIR TRANSPORTATION DEFINED.—In
4 this section, the term ‘covered air transportation’ means
5 scheduled passenger air transportation provided by an air
6 carrier using aircraft with more than 60 seats.

7 “(c) AIR CARRIER PLANS.—

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

11 “(A) each large hub airport and medium
12 hub airport at which the carrier provides cov-
13 ered air transportation; and

14 “(B) each large hub airport and medium
15 hub airport at which the carrier has flights for
16 which it has primary responsibility for inventory
17 control.

18 “(2) CONTENTS.—An emergency contingency
19 plan submitted by an air carrier for an airport under
20 subsection (a) shall contain a description of how the
21 air carrier will—

22 “(A) provide food, water, restroom facili-
23 ties, cabin ventilation, and access to medical
24 treatment for passengers onboard an aircraft at
25 the airport that is on the ground for an ex-

1 tended period of time without access to the ter-
2 minal; and

3 “(B) share facilities and make gates avail-
4 able at the airport in an emergency.

5 “(d) AIRPORT PLANS.—An emergency contingency
6 plan submitted by an airport operator under subsection
7 (a) shall contain a description of how the airport operator,
8 to the maximum extent practicable, will provide for the
9 sharing of facilities and make gates available at the air-
10 port in an emergency.

11 “(e) UPDATES.—

12 “(1) AIR CARRIERS.—An air carrier shall up-
13 date the emergency contingency plan submitted by
14 the air carrier under subsection (a) every 3 years
15 and submit the update to the Secretary for review
16 and approval.

17 “(2) AIRPORTS.—An airport operator shall up-
18 date the emergency contingency plan submitted by
19 the airport operator under subsection (a) every 5
20 years and submit the update to the Secretary for re-
21 view and approval.

22 “(f) APPROVAL.—The Secretary shall review and ap-
23 prove emergency contingency plans submitted under sub-
24 section (a) and updates submitted under subsection (e) to
25 ensure that the plans and updates will effectively address

1 emergencies and provide for the health and safety of pas-
2 sengers.

3 **“§ 42302. Consumer complaints**

4 “(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE
5 NUMBER.—The Secretary of Transportation shall estab-
6 lish a consumer complaints hotline telephone number for
7 the use of passengers in air transportation.

8 “(b) PUBLIC NOTICE.—The Secretary shall notify
9 the public of the telephone number established under sub-
10 section (a).

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as may be
13 necessary to carry out this section. Such sums shall re-
14 main available until expended.

15 **“§ 42303. Use of insecticides on passenger aircraft**

16 “No air carrier, foreign air carrier, or ticket agent
17 may sell in the United States a ticket for air transpor-
18 tation for a flight on which an insecticide is planned to
19 be used in the aircraft while passengers are on board the
20 aircraft unless the air carrier, foreign air carrier, or ticket
21 agent selling the ticket first informs the person purchasing
22 the ticket of the planned use of the insecticide, including
23 the name of the insecticide.”.

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

“423. Air Passenger Service Improvements 42301”.

4 (c) PENALTIES.—Section 46301 is amended in sub-
 5 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter
 6 423,” after “chapter 421,”.

7 (d) APPLICABILITY OF REQUIREMENTS.—Except as
 8 otherwise specifically provided, the requirements of chap-
 9 ter 423 of title 49, United States Code, as added by this
 10 section, shall begin to apply 60 days after the date of en-
 11 actment of this Act.

12 **SEC. 407. CONTENTS OF COMPETITION PLANS.**

13 Section 47106(f)(2) is amended—

- 14 (1) by striking “patterns of air service,”;
- 15 (2) by inserting “and” before “whether”; and
- 16 (3) by striking “ , and airfare levels” and all
 17 that follows before the period.

18 **SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

19 Section 47107(s)(3) is amended by striking “2008”
 20 and inserting “2012”.

21 **SEC. 409. CONTRACT TOWER PROGRAM.**

22 (a) COST-BENEFIT REQUIREMENT.—Section
 23 47124(b) is amended—

- 24 (1) by striking “(1) The Secretary” and insert-
 25 ing the following:

1 “(1) CONTRACT TOWER PROGRAM.—

2 “(A) CONTINUATION AND EXTENSION.—

3 The Secretary”;

4 (2) by adding at the end of paragraph (1) the
5 following:

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

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

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

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

1 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-
2 SHARING PROGRAM.—

3 (1) FUNDING.—Section 47124(b)(3)(E) is
4 amended—

5 (A) by striking “and”; and

6 (B) by inserting “, \$8,500,000 for fiscal
7 year 2008, \$9,000,000 for fiscal year 2009,
8 \$9,500,000 for fiscal year 2010, and
9 \$10,000,000 for fiscal year 2011” after
10 “2007.”.

11 (2) USE OF EXCESS FUNDS.—Section
12 47124(b)(3) is amended—

13 (A) by redesignating subparagraph (E) (as
14 amended by paragraph (1) of this subsection)
15 as subparagraph (F); and

16 (B) by inserting after subparagraph (D)
17 the following:

18 “(E) USE OF EXCESS FUNDS.—If the Sec-
19 retary finds that all or part of an amount made
20 available under this subparagraph is not re-
21 quired during a fiscal year to carry out this
22 paragraph, the Secretary may use, during such
23 fiscal year, the amount not so required to carry
24 out the program continued under paragraph
25 (1).”.

1 (c) FEDERAL SHARE.—Section 47124(b)(4)(C) is
2 amended by striking “\$1,500,000” and inserting
3 “\$2,000,000”.

4 (d) SAFETY AUDITS.—Section 41724 is amended by
5 adding at the end the following:

6 “(c) SAFETY AUDITS.—The Secretary shall establish
7 uniform standards and requirements for safety assess-
8 ments of air traffic control towers that receive funding
9 under this section.”.

10 **SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED**
11 **FORCES.**

12 (a) FINDINGS.—Congress finds that—

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

17 (2) the United States is indebted to the mem-
18 bers of the Armed Forces, many of whom are in
19 grave danger due to their engagement in, or expo-
20 sure to, combat;

21 (3) military service, especially in the current
22 war against terrorism, often requires members of the
23 Armed Forces to be separated from their families on
24 short notice, for long periods of time, and under
25 very stressful conditions;

1 (4) the unique demands of military service often
2 preclude members of the Armed Forces from pur-
3 chasing discounted advance airline tickets in order
4 to visit their loved ones at home; and

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

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that each United States air carrier should—

11 (1) establish for all members of the Armed
12 Forces on active duty reduced air fares that are
13 comparable to the lowest airfare for ticketed flights;
14 and

15 (2) offer flexible terms that allow members of
16 the Armed Forces on active duty to purchase, mod-
17 ify, or cancel tickets without time restrictions, fees,
18 and penalties.

19 **SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY**
20 **ASSISTIVE DEVICES.**

21 Not later than December 31, 2007, the Secretary of
22 Transportation shall issue a final rule regarding the car-
23 riage and use of passenger-owned portable electronic res-
24 piratory assistive devices and carrier-supplied medical oxy-
25 gen devices aboard commercial flights to improve accom-

1 modations in air travel for passengers with respiratory dis-
 2 abilities.

3 **TITLE V—ENVIRONMENTAL**
 4 **STEWARDSHIP AND STREAM-**
 5 **LINING**

6 **SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PRO-**
 7 **GRAM.**

8 Section 40128 is amended—

9 (1) in subsection (a)(1)(C) by inserting “or vol-
 10 untary agreement under subsection (b)(7)” before
 11 “for the park”;

12 (2) in subsection (a) by adding at the end the
 13 following:

14 “(5) EXEMPTION.—

15 “(A) IN GENERAL.—Notwithstanding para-
 16 graph (1), a national park that has 50 or fewer
 17 commercial air tour flights a year shall be ex-
 18 empt from the requirements of this section, ex-
 19 cept as provided in subparagraph (B).

20 “(B) WITHDRAWAL OF EXEMPTION.—If
 21 the Director determines that an air tour man-
 22 agement plan or voluntary agreement is nec-
 23 essary to protect park resources and values or
 24 park visitor use and enjoyment, the Director

1 shall withdraw the exemption of a park under
2 subparagraph (A).

3 “(C) LIST OF PARKS.—The Director shall
4 inform the Administrator, in writing, of each
5 determination under subparagraph (B). The Di-
6 rector and Administrator shall publish an an-
7 nual list of national parks that are covered by
8 the exemption provided by this paragraph.

9 “(D) ANNUAL REPORT.—A commercial air
10 tour operator conducting commercial air tours
11 in a national park that is exempt from the re-
12 quirements of this section shall submit to the
13 Administrator and the Director an annual re-
14 port regarding the number of commercial air
15 tour flights it conducts each year in such
16 park.”;

17 (3) in subsection (b) by adding at the end the
18 following:

19 “(7) VOLUNTARY AGREEMENTS.—

20 “(A) IN GENERAL.—As an alternative to
21 an air tour management plan, the Director and
22 the Administrator may enter into a voluntary
23 agreement with a commercial air tour operator
24 (including a new entrant applicant and an oper-
25 ator that has interim operating authority) that

1 has applied to conduct air tour operations over
2 a national park to manage commercial air tour
3 operations over such national park.

4 “(B) PARK PROTECTION.—A voluntary
5 agreement under this paragraph with respect to
6 commercial air tour operations over a national
7 park shall address the management issues nec-
8 essary to protect the resources of such park and
9 visitor use of such park without compromising
10 aviation safety or the air traffic control system
11 and may—

12 “(i) include provisions such as those
13 described in subparagraphs (B) through
14 (E) of paragraph (3);

15 “(ii) include provisions to ensure the
16 stability of, and compliance with, the vol-
17 untary agreement; and

18 “(iii) provide for fees for such oper-
19 ations.

20 “(C) PUBLIC.—The Director and the Ad-
21 ministrator shall provide an opportunity for
22 public review of a proposed voluntary agree-
23 ment under this paragraph and shall consult
24 with any Indian tribe whose tribal lands are, or
25 may be, flown over by a commercial air tour op-

erator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

“(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.”;

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

“(I) may allow for modifications of the interim operating authority without further envi-

1 ronmental review beyond that described in this
2 section if—

3 “(i) adequate information regarding
4 the operator’s existing and proposed oper-
5 ations under the interim operating author-
6 ity is provided to the Administrator and
7 the Director;

8 “(ii) the Administrator determines
9 that there would be no adverse impact on
10 aviation safety or the air traffic control
11 system; and

12 “(iii) the Director agrees with the
13 modification, based on the Director’s pro-
14 fessional expertise regarding the protection
15 of the park resources and values and vis-
16 itor use and enjoyment.”;

17 (5) in subsection (c)(3)(A) by striking “if the
18 Administrator determines” and all that follows
19 through the period at the end and inserting “without
20 further environmental process beyond that described
21 in this paragraph if—

22 “(i) adequate information on the oper-
23 ator’s proposed operations is provided to
24 the Administrator and the Director by the
25 operator making the request;

1 “(ii) the Administrator agrees that
2 there would be no adverse impact on avia-
3 tion safety or the air traffic control sys-
4 tem; and

5 “(iii) the Director agrees, based on
6 the Director’s professional expertise re-
7 garding the protection of park resources
8 and values and visitor use and enjoy-
9 ment.”; and

10 (6) by redesignating subsections (d), (e), and
11 (f) as subsections (e), (f), and (g), respectively; and

12 (7) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) COMMERCIAL AIR TOUR OPERATOR RE-
15 PORTS.—

16 “(1) REPORT.—Each commercial air tour oper-
17 ator providing a commercial air tour over a national
18 park under interim operating authority granted
19 under subsection (c) or in accordance with an air
20 tour management plan under subsection (b) shall
21 submit a report to the Administrator and Director
22 regarding the number of its commercial air tour op-
23 erations over each national park and such other in-
24 formation as the Administrator and Director may

1 request in order to facilitate administering the provi-
2 sions of this section.

3 “(2) REPORT SUBMISSION.—Not later than 3
4 months after the date of enactment of the Federal
5 Aviation Administration Reauthorization Act of
6 2007, the Administrator and Director shall jointly
7 issue an initial request for reports under this sub-
8 section. The reports shall be submitted to the Ad-
9 ministrator and Director on a frequency and in a
10 format prescribed by the Administrator and Direc-
11 tor.”.

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

13 (a) GENERAL REQUIREMENTS.—Section 47128(a) is
14 amended—

15 (1) in the first sentence by striking “prescribe
16 regulations” and inserting “issue guidance”; and

17 (2) in the second sentence by striking “regula-
18 tions” and inserting “guidance”.

19 (b) APPLICATIONS AND SELECTION.—Section
20 47128(b)(4) is amended by inserting before the semicolon
21 the following: “, including the National Environmental
22 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and
23 local environmental policy acts, Executive Orders, agency
24 regulations and guidance, and other Federal environ-
25 mental requirements”.

1 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION
 2 REQUIREMENTS.—Section 47128 is amended by adding at
 3 the end the following:

4 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-
 5 TION REQUIREMENTS.—A Federal agency, other than the
 6 Federal Aviation Administration, that is responsible for
 7 issuing an approval, license, or permit to ensure compli-
 8 ance with a Federal environmental requirement applicable
 9 to a project or activity to be carried out by a State using
 10 amounts from a block grant made under this section
 11 shall—

12 “(1) coordinate and consult with the State;

13 “(2) use the environmental analysis prepared by
 14 the State for the project or activity if such analysis
 15 is adequate; and

16 “(3) supplement such analysis, as necessary, to
 17 meet applicable Federal requirements.”.

18 **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
 19 **VIEWS.**

20 Section 47173(a) is amended by striking “services of
 21 consultants in order to” and all that follows through the
 22 period at the end and inserting “services of consultants—

23 “(1) to facilitate the timely processing, review,
 24 and completion of environmental activities associated
 25 with an airport development project;

1 “(2) to conduct special environmental studies
2 related to an airport project funded with Federal
3 funds;

4 “(3) to conduct special studies or reviews to
5 support approved noise compatibility measures de-
6 scribed in part 150 of title 14, Code of Federal Reg-
7 ulations; or

8 “(4) to conduct special studies or reviews to
9 support environmental mitigation in a record of deci-
10 sion or finding of no significant impact by the Fed-
11 eral Aviation Administration.”.

12 **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
13 **PROCEDURES.**

14 Section 47504 is amended by adding at the end the
15 following:

16 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
17 DURES.—

18 “(1) IN GENERAL.—In accordance with sub-
19 section (c)(1), the Secretary may make a grant to an
20 airport operator to assist in completing environ-
21 mental review and assessment activities for pro-
22 posals to implement flight procedures at such airport
23 that have been approved as part of an airport noise
24 compatibility program under subsection (b).

1 “(2) ADDITIONAL STAFF.—The Administrator
2 may accept funds from an airport operator, includ-
3 ing funds provided to the operator under paragraph
4 (1), to hire additional staff or obtain the services of
5 consultants in order to facilitate the timely proc-
6 essing, review, and completion of environmental ac-
7 tivities associated with proposals to implement flight
8 procedures at such airport that have been approved
9 as part of an airport noise compatibility program
10 under subsection (b).

11 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
12 LECTIONS.—Notwithstanding section 3302 of title
13 31, any funds accepted under this section—

14 “(A) shall be credited as offsetting collec-
15 tions to the account that finances the activities
16 and services for which the funds are accepted;

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

20 “(C) shall remain available until ex-
21 pended.”.

1 **SEC. 505. CLEEN ENGINE AND AIRFRAME TECHNOLOGY**
2 **PARTNERSHIP.**

3 (a) COOPERATIVE AGREEMENT.—Subchapter I of
4 chapter 475 is amended by adding at the end the fol-
5 lowing:

6 **“§47511. CLEEN engine and airframe technology**
7 **partnership**

8 “(a) IN GENERAL.—The Administrator of the Fed-
9 eral Aviation Administration shall enter into a cooperative
10 agreement, using a competitive process, with an institu-
11 tion, entity, or consortium to carry out a program for the
12 development, maturing, and certification of CLEEN en-
13 gine and airframe technology for aircraft over the next 10
14 years.

15 “(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY
16 DEFINED.—In this section, the term ‘CLEEN engine and
17 airframe technology’ means continuous lower energy,
18 emissions, and noise engine and airframe technology.

19 “(c) PERFORMANCE OBJECTIVE.—The Adminis-
20 trator shall establish the following performance objectives
21 for the program, to be achieved by September 30, 2015:

22 “(1) Development of certifiable aircraft tech-
23 nology that reduces greenhouse gas emissions by in-
24 creasing aircraft fuel efficiency by 25 percent rel-
25 ative to 1997 subsonic jet aircraft technology.

1 “(2) Development of certifiable engine tech-
2 nology that reduces landing and takeoff cycle nitro-
3 gen oxide emissions by 50 percent, without increas-
4 ing other gaseous or particle emissions, over the
5 International Civil Aviation Organization standard
6 adopted in 2004.

7 “(3) Development of certifiable aircraft tech-
8 nology that reduces noise levels by 10 decibels at
9 each of the 3 certification points relative to 1997
10 subsonic jet aircraft technology.

11 “(4) Determination of the feasibility of the use
12 of alternative fuels in aircraft systems, including
13 successful demonstration and quantification of the
14 benefits of such fuels.

15 “(5) Determination of the extent to which new
16 engine and aircraft technologies may be used to ret-
17 rofit or re-engine aircraft to increase the integration
18 of retrofitted and re-engined aircraft into the com-
19 mercial fleet.

20 “(d) FUNDING.—Of amounts appropriated under sec-
21 tion 48102(a), not more than the following amounts may
22 be used to carry out this section:

23 “(1) \$6,000,000 for fiscal year 2008.

24 “(2) \$22,000,000 for fiscal year 2009.

25 “(3) \$33,000,000 for fiscal year 2010.

1 “(4) \$50,000,000 for fiscal year 2011.

2 “(e) REPORT.—Beginning in fiscal year 2009, the
3 Administrator shall publish an annual report on the pro-
4 gram established under this section until completion of the
5 program.”.

6 (b) CLERICAL AMENDMENT.—The analysis for such
7 subchapter is amended by adding at the end the following:
“47511. CLEEN engine and airframe technology partnership.”.

8 **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**
9 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**
10 **PLYING WITH STAGE 3 NOISE LEVELS.**

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

13 **“§ 47534. Prohibition on operating certain aircraft**
14 **weighing 75,000 pounds or less not com-**
15 **plying with stage 3 noise levels**

16 “(a) PROHIBITION.—Except as provided in sub-
17 section (b), (c), or (d), after December 31, 2012, a person
18 may not operate a civil subsonic jet airplane with a max-
19 imum weight of 75,000 pounds or less, and for which an
20 airworthiness certificate other than an experimental cer-
21 tificate has been issued, to or from an airport in the
22 United States unless the Secretary of Transportation
23 finds that the aircraft complies with stage 3 noise levels.

24 “(b) EXCEPTION.—Subsection (a) shall not apply to
25 aircraft operated only outside the 48 contiguous States.

1 “(c) EXCEPTIONS.—The Secretary may allow tem-
2 porary operation of an airplane otherwise prohibited from
3 operation under subsection (a) to or from an airport in
4 the contiguous United States by granting a special flight
5 authorization for one or more of the following cir-
6 cumstances:

7 “(1) To sell, lease, or use the aircraft outside
8 the 48 contiguous States.

9 “(2) To scrap the aircraft.

10 “(3) To obtain modifications to the aircraft to
11 meet stage 3 noise levels.

12 “(4) To perform scheduled heavy maintenance
13 or significant modifications on the aircraft at a
14 maintenance facility located in the contiguous 48
15 States.

16 “(5) To deliver the aircraft to an operator leas-
17 ing the aircraft from the owner or return the air-
18 craft to the lessor.

19 “(6) To prepare, park, or store the aircraft in
20 anticipation of any of the activities described in
21 paragraphs (1) through (5).

22 “(7) To provide transport of persons and goods
23 in the relief of emergency situations.

24 “(8) To divert the aircraft to an alternative air
25 port in the 48 contiguous States on account of

1 weather, mechanical, fuel, air traffic control, or
 2 other safety reasons while conducting a flight in
 3 order to perform any of the activities described in
 4 paragraphs (1) through (7).

5 “(d) STATUTORY CONSTRUCTION.—Nothing in the
 6 section may be construed as interfering with, nullifying,
 7 or otherwise affecting determinations made by the Federal
 8 Aviation Administration, or to be made by the Administra-
 9 tion, with respect to applications under part 161 of title
 10 14, Code of Federal Regulations, that were pending on
 11 the date of enactment of this section.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 47531 is amended by striking
 14 “47529, or 47530” and inserting “47529, 47530, or
 15 47534”.

16 (2) Section 47532 is amended by inserting “or
 17 47534” after “47528–47531”.

18 (3) The analysis for chapter 475 is amended by
 19 inserting after the item relating to section 47533 the
 20 following:

“45734. Prohibition on operating certain aircraft weighing 75,000 pounds or
 less not complying with stage 3 noise levels.”.

21 **SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

22 (a) ESTABLISHMENT.—The Secretary of Transpor-
 23 tation shall establish a pilot program to carry out not

1 more than 6 environmental mitigation demonstration
2 projects at public-use airports.

3 (b) GRANTS.—In implementing the program, the Sec-
4 retary may make a grant to the sponsor of a public-use
5 airport from funds apportioned under section
6 47117(e)(1)(A) of title 49, United States Code, to carry
7 out an environmental mitigation demonstration project to
8 measurably reduce or mitigate aviation impacts on noise,
9 air quality, or water quality in the vicinity of the airport.

10 (c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—
11 An environmental mitigation demonstration project that
12 receives funds made available under this section may be
13 considered an eligible airport-related project for purposes
14 of section 40117 of such title.

15 (d) SELECTION CRITERIA.—In selecting among ap-
16 plicants for participation in the program, the Secretary
17 shall give priority consideration to applicants proposing to
18 carry out environmental mitigation demonstration projects
19 that will—

20 (1) achieve the greatest reductions in aircraft
21 noise, airport emissions, or airport water quality im-
22 pacts either on an absolute basis or on a per dollar
23 of funds expended basis; and

24 (2) be implemented by an eligible consortium.

1 (e) FEDERAL SHARE.—Notwithstanding any provi-
2 sion of subchapter I of chapter 471 of such title, the
3 United States Government share of allowable project costs
4 of an environmental mitigation demonstration project car-
5 ried out under this section shall be 50 percent.

6 (f) MAXIMUM AMOUNT.—The Secretary may not
7 make grants for a single environmental mitigation dem-
8 onstration project under this section in a total amount
9 that exceeds \$2,500,000.

10 (g) PUBLICATION OF INFORMATION.—The Secretary
11 may develop and publish information on the results of en-
12 vironmental mitigation demonstration projects carried out
13 under this section, including information identifying best
14 practices for reducing or mitigating aviation impacts on
15 noise, air quality, or water quality in the vicinity of air-
16 ports.

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

19 (1) ELIGIBLE CONSORTIUM.—The term “eligi-
20 ble consortium” means a consortium of 2 or more of
21 the following entities:

22 (A) A business incorporated in the United
23 States.

1 (B) A public or private educational or re-
2 search organization located in the United
3 States.

4 (C) An entity of a State or local govern-
5 ment.

6 (D) A Federal laboratory.

7 (2) ENVIRONMENTAL MITIGATION DEMONSTRA-
8 TION PROJECT.—The term “environmental mitiga-
9 tion demonstration project” means a project that—

10 (A) demonstrates at a public-use airport
11 environmental mitigation techniques or tech-
12 nologies with associated benefits, which have al-
13 ready been proven in laboratory demonstra-
14 tions;

15 (B) utilizes methods for efficient adapta-
16 tion or integration of innovative concepts to air-
17 port operations; and

18 (C) demonstrates whether a technique or
19 technology for environmental mitigation identi-
20 fied in research is—

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

23 (ii) capable of reducing noise, airport
24 emissions, greenhouse gas emissions, or

1 water quality impacts in measurably sig-
2 nificant amounts.

3 **SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**
4 **PILOT PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Transportation
6 shall carry out a pilot program at not more than 5 public-
7 use airports under which the Federal Aviation Administra-
8 tion shall use funds made available under section 48101(a)
9 to design, develop, and test air traffic flow management
10 tools, methodologies, and procedures that will allow air
11 traffic controllers of the Administration to better manage
12 the flow of aircraft on the ground and reduce the length
13 of ground holds and idling time for aircraft.

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

22 (c) MAXIMUM AMOUNT.—Not more than a total of
23 \$5,000,000 may be expended under the pilot program at
24 any single public-use airport.

1 (d) REPORT TO CONGRESS.—Not later than 3 years
2 after the date of the enactment of this section, the Sec-
3 retary 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 containing—

7 (1) an evaluation of the effectiveness of the
8 pilot program, including an assessment of the tools,
9 methodologies, and procedures that provided the
10 greatest fuel savings and air quality and other envi-
11 ronmental benefits, and any impacts on safety, ca-
12 pacity, or efficiency of the air traffic control system
13 or the airports at which affected aircraft were oper-
14 ating;

15 (2) an identification of anticipated benefits
16 from implementation of the tools, methodologies,
17 and procedures developed under the pilot program at
18 other airports;

19 (3) a plan for implementing the tools, meth-
20 odologies, and procedures developed under the pilot
21 program at other airports or the Secretary's reasons
22 for not implementing such measures at other air-
23 ports; and

24 (4) such other information as the Secretary
25 considers appropriate.

1 **SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR**
2 **TRAFFIC CONTROL FACILITIES.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration shall implement, to the maximum
5 extent practicable, sustainable practices for the incorpora-
6 tion of energy-efficient design, equipment, systems, and
7 other measures in the construction and major renovation
8 of air traffic control facilities of the Administration in
9 order to reduce energy consumption and improve the envi-
10 ronmental performance of such facilities.

11 (b) AUTHORIZATION.—Of amounts appropriated
12 under section 48101(a) of title 49, United States Code,
13 such sums as may be necessary may be used to carry out
14 this section.

15 **SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT**
16 **ENGINE NOISE AND EMISSIONS STANDARDS.**

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

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

1 (1) the interrelationships between aircraft en-
2 engine noise and emissions;

3 (2) the need for aircraft engine noise and emis-
4 sions to be evaluated and addressed in an integrated
5 and comprehensive manner;

6 (3) the scientific expertise of the FAA and the
7 EPA to evaluate aircraft engine emissions and noise
8 impacts on the environment;

9 (4) expertise to interface environmental per-
10 formance with ensuring the highest safe and reliable
11 engine performance of aircraft in flight;

12 (5) consistency of the regulatory responsibility
13 with other missions of the FAA and the EPA;

14 (6) past effectiveness of the FAA and the EPA
15 in carrying out the aviation environmental respon-
16 sibilities assigned to the agency; and

17 (7) the international responsibility to represent
18 the United States with respect to both engine noise
19 and emissions standards for civil aircraft

20 (c) REPORT TO CONGRESS.—Not later than 6
21 months after the date of enactment of this Act, the Ad-
22 ministrator of the FAA shall submit to Congress a report
23 on the results of the review. The report shall include any
24 recommendations developed as a result of the review and,
25 if a transfer of responsibilities is recommended, a descrip-

1 tion of the steps and timeline for implementation of the
2 transfer.

3 (d) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) EPA.—The term “EPA” means the Envi-
6 ronmental Protection Agency.

7 (2) FAA.—The term “FAA” means the Fed-
8 eral Aviation Administration.

9 **SEC. 511. PRODUCTION OF ALTERNATIVE JET FUEL TECH-**
10 **NOLOGY FOR CIVIL AIRCRAFT.**

11 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—
12 Using amounts made available under section 48102(a) of
13 title 49, United States Code, the Secretary of Transpor-
14 tation shall establish a research program related to devel-
15 oping jet fuel from alternative sources (such as coal, nat-
16 ural gas, biomass, ethanol, butanol, and hydrogen)
17 through grants or other measures authorized under sec-
18 tion 106(l)(6) of such title, including reimbursable agree-
19 ments with other Federal agencies.

20 (b) PARTICIPATION BY EDUCATIONAL AND RE-
21 SEARCH INSTITUTIONS.—In conducting the program, the
22 Secretary provide for participation by educational and re-
23 search institutions that have existing facilities and experi-
24 ence in the development and deployment of technology for
25 alternative jet fuels.

1 (c) DESIGNATION OF INSTITUTE AS A CENTER OF
 2 EXCELLENCE.—Not later than 6 months after the date
 3 of enactment of this Act, the Administrator of the Federal
 4 Aviation Administration shall designate an institution de-
 5 scribed in subsection (a) as a Center of Excellence for Al-
 6 ternative Jet Fuel Research.

7 **TITLE VI—FAA EMPLOYEES AND** 8 **ORGANIZATION**

9 **SEC. 601. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-** 10 **EES.**

11 Section 40122(g)(3) of title 49, United States Code,
 12 is amended by adding at the end the following: “Notwith-
 13 standing any other provision of law, retroactive to April
 14 1, 1996, the Board shall have the same remedial authority
 15 over such employee appeals that it had as of March 31,
 16 1996.”.

17 **SEC. 602. FAA TECHNICAL TRAINING AND STAFFING.**

18 (a) STUDY.—

19 (1) IN GENERAL.—The Comptroller General
 20 shall conduct a study on the training of the airway
 21 transportation systems specialists of the Federal
 22 Aviation Administration (in this section referred to
 23 as “FAA systems specialists”).

24 (2) CONTENTS.—The study shall—

1 (A) include an analysis of the type of
2 training provided to FAA systems specialists;

3 (B) include an analysis of the type of
4 training that FAA systems specialists need to
5 be proficient on the maintenance of latest tech-
6 nologies;

7 (C) include a description of actions that
8 the Administration has undertaken to ensure
9 that FAA systems specialists receive up-to-date
10 training on the latest technologies;

11 (D) identify the amount and cost of FAA
12 systems specialists training provided by ven-
13 dors;

14 (E) identify the amount and cost of FAA
15 systems specialists training provided by the Ad-
16 ministration after developing courses for the
17 training of such specialists;

18 (F) identify the amount and cost of travel
19 that is required of FAA systems specialists in
20 receiving training; and

21 (G) include a recommendation regarding
22 the most cost-effective approach to providing
23 FAA systems specialists training.

24 (3) REPORT.—Not later than 1 year after the
25 date of enactment of this Act, the Comptroller Gen-

1 eral shall submit to the Committee on Transpor-
2 tation and Infrastructure of the House of Represent-
3 atives and the Committee on Commerce, Science,
4 and Transportation of the Senate a report on the re-
5 sults of the study.

6 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

7 (1) STUDY BY NATIONAL ACADEMY OF
8 SCIENCES.—Not later than 90 days after the date of
9 enactment of this Act, the Administrator of the Fed-
10 eral Aviation Administration shall make appropriate
11 arrangements for the National Academy of Sciences
12 to conduct a study of the assumptions and methods
13 used by the Federal Aviation Administration to esti-
14 mate staffing needs for FAA systems specialists to
15 ensure proper maintenance and certification of the
16 national airspace system.

17 (2) CONTENTS.—The study shall be conducted
18 so as to provide the following:

19 (A) A suggested method of modifying FAA
20 systems specialists staffing models for applica-
21 tion to current local conditions or applying
22 some other approach to developing an objective
23 staffing standard.

24 (B) The approximate cost and length of
25 time for developing such models.

1 (3) REPORT.—Not later than one year after the
2 initiation of the arrangements under subsection (a),
3 the National Academy of Sciences shall submit to
4 Congress a report on the results of the study.

5 **SEC. 603. DESIGNEE PROGRAM.**

6 (a) REPORT.—Not later than 18 months after the
7 date of enactment of this Act, the Comptroller General
8 shall submit to the Committee on Transportation and In-
9 frastructure of the House of Representatives and the Com-
10 mittee on Commerce, Science, and Transportation of the
11 Senate a report on the status of recommendations made
12 by the Government Accountability Office in its October
13 2004 report, “Aviation Safety: FAA Needs to Strengthen
14 Management of Its Designee Programs” (GAO–05–40).

15 (b) CONTENTS.—The report shall include—

16 (1) an assessment of the extent to which the
17 Federal Aviation Administration has responded to
18 recommendations of the Government Accountability
19 Office referred to in subsection (a);

20 (2) an identification of improvements, if any,
21 that have been made to the designee programs re-
22 ferred to in the report of the Office as a result of
23 such recommendations; and

24 (3) an identification of further action that is
25 needed to implement such recommendations, im-

1 prove the Administration’s management control of
2 the designee programs, and increase assurance that
3 designees meet the Administration’s performance
4 standards.

5 **SEC. 604. STAFFING MODEL FOR AVIATION SAFETY INSPEC-**
6 **TORS.**

7 (a) IN GENERAL.—Not later than October 31, 2009,
8 the Administrator of the Federal Aviation Administration
9 shall develop a staffing model for aviation safety inspec-
10 tors. In developing the model, the Administrator shall fol-
11 low the recommendations outlined in the 2007 study re-
12 leased by the National Academy of Sciences entitled
13 “Staffing Standards for Aviation Safety Inspectors” and
14 consult with interested persons, including the exclusive
15 collective bargaining representative of the aviation safety
16 inspectors.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out this section.

20 **SEC. 605. SAFETY CRITICAL STAFFING.**

21 (a) AVIATION SAFETY INSPECTORS.—The Adminis-
22 trator of the Federal Aviation Administration shall in-
23 crease the number of aviation safety inspectors in the
24 Flight Standards Service to not less than—

1 (1) _____ full-time equivalent positions in fiscal
2 year 2008;

3 (2) _____ full-time equivalent positions in fiscal
4 year 2009;

5 (3) _____ full-time equivalent positions in fiscal
6 year 2010; and

7 (4) _____ full-time equivalent positions in fiscal
8 year 2011.

9 (b) OPERATIONAL SUPPORT.—The Administrator
10 shall increase the number of safety technical specialists
11 and operational support positions in the Flight Standards
12 Service to the levels necessary, as determined by the Ad-
13 ministrator, to ensure the most efficient and cost-effective
14 use of the aviation safety inspectors authorized by sub-
15 section (a).

16 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
17 tion to amounts authorized by section 106(k) of title 49,
18 United States Code, there is authorized to be appropriated
19 to carry out subsections (a) and (b)—

20 (1) \$58,000,000 for fiscal year 2008;

21 (2) \$134,000,000 for fiscal year 2009;

22 (3) \$170,000,000 for fiscal year 2010; and

23 (4) \$208,000,000 for fiscal year 2011.

24 Such sums shall remain available until expended.

1 (d) IMPLEMENTATION OF STAFFING STANDARDS.—
2 Notwithstanding any other provision of this section, upon
3 completion of the flight standards service staffing model
4 pursuant to section 604 of this Act, and validation of the
5 model by the Administrator, there are authorized to be
6 appropriated such sums as may be necessary to support
7 the number of aviation safety inspectors, safety technical
8 specialists, and operation support positions that such
9 model determines are required to meet the responsibilities
10 of the Flight Standards Service.

11 **SEC. 606. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**
12 **MENT.**

13 (a) ESTABLISHMENT.—The Administrator of the
14 Federal Aviation Administration shall establish a Center
15 for Excellence in Aviation Employment (in this section re-
16 ferred to as the “Center”).

17 (b) APPLIED RESEARCH AND TRAINING.—The Cen-
18 ter shall conduct applied research and training on—

19 (1) human performance in the air transpor-
20 tation environment;

21 (2) air transportation personnel, including air
22 traffic controllers, pilots, and technicians; and

23 (3) any other aviation human resource issues
24 pertinent to developing and maintaining a safe and
25 efficient air transportation system.

1 (c) DUTIES.—The Center shall—

2 (1) in conjunction with the Collegiate Training
3 Initiative and other air traffic controller training
4 programs, develop, implement, and evaluate a com-
5 prehensive, best-practices based training program
6 for air traffic controllers;

7 (2) work with the Office of Human Resource
8 Management of the Administration as that office de-
9 velops and implements a strategic recruitment and
10 marketing program to help the Administration com-
11 pete for the best qualified employees and incorporate
12 an employee value proposition process that results in
13 attracting a broad-based and diverse aviation work-
14 force in mission critical positions, including air traf-
15 fic controller, aviation safety inspector, airway trans-
16 portation safety specialist, and engineer;

17 (3) through industry surveys and other research
18 methodologies and in partnership with the
19 “Taskforce on the Future of the Aerospace Work-
20 force” and the Secretary of Labor, establish a base-
21 line of general aviation employment statistics for
22 purposes of projecting and anticipating future work-
23 force needs and demonstrating the economic impact
24 of general aviation employment;

1 (4) conduct a comprehensive analysis of the air-
2 frame and powerplant technician certification proc-
3 ess and employment trends for maintenance repair
4 organization facilities, certificated repair stations,
5 and general aviation maintenance organizations;

6 (5) establish a best practices model in aviation
7 maintenance technician school environments; and

8 (6) establish a workforce retraining program to
9 allow for transition of recently unemployed and high-
10 ly skilled mechanics into aviation employment.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Administrator
13 such sums as may be necessary to carry out this section.
14 Such sums shall remain available until expended.

15 **SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.**

16 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—
17 Not later than 90 days after the date of enactment of this
18 Act, the Administrator of the Federal Aviation Adminis-
19 tration shall enter into appropriate arrangements with the
20 National Academy of Sciences to conduct a study of the
21 assumptions and methods used by the Federal Aviation
22 Administration (in this section referred to as the “FAA”)
23 to estimate staffing needs for FAA air traffic controllers
24 to ensure the safe operation of the national airspace sys-
25 tem.

1 (b) CONSULTATION.—In conducting the study, the
2 National Academy of Sciences shall consult with the exclu-
3 sive bargaining representative of employees of the FAA
4 certified under section 7111 of title 5, United States Code,
5 the Administrator of the Federal Aviation Administration,
6 and representatives of the Civil Aeronautical Medical In-
7 stitute.

8 (c) CONTENTS.—The study shall include an examina-
9 tion of representative information on human factors, traf-
10 fic activity, and the technology and equipment used in air
11 traffic control.

12 (d) RECOMMENDATIONS AND ESTIMATES.—In con-
13 ducting the study, the National Academy of Sciences shall
14 develop—

15 (1) recommendations for the development by
16 the FAA of objective staffing standards to maintain
17 the safety and efficiency of the national airspace sys-
18 tem with current and future projected air traffic lev-
19 els; and

20 (2) estimates of cost and schedule for the devel-
21 opment of such standards by the FAA or its con-
22 tractors.

23 (e) REPORT.—Not later than 18 months after the
24 date of enactment of this Act, the National Academy of
25 Sciences shall submit to the Committee on Transportation

1 and Infrastructure of the House of Representatives and
2 the Committee on Commerce, Science, and Transportation
3 of the Senate a report on the results of the study.

4 **SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**
5 **TRAFFIC CONTROLLERS.**

6 (a) STUDY.—The Administrator of the Federal Avia-
7 tion Administration shall conduct a study to assess the
8 adequacy of training programs for air traffic controllers.

9 (b) CONTENTS.—The study shall include—

10 (1) a review of the current training system for
11 air traffic controllers;

12 (2) an analysis of the competencies required of
13 air traffic controllers for successful performance in
14 the current air traffic control environment;

15 (3) an analysis of competencies required of air
16 traffic controllers as the Federal Aviation Adminis-
17 tration transitions to the Next Generation Air
18 Transportation System; and

19 (4) an analysis of various training approaches
20 available to satisfy the controller competencies iden-
21 tified under paragraphs (2) and (3).

22 (c) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Administrator shall submit
24 to the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee on

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

3 **SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.**

4 (a) STUDY.—The Administrator of the Federal Avia-
5 tion Administration shall conduct a study on training op-
6 tions for graduates of the Collegiate Training Initiative
7 program conducted under section 44506(c) of title 49
8 United States Code. The study shall analyze the impact
9 of providing as an alternative to the current training pro-
10 vided at the Mike Monroney Aeronautical Center of the
11 Administration a new controller orientation session for
12 graduates of such programs at the Mike Monroney Aero-
13 nautical Center followed by on-the-job training for newly
14 hired air traffic controllers who are graduates of such pro-
15 gram and shall include—

16 (1) the cost effectiveness of such an alternative
17 training approach; and

18 (2) the effect that such an alternative training
19 approach would have on the overall quality of train-
20 ing received by graduates of such programs.

21 (b) REPORT.—Not later than 180 days after the date
22 of enactment of this Act, the Administrator shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and to the Committee on

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

3 **TITLE VII—AVIATION** 4 **INSURANCE**

5 **SEC. 701. GENERAL AUTHORITY.**

6 (a) EXTENSION OF POLICIES.—Section 44302(f)(1)
 7 is amended—

8 (1) by striking “August 31, 2006” and insert-
 9 ing “September 30, 2011”; and

10 (2) by striking “December 31, 2006” and in-
 11 serting “September 30, 2017”.

12 (b) SUCCESSOR PROGRAM.—Section 44302(f) is
 13 amended by adding at the end the following:

14 “(3) SUCCESSOR PROGRAM.—

15 “(A) IN GENERAL.—After December 31,
 16 2017, coverage for the risks specified in a policy
 17 that has been extended under paragraph (1)
 18 shall be provided in an airline industry spon-
 19 sored risk retention or other risk-sharing ar-
 20 rangement approved by the Secretary.

21 “(B) TRANSFER OF PREMIUMS.—

22 “(i) IN GENERAL.—On December 31,
 23 2017, and except as provided in clause (ii),
 24 premiums that are collected by the Sec-
 25 retary from the airline industry after Sep-

1 tember 22, 2001, for any policy under this
2 subsection, and interest earned thereon, as
3 determined by the Secretary, shall be
4 transferred to an airline industry spon-
5 sored risk retention or other risk-sharing
6 arrangement approved by the Secretary.

7 “(ii) DETERMINATION OF AMOUNT
8 TRANSFERRED.—The amount transferred
9 pursuant to clause (i) shall be less—

10 “(I) the amount of any claims
11 paid out on such policies from Sep-
12 tember 22, 2001, through December
13 31, 2017;

14 “(II) the amount of any claims
15 pending under such policies as of De-
16 cember 31, 2017; and

17 “(III) the cost, as determined by
18 the Secretary, of administering the
19 provision of insurance policies under
20 this chapter from September 22,
21 2001, through December 31, 2017.”.

1 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD**
2 **PARTY LIABILITY OF AIR CARRIERS ARISING**
3 **OUT OF ACTS OF TERRORISM.**

4 Section 44303(b) is amended by striking “December
5 31, 2006” and inserting “December 31, 2012”.

6 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

7 Section 44304 is amended in the second sentence by
8 striking “the carrier” and inserting “any insurance car-
9 rier”.

10 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

11 Section 44308(c)(1) is amended in the second sen-
12 tence by striking “agent” and inserting “agent, or a
13 claims adjuster who is independent of the underwriting
14 agent,”.

15 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

16 Section 44310 is amended by striking “March 30,
17 2008” and inserting “September 30, 2017”.

18 **TITLE VIII—MISCELLANEOUS**

19 **SEC. 801. AIR CARRIER CITIZENSHIP.**

20 Section 40102(a)(15) is amended by adding at the
21 end the following:

22 “For purposes of subparagraph (C), an air carrier
23 shall not be deemed to be under the actual control
24 of citizens of the United States unless citizens of the
25 United States control all matters pertaining to the
26 business and structure of the air carrier, including

1 operational matters such as marketing, branding,
2 fleet composition, route selection, pricing, and labor
3 relations.”.

4 **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**
5 **INTEREST OF NATIONAL SECURITY.**

6 Section 40119(b) is amended by adding at the end
7 the following:

8 “(3) LIMITATION ON APPLICABILITY OF FREE-
9 DOM OF INFORMATION ACT.—Section 552 of title 5,
10 United States Code, shall not apply to disclosures
11 that the Administrator of the Federal Aviation Ad-
12 ministration may make from the systems of records
13 of the Administration to any Federal law enforce-
14 ment, intelligence, protective service, immigration, or
15 national security official in order to assist the offi-
16 cial receiving the information in the performance of
17 official duties.”.

18 **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**
19 **AND DATABASE SYSTEMS.**

20 (a) IN GENERAL.—Chapter 401 is amended by add-
21 ing at the end the following:

22 **“§ 40130. FAA access to criminal history records or**
23 **databases systems**

24 “(a) ACCESS TO RECORDS OR DATABASES SYS-
25 TEMS.—

1 “(1) ACCESS TO INFORMATION.—Notwith-
2 standing section 534 of title 28, and regulations
3 issued to implement such section, the Administrator
4 of the Federal Aviation Administration may access a
5 system of documented criminal justice information
6 maintained by the Department of Justice or by a
7 State but may do so only for the purpose of carrying
8 out civil and administrative responsibilities of the
9 Administration to protect the safety and security of
10 the national airspace system or to support the mis-
11 sions of the Department of Justice, the Department
12 of Homeland Security, and other law enforcement
13 agencies.

14 “(2) RELEASE OF INFORMATION.—In accessing
15 a system referred to in paragraph (1), the Adminis-
16 trator shall be subject to the same conditions and
17 procedures established by the Department of Justice
18 or the State for other governmental agencies with
19 access to the system.

20 “(3) LIMITATION.—The Administrator may not
21 use the access authorized under paragraph (1) to
22 conduct criminal investigations.

23 “(b) DESIGNATED EMPLOYEES.—The Administrator
24 shall designate, by order, employees of the Administration

1 who shall carry out the authority described in subsection

2 (a). The designated employees may—

3 “(1) have access to and receive criminal history,
4 driver, vehicle, and other law enforcement informa-
5 tion contained in the law enforcement databases of
6 the Department of Justice, or any jurisdiction of a
7 State, in the same manner as a police officer em-
8 ployed by a State or local authority of that State
9 who is certified or commissioned under the laws of
10 that State;

11 “(2) use any radio, data link, or warning sys-
12 tem of the Federal Government, and of any jurisdic-
13 tion in a State, that provides information about
14 wanted persons, be-on-the-lookout notices, warrant
15 status, or other officer safety information to which
16 a police officer employed by a State or local author-
17 ity in that State who is certified or commission
18 under the laws of that State has access and in the
19 same manner as such police officer; or

20 “(3) receive Federal, State, or local government
21 communications with a police officer employed by a
22 State or local authority in that State in the same
23 manner as a police officer employed by a State or
24 local authority in that State who is commissioned
25 under the laws of that State.

1 “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE
 2 INFORMATION DEFINED.—In this section, the term ‘sys-
 3 tem of documented criminal justice information’ means
 4 any law enforcement database, system, or communication
 5 containing information concerning identification, criminal
 6 history, arrests, convictions, arrest warrants, wanted or
 7 missing persons, including the National Crime Informa-
 8 tion Center and its incorporated criminal history data-
 9 bases and the National Law Enforcement Telecommuni-
 10 cations System.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
 12 ter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records or databases systems.”.

13 **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

15 (1) in the section heading by striking “**air**
 16 **carrier**” and inserting “**carrier**”;

17 (2) in subsection (a) by striking “(as defined in
 18 section 40102)” and inserting “(as such terms are
 19 defined in section 40102)”;

20 (3) in the heading for subsection (d) by striking
 21 “AIR CARRIER” and inserting “AIR CARRIER AND
 22 FOREIGN AIR CARRIER”;

23 (4) in the heading for paragraph (2) of sub-
 24 section (d) by striking “AIR CARRIER” and inserting
 25 “AIR CARRIER AND FOREIGN AIR CARRIER”;

(5) by striking “air carriers” each place it appears and inserting “air carriers or foreign air carriers”;

(6) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”; and

(7) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”.

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

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

13 SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-
14 PORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the “plan”) under section 47103 of title 49, United States Code.

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

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

1 (2) The changes in airport capital needs be-
2 tween fiscal years 2001 and 2007, as reported in the
3 plan, as compared with the amounts apportioned or
4 otherwise made available to individual airports over
5 the same period of time.

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

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

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

15 (c) REPORT TO CONGRESS.—

16 (1) SUBMISSION.—Not later than 36 months
17 after the date of initiation of the study, the Sec-
18 retary shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Represent-
20 atives and the Committee on Commerce, Science,
21 and Transportation of the Senate a report on the re-
22 sults of the study.

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

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

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

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

8 **SEC. 806. CONSOLIDATION AND REALIGNMENT OF FAA FA-**
9 **CILITIES.**

10 (a) ESTABLISHMENT OF WORKING GROUP.—Not
11 later than 9 months after the date of enactment of this
12 Act, the Secretary of Transportation shall establish within
13 the FAA a working group to develop criteria and make
14 recommendations for the realignment of services and fa-
15 cilities of the FAA to assist in the transition to next gen-
16 eration facilities and to help reduce capital, operating,
17 maintenance, and administrative costs in instances in
18 which cost reductions can be implemented without ad-
19 versely affecting safety.

20 (b) MEMBERSHIP.—The working group shall be com-
21 posed of, at a minimum—

22 (1) the Administrator of the FAA;

23 (2) 2 representatives of air carriers;

24 (3) 2 representatives of the general aviation
25 community;

1 (4) 2 representatives of labor unions rep-
2 resenting employees who work at field facilities of
3 the FAA; and

4 (5) 2 representatives of the airport community.

5 (c) REPORT TO CONGRESS CONTAINING REC-
6 COMMENDATIONS OF THE WORKING GROUP.—

7 (1) SUBMISSION.—Not later than 6 months
8 after convening the working group, the Adminis-
9 trator shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Represent-
11 atives and the Committee on Commerce, Science,
12 and Transportation of the Senate a report con-
13 taining the criteria and recommendations developed
14 by the working group under this section.

15 (2) CONTENTS.—The report shall include a jus-
16 tification for each recommendation to consolidate or
17 realign a facility or service and a description of the
18 costs and savings associated with the consolidation
19 or realignment.

20 (d) PUBLIC NOTICE AND COMMENT.—The Adminis-
21 trator shall publish the report submitted under subsection
22 (c) in the Federal Register and allow 45 days for the sub-
23 mission of public comments. In addition, the Adminis-
24 trator upon request shall hold a public hearing in a com-

1 munity that would be affected by a recommendation in the
2 report.

3 (e) OBJECTIONS.—Any interested person may file
4 with the Administrator a written objection to a rec-
5 ommendation of the working group.

6 (f) REPORT TO CONGRESS CONTAINING REC-
7 OMMENDATIONS OF THE ADMINISTRATOR.—Not later
8 than 60 days after the last day of the period for public
9 comment under subsection (d), the Administrator shall
10 submit to the committees referred to in subsection (c)(1)
11 a report containing the recommendations of the Adminis-
12 trator on realignment of services and facilities of the FAA
13 and copies of any public comments and objections received
14 by the Administrator under this section.

15 (g) LIMITATION ON IMPLEMENTATION OF REALIGN-
16 MENTS AND CONSOLIDATIONS.—The Administrator may
17 not realign or consolidate any services or facilities of the
18 FAA before the Administrator has submitted the report
19 under subsection (f).

20 (h) FAA DEFINED.—In this section, the term
21 “FAA” means the Federal Aviation Administration.

1 **SEC. 807. TRANSPORTATION SECURITY ADMINISTRATION**
2 **CENTRALIZED TRAINING FACILITY FEASI-**
3 **BILITY STUDY.**

4 (a) STUDY.—The Secretary of Homeland Security
5 shall carry out a study on the feasibility of establishing
6 a centralized training center for advanced security train-
7 ing by the Transportation Security Administration.

8 (b) CONSIDERATIONS.—In conducting the study, the
9 Secretary shall take into consideration the benefits, cost,
10 equipment, and building requirements for a training cen-
11 ter and whether the benefits of establishing a center would
12 be an efficient process for training transportation security
13 officers.

14 (c) REPORT.—Not later than one year after the date
15 of enactment of this Act, the Secretary shall submit to
16 the Committee on Transportation and Infrastructure and
17 the Committee on Homeland Security of the House of
18 Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a report on the
20 results of the study.

21 **SEC. 808. GAO STUDY ON COOPERATION OF AIRLINE IN-**
22 **DUSTRY IN INTERNATIONAL CHILD ABDUC-**
23 **TION CASES.**

24 (a) STUDY.—The Comptroller General shall conduct
25 a study to help determine how the Federal Aviation Ad-
26 ministration (in this section referred to as the “FAA”)

1 could better ensure the collaboration and cooperation of
2 air carriers and foreign air carriers providing air transpor-
3 tation and relevant Federal agencies to develop and en-
4 force child safety control for adults traveling internation-
5 ally with children.

6 (b) CONTENTS.—In conducting the study, the Comp-
7 troller General shall examine—

8 (1) the nature and scope of exit policies and
9 procedures of the FAA, air carriers, and foreign air
10 carriers and how the enforcement of such policies
11 and procedures is monitored, including ticketing and
12 boarding procedures;

13 (2) the extent to which air carriers and foreign
14 air carriers cooperate in the investigations of inter-
15 national child abduction cases, including cooperation
16 with the National Center for Missing and Exploited
17 Children and relevant Federal, State, and local
18 agencies;

19 (3) any effective practices, procedures, or les-
20 sons learned from the assessment of current prac-
21 tices and procedures of air carriers, foreign air car-
22 riers, and operators of other transportation modes
23 that could improve the ability of the aviation com-
24 munity to ensure the safety of children traveling
25 internationally with adults and, as appropriate, en-

1 hance the capability of air carriers and foreign air
2 carriers to cooperate in the investigations of inter-
3 national child abduction cases; and

4 (4) any liability issues associated with providing
5 assistance in such investigations.

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

9 **SEC. 809. LOST NATION AIRPORT, OHIO.**

10 (a) APPROVAL OF SALE.—The Secretary of Trans-
11 portation may approve the sale of Lost Nation Airport
12 from the city of Willoughby, Ohio, to Lake County, Ohio,
13 if—

14 (1) Lake County meets all applicable require-
15 ments for sponsorship of the airport; and

16 (2) Lake County agrees to assume the obliga-
17 tions and assurances of the grant agreements relat-
18 ing to the airport executed by the city of Willoughby
19 under chapter 471 of title 49, United States Code,
20 and to operate and maintain the airport in accord-
21 ance with such obligations and assurances.

22 (b) TREATMENT OF PROCEEDS FROM SALE.—The
23 Secretary may grant to the city of Willoughby an exemp-
24 tion from the provisions of sections 47107 and 47133 of
25 such title, any grant obligations of the city of Willoughby,

1 and regulations and policies of the Federal Aviation Ad-
2 ministration to the extent necessary to allow the city of
3 Willoughby to use the proceeds from the sale approved
4 under subsection (a) for any purpose authorized by the
5 city of Willoughby.

6 **SEC. 810. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

7 (a) FINDINGS.—Congress finds that—

8 (1) Pollock Municipal Airport located in Pol-
9 lock, Louisiana (in this section referred to as the
10 “airport”), has never been included in the National
11 Plan of Integrated Airport Systems pursuant to sec-
12 tion 47103 of title 49, United States Code, and is
13 therefore not considered necessary to meet the cur-
14 rent or future needs of the national aviation system;
15 and

16 (2) closing the airport will not adversely affect
17 aviation safety, aviation capacity, or air commerce.

18 (b) REQUEST FOR CLOSURE.—

19 (1) APPROVAL.—Notwithstanding any other
20 provision of law, requirement, or agreement and sub-
21 ject to the requirements of this section, the Adminis-
22 trator of the Federal Aviation Administration
23 shall—

1 (A) approve a request from the town of
2 Pollock, Louisiana, to close the airport as a
3 public airport; and

4 (B) release the town from any term, condi-
5 tion, reservation, or restriction contained in a
6 surplus property conveyance or transfer docu-
7 ment, and from any order or finding by the De-
8 partment of Transportation on the use and re-
9 payment of airport revenue applicable to the
10 airport, that would otherwise prevent the clo-
11 sure of the airport and redevelopment of the fa-
12 cilities to nonaeronautical uses.

13 (2) CONTINUED AIRPORT OPERATION PRIOR TO
14 APPROVAL.—The town of Pollock shall continue to
15 operate and maintain the airport until the Adminis-
16 trator grants the town's request for closure of the
17 airport.

18 (3) USE OF PROCEEDS FROM SALE OF AIR-
19 PORT.—Upon the approval of the request to close
20 the airport, the town of Pollock shall obtain fair
21 market value for the sale of the airport property and
22 shall immediately upon receipt transfer all such pro-
23 ceeds from the sale of the airport property to the
24 sponsor of a public airport designated by the Admin-

1 istrator to be used for the development or improve-
2 ment of such airport.

3 (4) RELOCATION OF AIRCRAFT.—Before closure
4 of the airport, the town of Pollock shall provide ade-
5 quate time for any airport-based aircraft to relocate.

6 **SEC. 811. HUMAN INTERVENTION AND MOTIVATION STUDY**
7 **PROGRAM.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 date of enactment of this Act, the Administrator of the
10 Federal Aviation Administration shall develop a human
11 intervention and motivation study program for flight crew-
12 members involved in air carrier operations in the United
13 States under part 121 of title 14, Code of Federal Regula-
14 tions.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary for each of fiscal years
18 2008 through 2011. Such sums shall remain available
19 until expended.

20 **SEC. 812. WASHINGTON, D.C., AIR DEFENSE IDENTIFICA-**
21 **TION ZONE.**

22 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later
23 than 90 days after the date of enactment of this Act, the
24 Administrator of the Federal Aviation Administration, in
25 coordination with Secretary of Homeland Security and

1 Secretary of Defense, shall submit to the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives and the Committee on Commerce, Science,
4 and Transportation of the Senate a plan for the Wash-
5 ington, D.C., Air Defense Identification Zone.

6 (b) CONTENTS OF PLAN.—The plan shall outline spe-
7 cific changes to the Washington, D.C., Air Defense Identi-
8 fication Zone that will decrease operational impacts and
9 improve general aviation access to airports in the National
10 Capital Region that are currently impacted by the zone.

11 **SEC. 813. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, including the Federal Airport Act (as in effect
14 on August 8, 1958), the United States releases, without
15 monetary consideration, all restrictions, conditions, and
16 limitations on the use, encumbrance, or conveyance of cer-
17 tain land located in the municipality of Anchorage, Alaska,
18 more particularly described as Tracts 22 and 24 of the
19 Fourth Addition to the Town Site of Anchorage, Alaska,
20 as shown on the plat of U.S. Survey No. 1456, accepted
21 June 13, 1923, on file in the Bureau of Land Manage-
22 ment, Department of Interior.

23 (b) GRANTS.—Notwithstanding any other provision
24 of law, the municipality of Anchorage shall be released
25 from the repayment of any outstanding grant obligations

1 owed by the municipality to the Federal Aviation Adminis-
2 tration with respect to any land described in subsection
3 (a) that is subsequently conveyed to or used by the De-
4 partment of Transportation and Public Facilities of the
5 State of Alaska for the construction or reconstruction of
6 a federally subsidized highway project.

7 **SEC. 814. WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.**

8 It is the sense of Congress that the Nation—

9 (1) supports the goals and ideals of the 1940
10 Air Terminal Museum located at William P. Hobby
11 Airport in the city of Houston, Texas;

12 (2) congratulates the city of Houston and the
13 1940 Air Terminal Museum on the 80-year history
14 of William P. Hobby Airport and the vital role of the
15 airport in Houston's and the Nation's transportation
16 infrastructure; and

17 (3) recognizes the 1940 Air Terminal Museum
18 for its importance to the Nation in the preservation
19 and presentation of civil aviation heritage and recog-
20 nizes the importance of civil aviation to the Nation's
21 history and economy.

○