

# Union Calendar No. 206

110TH CONGRESS  
1ST SESSION

# H. R. 2881

[Report No. 110-331]

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.

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## 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

SEPTEMBER 17, 2007

Additional sponsors: Mr. WALZ of Minnesota, Mr. CLEAVER, Mr. BACA, Mr. HARE, and Mr. AL GREEN of Texas

SEPTEMBER 17, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 27, 2007]

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“FAA Reauthorization Act of 2007”.*

6 (b) *TABLE OF CONTENTS.*—

*Sec. 1. Short title; table of contents.*

*Sec. 2. Amendments to title 49, United States Code.*

*Sec. 3. Effective date.*

## TITLE I—AUTHORIZATIONS

### Subtitle A—Funding of FAA Programs

*Sec. 101. Airport planning and development and noise compatibility planning and programs.*

*Sec. 102. Air navigation facilities and equipment.*

*Sec. 103. FAA operations.*

*Sec. 104. Funding for aviation programs.*

### 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. Federal Aviation Administration personnel management system.*

- Sec. 602. MSPB remedial authority for FAA employees.*
- Sec. 603. FAA technical training and staffing.*
- Sec. 604. Designee program.*
- Sec. 605. Staffing model for aviation safety inspectors.*
- Sec. 606. Safety critical staffing.*
- Sec. 607. Center for excellence in aviation employment.*
- Sec. 608. FAA air traffic controller staffing.*
- Sec. 609. Assessment of training programs for air traffic controllers.*
- Sec. 610. 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. Express carrier employee protection.*
- Sec. 807. Consolidation and realignment of FAA facilities.*
- Sec. 808. Transportation Security Administration centralized training facility feasibility study.*
- Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.*
- Sec. 810. Lost Nation Airport, Ohio.*
- Sec. 811. Pollock Municipal Airport, Louisiana.*
- Sec. 812. Human intervention and motivation study program.*
- Sec. 813. Washington, D.C., Air Defense Identification Zone.*
- Sec. 814. Merrill Field Airport, Anchorage, Alaska.*
- Sec. 815. 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 of*  
 4 *an amendment to, or a repeal of, a section or other provi-*  
 5 *sion, the reference shall be considered to be made to a section*  
 6 *or other provision of title 49, United States Code.*

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

2 *Except as otherwise expressly provided, this Act and*  
 3 *the amendments made by this Act shall apply only to fiscal*  
 4 *years beginning after September 30, 2007.*

5 **TITLE I—AUTHORIZATIONS**  
 6 ***Subtitle A—Funding of FAA***  
 7 ***Programs***

8 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**  
 9 **NOISE COMPATIBILITY PLANNING AND PRO-**  
 10 **GRAMS.**

11 *(a) AUTHORIZATION.—Section 48103 is amended—*

12 *(1) by striking “September 30, 2003” and insert-*  
 13 *ing “September 30, 2007”; and*

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

16 *“(1) \$3,800,000,000 for fiscal year 2008;*

17 *“(2) \$3,900,000,000 fiscal year 2009;*

18 *“(3) \$4,000,000,000 fiscal year 2010; and*

19 *“(4) \$4,100,000,000 fiscal year 2011.”.*

20 *(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is*  
 21 *amended by striking “September 30, 2007” and inserting*  
 22 *“September 30, 2011”.*

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

24 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*  
 25 *48101(a) is amended by striking paragraphs (1) through*  
 26 *(4) and inserting the following:*

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

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

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

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

5           (b) *USE OF FUNDS.*—Section 48101 is amended by  
6 striking subsections (c) through (i) and inserting the fol-  
7 lowing:

8           “(c) *WAKE VORTEX MITIGATION.*—Of amounts appro-  
9 priated under subsection (a), such sums as may be nec-  
10 essary for each of fiscal years 2008 through 2011 may be  
11 used for the development and analysis of wake vortex miti-  
12 gation, including advisory systems.

13          “(d) *WEATHER HAZARDS.*—

14           “(1) *IN GENERAL.*—Of amounts appropriated  
15 under subsection (a), such sums as may be necessary  
16 for each of fiscal years 2008 through 2011 may be  
17 used for the development of in-flight and ground-based  
18 weather threat mitigation systems, including ground  
19 de-icing and anti-icing systems and other systems for  
20 predicting, detecting, and mitigating the effects of cer-  
21 tain weather conditions on both airframes and en-  
22 gines.

23           “(2) *SPECIFIC HAZARDS.*—Weather conditions  
24 referred to in paragraph (1) include—

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

3           “(B) oceanic weather, including convective  
4           weather, and other hazards associated with oce-  
5           anic operations (where commercial traffic is high  
6           and only rudimentary satellite sensing is avail-  
7           able) to reduce the hazards presented to commer-  
8           cial aviation, including convective weather ice  
9           crystal ingestion threats; and

10          “(C) en route turbulence prediction.

11          “(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts  
12          appropriated under subsection (a) and section 106(k)(1),  
13          such sums as may be necessary for each of fiscal years 2008  
14          through 2011 may be used to advance the development and  
15          implementation of safety management systems.

16          “(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of  
17          amounts appropriated under subsection (a), \$8,000,000 for  
18          fiscal year 2008, \$10,000,000 for fiscal year 2009,  
19          \$12,000,000 for fiscal year 2010, and \$12,000,000 for fiscal  
20          year 2011 may be used for the development and implemen-  
21          tation of runway incursion reduction programs.

22          “(g) RUNWAY STATUS LIGHTS.—Of amounts appro-  
23          priated under subsection (a), \$15,000,000 for fiscal year  
24          2008, \$27,000,000 for fiscal year 2009, \$12,000,000 for fis-



1 *cal year 2010, and \$20,000,000 for 2011 may be used for*  
 2 *the acquisition and installation of runway status lights.”.*

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

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

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

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

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

10 *and*

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

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

14 (1) *by striking subparagraphs (A), (B), (C), (D),*  
 15 *and (F);*

16 (2) *by redesignating subparagraphs (E) and (G)*  
 17 *as subparagraphs (A) and (B), respectively; and*

18 (3) *in subparagraphs (A) and (B) (as so redesign-*  
 19 *ated) by striking “2004 through 2007” and inserting*  
 20 *“2008 through 2011”.*

21 (c) *AIRLINE DATA AND ANALYSIS.*—*There is author-*  
 22 *ized to be appropriated to the Secretary of Transportation*  
 23 *out of the Airport and Airway Trust Fund established by*  
 24 *section 9502 of the Internal Revenue Code of 1986 (26*  
 25 *U.S.C. 9502) to fund airline data collection and analysis*

1 *by the Bureau of Transportation Statistics in the Research*  
 2 *and Innovative Technology Administration of the Depart-*  
 3 *ment of Transportation—*

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

5 *(2) \$6,000,000 for each of fiscal years 2009,*  
 6 *2010, and 2011.*

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

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

11 *“(A) IN GENERAL.—The total budget re-*  
 12 *sources made available from the Airport and*  
 13 *Airway Trust Fund each fiscal year through fis-*  
 14 *cal year 2011 pursuant to sections 48101, 48102,*  
 15 *48103, and 106(k) shall—*

16 *“(i) in each of fiscal years 2008 and*  
 17 *2009, be equal to 95 percent of the estimated*  
 18 *level of receipts plus interest credited to the*  
 19 *Airport and Airway Trust Fund for that*  
 20 *fiscal year; and*

21 *“(ii) in each of fiscal years 2010 and*  
 22 *2011, be equal to the sum of—*

23 *“(I) 95 percent of the estimated*  
 24 *level of receipts plus interest credited to*

1                   *the Airport and Airway Trust Fund*  
2                   *for that fiscal year; and*

3                   “(II) *the actual level of receipts*  
4                   *plus interest credited to the Airport*  
5                   *and Airway Trust Fund for the second*  
6                   *preceding fiscal year minus the total*  
7                   *amount made available for obligation*  
8                   *from the Airport and Airway Trust*  
9                   *Fund for the second preceding fiscal*  
10                  *year.*

11                  *Such amounts may be used only for aviation in-*  
12                  *vestment programs listed in subsection (b).”.*

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

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

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

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

23                  (d) *ENFORCEMENT OF GUARANTEES.*—Section  
24                  48114(c)(2) is amended by striking “2007” and inserting  
25                  “2011”.

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

3   ***SEC. 111. PFC AUTHORITY.***

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

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

9       (b) *INCREASE IN PFC MAXIMUM LEVEL.*—Section  
 10   40117(b)(4) is amended by striking “\$4.00 or \$4.50” and  
 11   inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

12       (c) *PILOT PROGRAM FOR PFC AT NONHUB AIR-*  
 13   *PORTS.*—Section 40117(l) is amended—

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

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

17       (d) *CORRECTION OF REFERENCES.*—

18               (1) *SECTION 40117.*—Section 40117 is amend-  
 19   ed—

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

22               (B) in the heading for subsection (e) by  
 23       striking “***FEE***S” and inserting “***CHARGE***S”;

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

1           (D) in the heading for paragraph (5) of  
 2           subsection (l) by striking “FEE” and inserting  
 3           “CHARGE”;

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

6           (F) in the heading for paragraph (1) of sub-  
 7           section (m) by striking “FEES” and inserting  
 8           “CHARGES”;

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

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

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

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

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

19               (C) Section 47114(f).

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

21               (E) Section 47139(b).

22               (F) Section 47524(e).

23               (G) Section 47526(2).

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

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

4               “(H) A project to construct secure bicycle  
5 storage facilities that are to be used by pas-  
6 sengers at the airport and that are in compli-  
7 ance with applicable security standards.”.

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

14 **SEC. 113. NOISE COMPATIBILITY PROJECTS.**

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

17               “(7) NOISE MITIGATION FOR CERTAIN  
18 SCHOOLS.—

19               “(A) *IN GENERAL.*—In addition to the uses  
20 specified in paragraphs (1), (4), and (6), the  
21 Secretary may authorize a passenger facility  
22 charge imposed under paragraph (1) or (4) at a  
23 large hub airport that is the subject of an  
24 amended judgment and final order in condemna-  
25 tion filed on January 7, 1980, by the Superior  
26 Court of the State of California for the county of

1        *Los Angeles, to be used for a project to carry out*  
2        *noise mitigation for a building, or for the re-*  
3        *placement of a relocatable building with a per-*  
4        *manent building, in the noise impacted area sur-*  
5        *rounding the airport at which such building is*  
6        *used primarily for educational purposes, not-*  
7        *withstanding the air easement granted or any*  
8        *terms to the contrary in such judgment and final*  
9        *order, if—*

10                *“(i) the Secretary determines that the*  
11                *building is adversely affected by airport*  
12                *noise;*

13                *“(ii) the building is owned or char-*  
14                *tered by the school district that was the*  
15                *plaintiff in case number 986,442 or*  
16                *986,446, which was resolved by such judg-*  
17                *ment and final order;*

18                *“(iii) the project is for a school identi-*  
19                *fied in one of the settlement agreements ef-*  
20                *fective February 16, 2005, between the air-*  
21                *port and each of the school districts;*

22                *“(iv) in the case of a project to replace*  
23                *a relocatable building with a permanent*  
24                *building, the eligible project costs are lim-*  
25                *ited to the actual structural construction*

costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

“(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

“(B) *ELIGIBLE PROJECT COSTS*.—In subparagraph (A)(iv), the term ‘eligible project costs’ means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.”.

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

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

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

“(1) *PFC ELIGIBILITY*.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4)



1       to be used to finance the eligible cost of an intermodal  
2       ground access project.

3               “(2) *INTERMODAL GROUND ACCESS PROJECT DE-*  
4       *FINED.*—*In this section, the term ‘intermodal ground*  
5       *access project’ means a project for constructing a local*  
6       *facility owned or operated by an eligible agency that*  
7       *is directly and substantially related to the movement*  
8       *of passengers or property traveling in air transpor-*  
9       *tation.*

10              “(3) *ELIGIBLE COSTS.*—

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

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

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

20                      “(B) *DETERMINATIONS REGARDING PRO-*  
21       *JECTED PROJECT USE.*—

22                              “(i) *IN GENERAL.*—*Except as provided*  
23       *by clause (ii), the Secretary shall determine*  
24       *the projected use of a project for purposes of*

subparagraph (A) at the time the project is approved under this subsection.

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

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

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

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

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

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

3           (1) *the differences in facility needs, and the costs*  
4 *for constructing, maintaining, and operating those fa-*  
5 *cilities, for airports at which the majority of pas-*  
6 *sengers are connecting passengers as compared to air-*  
7 *ports at which the majority of passengers are origi-*  
8 *nating and destination passengers;*

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

13          (3) *for each airport charging a passenger facility*  
14 *charge, the percentage of passenger facility charge rev-*  
15 *enue attributable to connecting passengers and the*  
16 *percentage of such revenue attributable to originating*  
17 *and destination passengers;*

18          (4) *the potential effects on airport revenues of re-*  
19 *quiring airports to charge different levels of passenger*  
20 *facility charges on connecting passengers and origi-*  
21 *nating and destination passengers; and*

22          (5) *the added costs to air carriers of collecting*  
23 *passenger facility charges under a system in which*  
24 *different levels of passenger facility charges are im-*

posed on connecting passengers and originating and destination passengers.

(c) *REPORT TO CONGRESS.*—

(1) *IN GENERAL.*—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

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

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

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

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

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

(a) *ESTABLISHMENT AND ADJUSTMENT OF FEES.*—

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

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

“(1) *IN GENERAL.*—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Ad-

1     *ministration's costs, as determined by the Adminis-*  
2     *trator, of providing the services rendered. Services for*  
3     *which costs may be recovered include the costs of air*  
4     *traffic control, navigation, weather services, training,*  
5     *and emergency services which are available to facili-*  
6     *tate safe transportation over the United States and*  
7     *the costs of other services provided by the Adminis-*  
8     *trator, or by programs financed by the Administrator,*  
9     *to flights that neither take off nor land in the United*  
10    *States. The determination of such costs by the Admin-*  
11    *istrator, and the allocation of such costs by the Ad-*  
12    *ministrator to services provided, are not subject to ju-*  
13    *dicial review.*

14           “(2) *ADJUSTMENT OF FEES.—The Administrator*  
15    *shall adjust the overflight fees established by sub-*  
16    *section (a)(1) by expedited rulemaking and begin col-*  
17    *lections under the adjusted fees by October 1, 2008. In*  
18    *developing the adjusted overflight fees, the Adminis-*  
19    *trator may seek and consider the recommendations of-*  
20    *ferred by an aviation rulemaking committee for over-*  
21    *flight fees that are provided to the Administrator by*  
22    *June 1, 2008, and are intended to ensure that over-*  
23    *flight fees are reasonably related to the Administra-*  
24    *tor's costs of providing air traffic control and related*  
25    *services to overflights.*

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

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

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

19          “(b) *ADJUSTMENTS*.—Section 45301 is amended by  
 20          adding at the end the following:

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

1 **SEC. 122. REGISTRATION FEES.**

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

4 **“§ 45305. Registration, certification, and related fees**

5 “(a) *GENERAL AUTHORITY AND FEES.*—The Adminis-  
6 trator of the Federal Aviation Administration shall estab-  
7 lish the following fees for services and activities of the Ad-  
8 ministration:

9 “(1) \$130 for registering an aircraft.

10 “(2) \$45 for replacing an aircraft registration.

11 “(3) \$130 for issuing an original dealer’s air-  
12 craft certificate.

13 “(4) \$105 for issuing an aircraft certificate  
14 (other than an original dealer’s aircraft certificate).

15 “(5) \$80 for issuing a special registration num-  
16 ber.

17 “(6) \$50 for issuing a renewal of a special reg-  
18 istration number.

19 “(7) \$130 for recording a security interest in an  
20 aircraft or aircraft part.

21 “(8) \$50 for issuing an airman certificate.

22 “(9) \$25 for issuing a replacement airman cer-  
23 tificate.

24 “(10) \$42 for issuing an airman medical certifi-  
25 cate.

1           “(11) \$100 for providing a legal opinion per-  
2           taining to aircraft registration or recordation.

3           “(b) *FEEES CREDITED AS OFFSETTING COLLEC-*  
4           *TIONS.—*

5           “(1) *IN GENERAL.—*Notwithstanding section  
6           3302 of title 31, any fee authorized to be collected  
7           under this section shall, subject to appropriation  
8           made in advance—

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

12                   “(B) be available for expenditure only to  
13           pay the costs of activities and services for which  
14           the fee is imposed; and

15                   “(C) remain available until expended.

16           “(2) *CONTINUING APPROPRIATIONS.—*The Ad-  
17           ministrators may continue to assess, collect, and spend  
18           fees established under this section during any period  
19           in which the funding for the Federal Aviation Admin-  
20           istration is provided under an Act providing con-  
21           tinuing appropriations in lieu of the Administra-  
22           tion’s regular appropriations.

23           “(3) *ADJUSTMENTS.—*The Administrator shall  
24           periodically adjust the fees established by subsection  
25           (a) when cost data from the cost accounting system



1        *developed pursuant to section 45303(e) reveal that the*  
 2        *cost of providing the service is higher or lower than*  
 3        *the cost data that were used to establish the fee then*  
 4        *in effect.”.*

5        *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
 6        *453 is amended by adding at the end the following:*

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

7        *(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR*  
 8        *TRANSPORTATION.—Section 45302(e) is amended—*

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

11                *“(1) IN GENERAL.—A fee”; and*

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

13                *“(2) EFFECT OF IMPOSITION OF OTHER FEES.—*  
 14        *A fee may not be imposed for a service or activity*  
 15        *under this section during any period in which a fee*  
 16        *for the same service or activity is imposed under sec-*  
 17        *tion 45305.”.*

## 18        ***Subtitle D—AIP Modifications***

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

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

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

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

1           “(M) construction of mobile refueler parking  
 2           within a fuel farm at a nonprimary airport  
 3           meeting the requirements of section 112.8 of title  
 4           40, Code of Federal Regulations.

5           “(N) terminal development under section  
 6           47119(a).

7           “(O) acquiring and installing facilities and  
 8           equipment to provide air conditioning, heating,  
 9           or electric power from terminal-based, non-exclu-  
 10          sive use facilities to aircraft parked at a public  
 11          use airport for the purpose of reducing energy  
 12          use or harmful emissions as compared to the pro-  
 13          vision of such air conditioning, heating, or elec-  
 14          tric power from aircraft-based systems.”.

15          (b) *AIRPORT PLANNING*.—Section 47102(5) is amend-  
 16          ed by inserting before the period at the end the following:  
 17          “and developing an environmental management system”.

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

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

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

24               (3) by inserting after paragraph (7) the fol-  
 25               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 after  
9           paragraph (23) (as redesignated by subsection (c)(2) of this  
10          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 fa-  
16          cilities that the Secretary determines will increase the  
17          revenue producing ability of the airport.”.

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

20                   “(28) ‘terminal development’ means—

21                               “(A) development of—

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

1                   “(ii) access roads servicing exclusively  
 2                   airport traffic that leads directly to or from  
 3                   an airport passenger terminal building; and  
 4                   “(iii) walkways that lead directly to or  
 5                   from an airport passenger terminal build-  
 6                   ing; and  
 7                   “(B) the cost of a vehicle described in sec-  
 8                   tion 47119(a)(1)(B).”.

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

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

15       (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

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

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

24                   “(4) PRIORITIES FOR REINVESTMENT.—In ap-  
 25   proving the reinvestment or transfer of proceeds under

1 subsection (c)(2)(A)(iii), the Secretary shall give pref-  
 2 erence, in descending order, to the following 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 pub-  
 12 lic airport to be reinvested in an approved noise  
 13 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” and  
 18 inserting “the Airport and Airway Trust Fund established  
 19 under section 9502 of the Internal Revenue Code of 1986  
 20 (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 more*  
 17        *of the criteria established in section 301(a) of the*  
 18        *Public Works and Economic Development Act of 1965*  
 19        *(42 U.S.C. 3161(a)), as determined by the Secretary*  
 20        *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 construc-*  
10                   *tion 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 to*  
23                   *the project by the Secretary for the allocation of*  
24                   *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 FACILITIES.*—

4       *The Secretary may determine that the costs of relocating*  
 5       *or replacing an airport-owned facility are allowable for an*  
 6       *airport development project at an airport only if—*

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

10              “(2) *the Secretary determines that the relocation*  
 11       *or replacement is required due to a change in the Sec-*  
 12       *retary’s design standards; and*

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

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

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

19              (2) *by striking “, including fuel farms and hang-*  
 20       *ars,”.*

21       **SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIR-**  
 22                               **PORT CONCESSIONS UNDER DISADVANTAGED**  
 23                               **BUSINESS ENTERPRISE PROGRAM.**

24       (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 year*  
8 *after the date of enactment of the FAA Reauthor-*  
9 *ization Act of 2007, the Secretary shall establish*  
10 *a mandatory training program for persons de-*  
11 *scribed in subparagraph (C) on the certification*  
12 *of whether a small business concern in airport*  
13 *concessions 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 pro-*  
18 *gram may be implemented by one or more pri-*  
19 *ivate entities approved by the Secretary.*

20                 “(C) *PARTICIPANTS.—A person referred to*  
21 *in paragraph (1) is an official or agent of an*  
22 *airport owner or operator who is required to*  
23 *provide a written assurance under paragraph*  
24 *(1) that the airport owner or operator will meet*  
25 *the percentage goal of paragraph (1) or who is*

1        *responsible for determining whether or not a*  
 2        *small business concern in airport concessions*  
 3        *qualifies as a small business concern owned and*  
 4        *controlled by a socially and economically dis-*  
 5        *advantaged individual for purposes of paragraph*  
 6        *(1).*

7                *“(D) AUTHORIZATION OF APPROPRIA-*  
 8        *TIONS.—There are authorized to be appropriated*  
 9        *such sums as may be necessary to carry out this*  
 10        *paragraph.”.*

11        *(b) REPORT.—Not later than 24 months after the date*  
 12        *of enactment of this Act, the Secretary shall submit to the*  
 13        *Committee on Transportation and Infrastructure of the*  
 14        *House of Representatives, the Committee on Commerce,*  
 15        *Science, and Transportation of the Senate, and other ap-*  
 16        *propriate committees of Congress a report on the results of*  
 17        *the training program conducted under the amendment*  
 18        *made by subsection (a).*

19        **SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS**  
 20                **OWNED AND CONTROLLED BY DISABLED VET-**  
 21                **ERANS.**

22        *Section 47112(c) is amended by adding at the end the*  
 23        *following:*

24                *“(3) A contract involving labor for carrying out an*  
 25        *airport development project under a grant agreement under*

1 *this subchapter must require that a preference be given to*  
 2 *the use of small business concerns (as defined in section 3*  
 3 *of the Small Business Act (15 U.S.C. 1632)) owned and*  
 4 *controlled by disabled veterans.”.*

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

6 *Section 47114(d) is amended—*

7 *(1) in paragraph (2)—*

8 *(A) by striking “Except as provided in*  
 9 *paragraph (3), the Secretary” and inserting*  
 10 *“The Secretary”; and*

11 *(B) by striking “18.5 percent” and insert-*  
 12 *ing “10 percent”; and*

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

15 *“(3) ADDITIONAL AMOUNT.—*

16 *“(A) IN GENERAL.—In addition to amounts*  
 17 *apportioned under paragraph (2) and subject to*  
 18 *subparagraph (B), the Secretary shall apportion*  
 19 *to each airport, excluding primary airports but*  
 20 *including reliever and nonprimary commercial*  
 21 *service airports, in States the lesser of—*

22 *“(i) \$150,000; or*

23 *“(ii)  $\frac{1}{5}$  of the most recently published*  
 24 *estimate of the 5-year costs for airport im-*  
 25 *provement for the airport, as listed in the*

1           *national plan of integrated airport systems*  
 2           *developed by the Federal Aviation Adminis-*  
 3           *tration under section 47103.*

4           “(B) *REDUCTION.*—*In any fiscal year in*  
 5           *which the total amount made available for ap-*  
 6           *portionment under paragraph (2) is less than*  
 7           *\$300,000,000, the Secretary shall reduce, on a*  
 8           *prorated basis, the amount to be apportioned*  
 9           *under subparagraph (A) and make such reduc-*  
 10           *tion available to be apportioned under para-*  
 11           *graph (2), so as to apportion under paragraph*  
 12           *(2) a minimum of \$300,000,000.”.*

13 **SEC. 138. REDUCING APPORTIONMENTS.**

14       *Section 47114(f)(1) is amended—*

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

17           *(2) in subparagraph (B)—*

18               *(A) by inserting “except as provided by sub-*  
 19               *paragraph (C),” before “in the case”; and*

20               *(B) by striking the period at the end and*  
 21               *inserting “; and”; and*

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

23               *“(C) in the case of a charge of more than*  
 24               *\$4.50 imposed by the sponsor of an airport en-*  
 25               *planing at least one percent of the total number*

1           of boardings each year in the United States, 100  
 2           percent of the projected revenues from the charge  
 3           in the fiscal year but not more than 100 percent  
 4           of the amount that otherwise would be appor-  
 5           tioned under this section.”.

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

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

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

11           Section 47115(j) is amended by striking “fiscal years  
 12 2004 through 2007” and inserting “fiscal years 2008  
 13 through 2011”.

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

15           Section 47117(e)(1)(A) is amended—

16           (1) in the first sentence—

17                   (A) by striking “35 percent” and inserting  
 18                   “\$300,000,000”;

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

20                   (C) by inserting before the period at the end  
 21                   the following: “, and for water quality mitiga-  
 22                   tion projects to comply with the Federal Water  
 23                   Pollution Control Act (33 U.S.C. 1251 et seq.) as  
 24                   approved in an environmental record of decision

1       *for an airport development project under this*  
 2       *title”; and*

3       *(2) in the second sentence by striking “such 35*  
 4       *percent requirement is” and inserting “the require-*  
 5       *ments of the preceding sentence are”.*

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

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

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

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

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

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

17           *“(A) the sale is approved by the Secretary;*

18           *“(B) funding is provided under this subtitle*  
 19       *for any portion of the public sponsor’s acquisi-*  
 20       *tion of airport land; and*

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

1           *share of the current fair market value of any*  
 2           *land acquired with an airport improvement*  
 3           *grant made to that airport, is repaid to the Sec-*  
 4           *retary by the private owner.*

5           “(3) *TREATMENT OF REPAYMENTS.—Repayments*  
 6           *referred to in paragraph (2)(C) shall be treated as a*  
 7           *recovery of prior year obligations.”.*

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

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

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

16          (b) *PROHIBITION ON RECEIPT OF FUNDS.—*

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

19               “(n) *PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—*  
 20               *An airport receiving an exemption under subsection (b)*  
 21               *shall be prohibited from receiving apportionments under*  
 22               *section 47114 or discretionary funds under section 47115.”.*

23               (2) *CONFORMING AMENDMENTS.—Section*  
 24               *47134(g) is amended—*

1           (A) in the subsection heading by striking  
2           “APPORTIONMENTS;”;

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

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

6           (D) by redesignating paragraph (3) as  
7           paragraph (2).

8           (c) *FEDERAL SHARE OF PROJECT COSTS*.—Section  
9   47109(a) is amended—

10           (1) by striking the semicolon at the end of para-  
11           graph (3) and inserting “; and”;

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

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

15   **SEC. 144. AIRPORT SECURITY PROGRAM.**

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

18   **SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**  
19           **AIRPORT DEVELOPMENT RIGHTS.**

20           Section 47138 is amended by adding at the end the  
21           following:

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



1 **SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**  
 2 **IBLE LAND USE PLANNING AND PROJECTS BY**  
 3 **STATE AND LOCAL GOVERNMENTS.**

4 *Section 47141(f) is amended by striking “September*  
 5 *30, 2007” and inserting “September 30, 2011”.*

6 **SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN**  
 7 **WASHINGTON AIRPORTS AUTHORITY.**

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

10 **SEC. 148. MIDWAY ISLAND AIRPORT.**

11 *Section 186(d) of the Vision 100—Century of Aviation*  
 12 *Reauthorization Act (117 Stat. 2518) is amended by strik-*  
 13 *ing “October 1, 2007” and inserting “October 1, 2011”.*

14 **SEC. 149. MISCELLANEOUS AMENDMENTS.**

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

18 *(1) in subsection (a)—*

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

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

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

1                   (D) by striking paragraph (3);

2                   (2) in subsection (b)—

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

5                   (B) by striking paragraph (2) and redesign-  
6                   ating paragraph (3) as paragraph (2); and

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

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

12                  (b) *UPDATE VETERANS PREFERENCE DEFINITION.*—  
13                  Section 47112(c) is amended—

14                  (1) in paragraph (1)—

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

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

19                   “(C) ‘Afghanistan-Iraq war veteran’ means an  
20                   individual who served on active duty (as defined by  
21                   section 101 of title 38) in the armed forces for a pe-  
22                   riod of more than 180 consecutive days, any part of  
23                   which occurred during the period beginning on Sep-  
24                   tember 11, 2001, and ending on the date prescribed  
25                   by presidential proclamation or by law as the last

1        *date of Operation Iraqi Freedom, and who was sepa-*  
 2        *rated from the armed forces under honorable condi-*  
 3        *tions.”; and*

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

7        *(c) CONSOLIDATION OF TERMINAL DEVELOPMENT*

8        *PROVISIONS.—Section 47119 is amended—*

9            *(1) by redesignating subsections (a), (b), (c) and*  
 10        *(d) as subsections (b), (c), (d) and (e), respectively;*  
 11        *and*

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

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

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

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

23            *“(i) all the safety equipment required*  
 24        *for certification of the airport under section*  
 25        *44706;*

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

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

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

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

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

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

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

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

9           (4) in paragraph (5) of subsection (b) (as red-  
10          esignated by paragraph (1) of this subsection) by strik-  
11          ing “subsection (b)(1) and (2)” and inserting “sub-  
12          sections (c)(1) and (c)(2)”;

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

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

21          (7) in subsection (c)(5) (as redesignated by para-  
22          graph (1) of this subsection) by striking “section  
23          47110(d)” and inserting “subsection (a)”; and

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

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

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

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

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

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

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

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

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

19       (e) *CORRECTION TO EMISSION CREDITS PROVISION.*—  
 20       Section 47139 is amended—

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

22       and

23              (2) in subsection (b)—

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

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

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

4       (g) *OTHER CONFORMING AMENDMENTS.*—Sections  
 5       40117(a)(3)(B) and 47108(e)(3) are each amended by strik-  
 6       ing “section 47110(d)” each place it appears and inserting  
 7       “section 47119(a)”.

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

12       (i) *AIRPORT CAPACITY BENCHMARK REPORTS.*—Sec-  
 13       tion 47175(2) is amended by striking “Airport Capacity  
 14       Benchmark Report 2001” and inserting “2001 and 2004  
 15       Airport Capacity Benchmark Reports or table 1 of the Fed-  
 16       eral Aviation Administration’s most recent airport capac-  
 17       ity benchmark report”.

18       ***TITLE II—AIR TRAFFIC CONTROL***  
 19               ***MODERNIZATION***  
 20               ***Subtitle A—Next Generation Air***  
 21               ***Transportation System***

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

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

1           (1) *The United States faces a great national*  
2           *challenge as the Nation’s aviation infrastructure is at*  
3           *a crossroads.*

4           (2) *The demand for aviation services, a critical*  
5           *element of the United States economy, vital in sup-*  
6           *porting the quality of life of the people of the United*  
7           *States, and critical in support of the Nation’s defense*  
8           *and national security, is growing at an ever increas-*  
9           *ing rate. At the same time, the ability of the United*  
10          *States air transportation system to expand and*  
11          *change to meet this increasing demand is limited.*

12          (3) *The aviation industry accounts for more*  
13          *than 10,000,000 jobs in the United States and con-*  
14          *tributes approximately \$900,000,000,000 annually to*  
15          *the United States gross domestic product.*

16          (4) *The United States air transportation system*  
17          *continues to drive economic growth in the United*  
18          *States and will continue to be a major economic driv-*  
19          *er as air traffic triples over the next 20 years.*

20          (5) *The Next Generation Air Transportation*  
21          *System (in this section referred to as the “NextGen*  
22          *System”)* *is the system for achieving long-term trans-*  
23          *formation of the United States air transportation sys-*  
24          *tem that focuses on developing and implementing new*  
25          *technologies and that will set the stage for the long-*



1        *term development of a scalable and more flexible air*  
2        *transportation system without compromising the un-*  
3        *precedented safety record of United States aviation.*

4            *(6) The benefits of the NextGen System, in terms*  
5        *of promoting economic growth and development, are*  
6        *enormous.*

7            *(7) The NextGen System will guide the path of*  
8        *the United States air transportation system in the*  
9        *challenging years ahead.*

10        *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
11        *that—*

12            *(1) modernizing the air transportation system is*  
13        *a national priority and the United States must make*  
14        *a commitment to revitalizing this essential component*  
15        *of the Nation’s transportation infrastructure;*

16            *(2) one fundamental requirement for the success*  
17        *of the NextGen System is strong leadership and suffi-*  
18        *cient resources;*

19            *(3) the Joint Planning and Development Office*  
20        *of the Federal Aviation Administration and the Next*  
21        *Generation Air Transportation System Senior Policy*  
22        *Committee, each established by Congress in 2003, will*  
23        *lead and facilitate this important national mission to*  
24        *ensure that the programs and capabilities of the*  
25        *NextGen System are carefully integrated and aligned;*

1           (4) *Government agencies and industry must*  
 2           *work together, carefully integrating and aligning*  
 3           *their work to meet the needs of the NextGen System*  
 4           *in the development of budgets, programs, planning,*  
 5           *and research;*

6           (5) *the Department of Transportation, the Fed-*  
 7           *eral Aviation Administration, the Department of De-*  
 8           *fense, the Department of Homeland Security, the De-*  
 9           *partment of Commerce, and the National Aeronautics*  
 10          *and Space Administration must work in cooperation*  
 11          *and make transformational improvements to the*  
 12          *United States air transportation infrastructure a pri-*  
 13          *ority; and*

14          (6) *due to the critical importance of the NextGen*  
 15          *System to the economic and national security of the*  
 16          *United States, partner departments and agencies*  
 17          *must be provided with the resources required to com-*  
 18          *plete the implementation of the NextGen System.*

19 **SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYS-**  
 20               **TEM JOINT PLANNING AND DEVELOPMENT**  
 21               **OFFICE.**

22           (a) *ESTABLISHMENT.*—

23           (1) *ASSOCIATE ADMINISTRATOR FOR THE NEXT*  
 24           *GENERATION AIR TRANSPORTATION SYSTEM.*—*Section*  
 25           *709(a) of Vision 100—Century of Aviation Reauthor-*

1        *ization Act (49 U.S.C. 40101 note; 117 Stat. 2582)*  
 2        *is amended—*

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

6                    *(B) by inserting after paragraph (1) the fol-*  
 7                    *lowing:*

8            *“(2) The director of the Office shall be the Associate*  
 9            *Administrator for the Next Generation Air Transportation*  
 10           *System, who shall be appointed by the Administrator of the*  
 11           *Federal Aviation Administration. The Associate Adminis-*  
 12           *trator shall report to the Administrator.”.*

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

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

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

19            *“(B) The Secretary of Defense, the Administrator of*  
 20            *the National Aeronautics and Space Administration, the*  
 21            *Secretary of Commerce, the Secretary of Homeland Secu-*  
 22            *rity, and the head of any other Federal agency from which*  
 23            *the Secretary of Transportation requests assistance under*  
 24            *subparagraph (A) shall designate a senior official in the*  
 25            *agency to be responsible for—*

1           “(i) carrying out the activities of the agency re-  
2           lating to the Next Generation Air Transportation  
3           System in coordination with the Office, including the  
4           execution of all aspects of the work of the agency in  
5           developing and implementing the integrated work  
6           plan described in subsection (b)(5);

7           “(ii) serving as a liaison for the agency in ac-  
8           tivities of the agency relating to the Next Generation  
9           Air Transportation System and coordinating with  
10          other Federal agencies involved in activities relating  
11          to the System; and

12          “(iii) ensuring that the agency meets its obliga-  
13          tions as set forth in any memorandum of under-  
14          standing executed by or on behalf of the agency relat-  
15          ing to the Next Generation Air Transportation Sys-  
16          tem.

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

19               “(i) the responsibilities of the agency relating to  
20               the Next Generation Air Transportation System are  
21               clearly communicated to the senior official of the  
22               agency designated under subparagraph (B); and

23               “(ii) the performance of the senior official in  
24               carrying out the responsibilities of the agency relating  
25               to the Next Generation Air Transportation System is

1       *reflected in the official’s annual performance evalua-*  
2       *tions and compensation.”.*

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

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

13       “(B) *The Director, to the maximum extent practicable,*  
14       *shall—*

15               “(i) *oversee the development of the integrated*  
16       *plan under subsection (a)(3)(A);*

17               “(ii) *ensure that—*

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

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

4                   “(iii) identify and justify as part of the Presi-  
5                   dent’s budget submission any inconsistencies between  
6                   the plan and amounts requested in the budget.

7                   “(7) The Associate Administrator of the Next Genera-  
8                   tion Air Transportation System shall be a voting member  
9                   of the Joint Resources Council of the Federal Aviation Ad-  
10                  ministration.”.

11               (b) *INTEGRATED PLAN*.—Section 709(b) of such Act  
12               (117 Stat. 2583) is amended—

13               (1) in the matter preceding paragraph (1) by  
14               striking “beyond those currently included in the Fed-  
15               eral Aviation Administration’s operational evolution  
16               plan”;

17               (2) by striking “and” at the end of paragraph  
18               (3);

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

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

22               “(5) a multiagency integrated work plan for the  
23               Next Generation Air Transportation System that in-  
24               cludes—

1           “(A) an outline of the activities required to  
2           achieve the end-state architecture, as expressed in  
3           the concept of operations and enterprise architec-  
4           ture documents, that identifies each Federal  
5           agency or other entity responsible for each activ-  
6           ity in the outline;

7           “(B) details on a year-by-year basis of spe-  
8           cific accomplishments, activities, research re-  
9           quirements, rulemakings, policy decisions, and  
10          other milestones of progress for each Federal  
11          agency or entity conducting activities relating to  
12          the Next Generation Air Transportation System;

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

24          “(D) an estimate of all necessary expendi-  
25          tures on a year-by-year basis, including a state-

1           *ment of each Federal agency or entity’s responsi-*  
 2           *bility for costs and available resources, for each*  
 3           *stage of development from the basic research*  
 4           *stage through the demonstration and implemen-*  
 5           *tation phase; and*

6           “(E) a clear explanation of how each step  
 7           in the development of the Next Generation Air  
 8           Transportation System will lead to the following  
 9           step and of the implications of not successfully  
 10          completing a step in the time period described in  
 11          the integrated work plan.”.

12          (c) *OPERATIONAL EVOLUTION PARTNERSHIP.*—Sec-  
 13          tion 709(d) of such Act (117 Stat. 2584) is amended to read  
 14          as follows:

15          “(d) *OPERATIONAL EVOLUTION PARTNERSHIP.*—The  
 16          Administrator of the Federal Aviation Administration shall  
 17          develop and publish annually the document known as the  
 18          ‘Operational Evolution Partnership’, or any successor docu-  
 19          ment, that provides a detailed description of how the agency  
 20          is implementing the Next Generation Air Transportation  
 21          System.”.

22          (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 23          709(e) of such Act (117 Stat. 2584) is amended by striking  
 24          “2010” and inserting “2011”.



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

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

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

10 “(e) *ANNUAL REPORT.*—

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

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

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

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

6           “(C) a detailed description of—

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

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

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

18 **SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**  
 19 **CAST SERVICES.**

20           (a) *REPORT ON FAA PROGRAM AND SCHEDULE.*—

21                   (1) *IN GENERAL.*—The Administrator of the Fed-  
 22                   eral Aviation Administration shall prepare a report  
 23                   detailing the program and schedule for integrating  
 24                   automatic dependent surveillance-broadcast (in this

1        *section referred to as “ADS–B”) technology into the*  
2        *national airspace system.*

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

4                    (A) *a description of segment 1 and segment*  
5                    *2 activity to acquire ADS–B services;*

6                    (B) *a description of plans for implementa-*  
7                    *tion of advanced operational procedures and*  
8                    *ADS–B air-to-air applications; and*

9                    (C) *a discussion of protections that the Ad-*  
10                    *ministration will require as part of any contract*  
11                    *or program in the event of a contractor’s default,*  
12                    *bankruptcy, acquisition by another entity, or*  
13                    *any other event jeopardizing the uninterrupted*  
14                    *provision of ADS–B services.*

15            (3) *SUBMISSION TO CONGRESS.—Not later than*  
16            *90 days after the date of enactment of this Act, the*  
17            *Administrator shall submit to the Committee on*  
18            *Transportation and Infrastructure of the House of*  
19            *Representatives and the Committee on Commerce,*  
20            *Science, and Transportation of the Senate the report*  
21            *prepared under paragraph (1).*

22            (b) *REQUIREMENTS OF FAA CONTRACTS FOR ADS–*  
23            *B SERVICES.—Any contract entered into by the Adminis-*  
24            *trator with an entity to acquire ADS–B services shall con-*  
25            *tain terms and conditions that—*

1           (1) *require approval by the Administrator before*  
2           *the contract may be assigned to or assumed by an-*  
3           *other entity, including any successor entity, sub-*  
4           *subsidiary of the contractor, or other corporate entity;*

5           (2) *provide that the assets, equipment, hardware,*  
6           *and software used in the performance of the contract*  
7           *be designated as critical national infrastructure for*  
8           *national security and related purposes;*

9           (3) *require the contractor to provide continued*  
10          *broadcast services for a reasonable period, as deter-*  
11          *mined by the Administrator, until the provision of*  
12          *such services can be transferred to another vendor or*  
13          *to the Government in the event of a termination of the*  
14          *contract;*

15          (4) *require the contractor to provide continued*  
16          *broadcast services for a reasonable period, as deter-*  
17          *mined by the Administrator, until the provision of*  
18          *such services can be transferred to another vendor or*  
19          *to the Government in the event of material non-*  
20          *performance, as determined by the Administrator;*  
21          *and*

22          (5) *permit the Government to acquire or utilize*  
23          *for a reasonable period, as determined by the Admin-*  
24          *istrator, the assets, equipment, hardware, and soft-*  
25          *ware necessary to ensure the continued and uninter-*

1        *rupted provision of ADS-B services and to have*  
2        *ready access to such assets, equipment, hardware, and*  
3        *software through its own personnel, agents, or others,*  
4        *if the Administrator provides reasonable compensa-*  
5        *tion for such acquisition or utilization.*

6        *(c) REVIEW BY DOT INSPECTOR GENERAL.—*

7            *(1) IN GENERAL.—The Inspector General of the*  
8        *Department of Transportation shall conduct a review*  
9        *concerning the Federal Aviation Administration’s*  
10       *award and oversight of any contract entered into by*  
11       *the Administration to provide ADS-B services for the*  
12       *national airspace system.*

13           *(2) CONTENTS.—The review shall include, at a*  
14       *minimum—*

15                *(A) an examination of how program risks*  
16       *are being managed;*

17                *(B) an assessment of expected benefits at-*  
18       *tributable to the deployment of ADS-B services,*  
19       *including the implementation of advanced oper-*  
20       *ational procedures and air-to-air applications as*  
21       *well as to the extent to which ground radar will*  
22       *be retained;*

23                *(C) a determination of whether the Admin-*  
24       *istration has established sufficient mechanisms to*  
25       *ensure that all design, acquisition, operation,*

1           *and maintenance requirements have been met by*  
2           *the contractor;*

3           *(D) an assessment of whether the Adminis-*  
4           *tration and any contractors are meeting cost,*  
5           *schedule, and performance milestones, as meas-*  
6           *ured against the original baseline of the Admin-*  
7           *istration's program for providing ADS-B serv-*  
8           *ices;*

9           *(E) an assessment of whether security issues*  
10          *are being adequately addressed in the overall de-*  
11          *sign and implementation of the ADS-B system;*  
12          *and*

13          *(F) any other matters or aspects relating to*  
14          *contract implementation and oversight that the*  
15          *Inspector General determines merit attention.*

16          *(3) REPORTS TO CONGRESS.—The Inspector*  
17          *General shall periodically, on at least an annual*  
18          *basis, submit to the Committee on Transportation*  
19          *and Infrastructure of the House of Representatives*  
20          *and the Committee on Commerce, Science, and Trans-*  
21          *portation of the Senate a report on the results of the*  
22          *review conducted under this subsection.*

1 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**  
2 **CONTROL MODERNIZATION PROJECTS.**

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

12 (b) *PARTICIPATION.*—

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

19 (2) *CAPACITY AND COMPENSATION.*—*Exclusive*  
20 *collective bargaining representatives and selected em-*  
21 *ployees participating in the process described in sub-*  
22 *section (a) shall—*

23 (A) *serve in a collaborative and advisory*  
24 *capacity; and*

25 (B) *receive appropriate travel and per diem*  
26 *expenses in accordance with the travel policies of*

1           *the Administration in addition to any regular*  
2           *compensation and benefits.*

3           (c) *REPORT.*—*Not later than 180 days after the date*  
4 *of enactment of this Act, the Administrator shall submit*  
5 *to the Committee on Transportation and Infrastructure of*  
6 *the House of Representatives and the Committee on Com-*  
7 *merce, Science, and Transportation of the Senate a report*  
8 *on the implementation of this section.*

9   **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**  
10                   **TRANSFORMING TO THE NEXT GENERATION**  
11                   **AIR TRANSPORTATION SYSTEM.**

12           (a) *IN GENERAL.*—*The Comptroller General shall con-*  
13 *duct a review of the progress and challenges associated with*  
14 *transforming the Nation’s air traffic control system into the*  
15 *Next Generation Air Transportation System (in this section*  
16 *referred to as the “NextGen System”).*

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

18                   (1) *An evaluation of the continued implementa-*  
19 *tion and institutionalization of the processes that are*  
20 *key to the ability of the Air Traffic Organization to*  
21 *effectively maintain management structures and sys-*  
22 *tems acquisitions procedures utilized under the cur-*  
23 *rent air traffic control modernization program as a*  
24 *basis for the NextGen System.*



1           (2) *An assessment of the progress and challenges*  
2           *associated with collaboration and contributions of the*  
3           *partner agencies working with the Joint Planning*  
4           *and Development Office of the Federal Aviation Ad-*  
5           *ministration (in this section referred to as the*  
6           *“JPDO”) in planning and implementing the NextGen*  
7           *System.*

8           (3) *The progress and challenges associated with*  
9           *coordinating government and industry stakeholders in*  
10          *activities relating to the NextGen System, including*  
11          *an assessment of the contributions of the NextGen In-*  
12          *stitute.*

13          (4) *An assessment of planning and implementa-*  
14          *tion of the NextGen System against established sched-*  
15          *ules, milestones, and budgets.*

16          (5) *An evaluation of the recently modified orga-*  
17          *nizational structure of the JPDO.*

18          (6) *An examination of transition planning by*  
19          *the Air Traffic Organization and the JPDO.*

20          (7) *Any other matters or aspects of planning and*  
21          *coordination of the NextGen System by the Federal*  
22          *Aviation Administration and the JPDO that the*  
23          *Comptroller General determines appropriate.*

24          (c) *REPORTS.—*

1           (1) *REPORT TO CONGRESS ON PRIORITIES.*—Not  
 2           *later than one year after the date of enactment of this*  
 3           *Act, the Comptroller General shall determine the pri-*  
 4           *ority of topics to be reviewed under this section and*  
 5           *report such priorities to the Committee on Transpor-*  
 6           *tation and Infrastructure of the House of Representa-*  
 7           *tives and the Committee on Commerce, Science, and*  
 8           *Transportation of the Senate.*

9           (2) *PERIODIC REPORTS TO CONGRESS ON RE-*  
 10          *SULTS OF THE REVIEW.*—*The Comptroller General*  
 11          *shall periodically submit to the committees referred to*  
 12          *in paragraph (1) a report on the results of the review*  
 13          *conducted under this section.*

14 **SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANS-**  
 15                               **PORTATION SYSTEM ACQUISITION AND PRO-**  
 16                               **CEDURES DEVELOPMENT.**

17          (a) *STUDY.*—*The Comptroller General shall conduct a*  
 18          *review of the progress made and challenges related to the*  
 19          *acquisition of designated technologies and the development*  
 20          *of procedures for the Next Generation Air Transportation*  
 21          *System (in this section referred to as the “NextGen Sys-*  
 22          *tem”).*

23          (b) *SPECIFIC SYSTEMS REVIEW.*—*The review shall in-*  
 24          *clude, at a minimum, an examination of the acquisition*

1 costs, schedule, and other relevant considerations for the fol-  
 2 lowing systems:

3 (1) *En Route Automation Modernization*  
 4 *(ERAM)*.

5 (2) *Standard Terminal Automation Replacement*  
 6 *System/Common Automated Radar Terminal System*  
 7 *(STARS/CARTS)*.

8 (3) *Automatic Dependent Surveillance-Broadcast*  
 9 *(ADS-B)*.

10 (4) *System Wide Information Management*  
 11 *(SWIM)*.

12 (5) *Traffic Flow Management Modernization*  
 13 *(TFM-M)*.

14 (c) *REVIEW*.—The review shall include, at a min-  
 15 imum, an assessment of the progress and challenges related  
 16 to the development of standards, regulations, and proce-  
 17 dures that will be necessary to implement the NextGen Sys-  
 18 tem, including required navigation performance, area navi-  
 19 gation, the airspace management program, and other pro-  
 20 grams and procedures that the Comptroller General identi-  
 21 fies as relevant to the transformation of the air traffic sys-  
 22 tem.

23 (d) *PERIODIC REPORTS TO CONGRESS ON RESULTS OF*  
 24 *THE REVIEW*.—The Comptroller General shall periodically  
 25 submit to the Committee on Transportation and Infrastruc-

1 *ture of the House of Representatives and the Committee on*  
 2 *Commerce, Science, and Transportation of the Senate a re-*  
 3 *port on the results of the review conducted under this sec-*  
 4 *tion.*

5 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**  
 6 **ATIONAL AND APPROACH PROCEDURES BY A**  
 7 **THIRD PARTY.**

8 (a) *REVIEW.*—*The Inspector General of the Depart-*  
 9 *ment of Transportation shall conduct a review regarding*  
 10 *the effectiveness of the oversight activities conducted by the*  
 11 *Federal Aviation Administration in connection with any*  
 12 *agreement with or delegation of authority to a third party*  
 13 *for the development of flight procedures for the national air-*  
 14 *space system.*

15 (b) *ASSESSMENTS.*—*The Inspector General shall in-*  
 16 *clude, at a minimum, in the review—*

17 (1) *an assessment of the extent to which the Fed-*  
 18 *eral Aviation Administration is relying or intends to*  
 19 *rely on a third party for the development of new pro-*  
 20 *cedures and a determination of whether the Adminis-*  
 21 *tration has established sufficient mechanisms and*  
 22 *staffing to provide safety oversight of a third party;*  
 23 *and*

24 (2) *an assessment regarding whether the Admin-*  
 25 *istration has sufficient existing personnel and tech-*

1        nical resources or mechanisms to develop such flight  
2        procedures in a safe and efficient manner to meet the  
3        demands of the national airspace system without the  
4        use of third party resources.

5        (c) *REPORT.*—Not later than one year after the date  
6        of enactment of this Act, the Inspector General shall submit  
7        to the Committee on Transportation and Infrastructure of  
8        the House of Representatives and the Committee on Com-  
9        merce, Science, and Transportation of the Senate a report  
10       on the results of the review conducted under this section,  
11       including the assessments described in subsection (b).

12       **SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**  
13                                **FOR NEXT GENERATION AIR TRANSPOR-**  
14                                **TATION SYSTEM.**

15        (a) *REVIEW.*—The Administrator of the Federal Avia-  
16        tion Administration shall enter into an arrangement with  
17        the National Research Council to review the enterprise ar-  
18        chitecture for the Next Generation Air Transportation Sys-  
19        tem.

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

22                (1) *highlight the technical activities, including*  
23                *human-system design, organizational design, and*  
24                *other safety and human factor aspects of the system,*  
25                *that will be necessary to successfully transition cur-*

1        *rent and planned modernization programs to the fu-*  
 2        *ture system envisioned by the Joint Planning and De-*  
 3        *velopment Office of the Administration;*

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

9            *(3) include judgments on how risks with automa-*  
 10        *tion efforts for the Next Generation Air Transpor-*  
 11        *tation System can be mitigated based on the experi-*  
 12        *ences of other public or private entities in developing*  
 13        *complex, software-intensive systems.*

14        *(c) REPORT.—Not later than one year after the date*  
 15        *of enactment of this Act, the Administrator shall submit*  
 16        *to Congress a report containing the results of the review*  
 17        *conducted pursuant to subsection (a).*

18        **SEC. 210. NEXTGEN TECHNOLOGY TESTBED.**

19        *Of amounts appropriated under section 48101(a) of*  
 20        *title 49, United States Code, the Administrator of the Fed-*  
 21        *eral Aviation Administration shall use such sums as may*  
 22        *be necessary for each of the fiscal years 2008 through 2011*  
 23        *to contribute to the establishment by a public-private part-*  
 24        *nership (including a university component with significant*  
 25        *aviation expertise in air traffic management, simulation,*

1 meteorology, and engineering and aviation business) an  
 2 airport-based testing site for existing Next Generation Air  
 3 Transport System technologies. The Administrator shall en-  
 4 sure that next generation air traffic control integrated sys-  
 5 tems developed by private industries are installed at the site  
 6 for demonstration, operational research, and evaluation by  
 7 the Administration. The testing site shall serve a mix of  
 8 general aviation and commercial traffic.

## 9 ***Subtitle B—Miscellaneous***

### 10 ***SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO*** 11 ***REIMBURSABLE AGREEMENTS.***

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

### 14 ***SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.***

15 Section 40102(a)(4) is amended—

16 (1) by redesignating subparagraph (D) as sub-  
 17 paragraph (E);

18 (2) by striking subparagraphs (B) and (C) and  
 19 inserting the following:

20 “(B) runway lighting and airport surface  
 21 visual and other navigation aids;

22 “(C) aeronautical and meteorological infor-  
 23 mation to air traffic control facilities or aircraft;

1           “(D) communication, navigation, or sur-  
 2           veillance equipment for air-to-ground or air-to-  
 3           air applications;”;

4           (3) in subparagraph (E) (as redesignated by  
 5           paragraph (1) of this section)—

6           (A) by striking “another structure” and in-  
 7           serting “any structure, equipment,”; and

8           (B) by striking the period at the end and  
 9           inserting “; and”; and

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

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

13 **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
 14 **TORY.**

15          Section 40110(a)(2) is amended by striking “com-  
 16          pensation” and inserting “compensation, and the amount  
 17          received shall be credited as an offsetting collection to the  
 18          account from which the amount was expended and shall re-  
 19          main available until expended”.

20 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**  
 21 **THORITY.**

22          Section 40110(c) is amended—

23           (1) by striking the semicolon at the end of para-  
 24           graph (3) and inserting “; and”;

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



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

3       **SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
4               **TIES.**

5       Section 40113(e) is amended—

6           (1) in paragraph (1)—

7               (A) by inserting “public and private” before  
8               “foreign aviation authorities”; and

9               (B) by striking the period at the end of the  
10              first sentence and inserting “or efficiency. The  
11              Administrator may participate in, and submit  
12              offers in response to, competitions to provide  
13              such services and may contract with foreign  
14              aviation authorities to provide such services con-  
15              sistent with section 106(l)(6). Notwithstanding  
16              any other provision of law or policy, the Admin-  
17              istrator may accept payments received under  
18              this subsection in arrears.”; and

19           (2) in paragraph (3) by striking “credited” and  
20           all that follows through the period at the end and in-  
21           serting “credited as an offsetting collection to the ac-  
22           count from which the expenses were incurred in pro-  
23           viding such services and shall remain available until  
24           expended.”.

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

2 (a) *STUDY.*—Not later than 90 days after the date of  
3 enactment of this Act, the Administrator of the Federal  
4 Aviation Administration shall initiate a study on front line  
5 manager staffing requirements in air traffic control facili-  
6 ties.

7 (b) *CONSIDERATIONS.*—In conducting the study, the  
8 Administrator shall take into consideration—

9 (1) the number of supervisory positions of oper-  
10 ation requiring watch coverage in each air traffic  
11 control facility;

12 (2) coverage requirements in relation to traffic  
13 demand;

14 (3) facility type;

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

17 (5) proficiency and training requirements; and

18 (6) such other factors as the Administrator con-  
19 siders appropriate.

20 (c) *DETERMINATIONS.*—The Administrator shall  
21 transmit any determinations made as a result of the study  
22 to the Chief Operating Officer for the air traffic control sys-  
23 tem.

24 (d) *REPORT.*—Not later than one year after the date  
25 of enactment of this Act, the Administrator shall submit  
26 to the Committee on Transportation and Infrastructure of

1 *the House of Representatives and the Committee on Com-*  
2 *merce, Science, and Transportation of the Senate a report*  
3 *on the results of the study and a description of any deter-*  
4 *minations submitted to the Chief Operating Officer under*  
5 *subsection (c).*

6 **SEC. 217. FLIGHT SERVICE STATIONS.**

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

13       (b) *COMPONENTS.*—At a minimum, the monitoring  
14 *system shall include mechanisms to monitor—*

15               (1) *flight specialist staffing plans for individual*  
16 *facilities;*

17               (2) *actual staffing levels for individual facilities;*

18               (3) *the initial and recurrent certification and*  
19 *training of flight service specialists on the safety,*  
20 *operational, and technological aspects of flight serv-*  
21 *ices, including any certification and training nec-*  
22 *essary to meet user demand; and*

23               (4) *system outages, excessive hold times, dropped*  
24 *calls, poor quality briefings, and any other safety or*

1        *customer service issues under a contract for flight*  
2        *service station services.*

3        *(c) REPORT TO CONGRESS.—Not later than 90 days*  
4        *after the date of enactment of this Act, the Administrator*  
5        *shall submit to the Committee on Transportation and In-*  
6        *frastructure of the House of Representatives and the Com-*  
7        *mittee on Commerce, Science, and Transportation of the*  
8        *Senate a report containing—*

9                *(1) a description of monitoring system;*

10               *(2) if the Administrator determines that contrac-*  
11        *tual changes or corrective actions are required for the*  
12        *Administration to ensure that the vendor under a*  
13        *contract for flight service station services provides safe*  
14        *and high quality service to consumers, a description*  
15        *of the changes or actions required; and*

16               *(3) a description of the contingency plans of the*  
17        *Administrator and the protections that the Adminis-*  
18        *trator will have in place to provide uninterrupted*  
19        *flight service station services in the event of—*

20               *(A) material non-performance of the con-*  
21        *tract;*

22               *(B) a vendor's default, bankruptcy, or ac-*  
23        *quisition by another entity; or*

1                   (C) any other event that could jeopardize  
 2                   the uninterrupted provision of flight service sta-  
 3                   tion services.

4                   ***TITLE III—SAFETY***  
 5                   ***Subtitle A—General Provisions***

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

7           (a) *IN GENERAL.*—Chapter 447 is amended by adding  
 8   at the end the following:

9   ***“§ 44729. Age standards for pilots***

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

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

16           “(c) *LIMITATION FOR INTERNATIONAL FLIGHTS.*—

17                   “(1) *APPLICABILITY OF ICAO STANDARD.*—A  
 18   pilot who has attained 60 years of age may serve as  
 19   pilot-in-command in covered operations between the  
 20   United States and another country only if there is  
 21   another pilot in the flight deck crew who has not yet  
 22   attained 60 years of age.

23                   “(2) *SUNSET OF LIMITATION.*—Paragraph (1)  
 24   shall cease to be effective on such date as the Conven-  
 25   tion on International Civil Aviation provides that a

1        *pilot who has attained 60 years of age may serve as*  
2        *pilot-in-command in international commercial oper-*  
3        *ations without regard to whether there is another*  
4        *pilot in the flight deck crew who has not attained age*  
5        *60.*

6        “(d) *SUNSET OF AGE-60 RETIREMENT RULE.—On*  
7        *and after the date of enactment of this section, section*  
8        *121.383(c) of title 14, Code of Federal Regulations, shall*  
9        *cease to be effective.*

10       “(e) *APPLICABILITY.—*

11           “(1) *NONRETROACTIVITY.—No person who has*  
12        *attained 60 years of age before the date of enactment*  
13        *of this section may serve as a pilot for an air carrier*  
14        *engaged in covered operations unless—*

15           “(A) *such person is in the employment of*  
16        *that air carrier in such operations on such date*  
17        *of enactment as a required flight deck crew mem-*  
18        *ber; or*

19           “(B) *such person is newly hired by an air*  
20        *carrier as a pilot on or after such date of enact-*  
21        *ment without credit for prior seniority or prior*  
22        *longevity for benefits or other terms related to*  
23        *length of service prior to the date of rehire under*  
24        *any labor agreement or employment policies of*  
25        *the air carrier.*

1           “(2) *PROTECTION FOR COMPLIANCE.*—An action  
2       *taken in conformance with this section, taken in con-*  
3       *formance with a regulation issued to carry out this*  
4       *section, or taken prior to the date of enactment of this*  
5       *section in conformance with section 121.383(c) of title*  
6       *14, Code of Federal Regulations (as in effect before*  
7       *such date of enactment), may not serve as a basis for*  
8       *liability or relief in a proceeding before any court or*  
9       *agency of the United States or of any State or local-*  
10      *ity.*

11          “(f) *AMENDMENTS TO LABOR AGREEMENTS AND BEN-*  
12      *EFIT PLANS.*—Any amendment to a labor agreement or  
13      *benefit plan of an air carrier that is required to conform*  
14      *with the requirements of this section or a regulation issued*  
15      *to carry out this section, and is applicable to pilots rep-*  
16      *resented for collective bargaining, shall be made by agree-*  
17      *ment of the air carrier and the designated bargaining rep-*  
18      *resentative of the pilots of the air carrier.*

19          “(g) *MEDICAL STANDARDS AND RECORDS.*—

20              “(1) *MEDICAL EXAMINATIONS AND STAND-*  
21      *ARDS.*—Except as provided by paragraph (2), a per-  
22      *son serving as a pilot for an air carrier engaged in*  
23      *covered operations shall not be subject to different*  
24      *medical standards, or different, greater, or more fre-*  
25      *quent medical examinations, on account of age unless*

1     *the Secretary determines (based on data received or*  
2     *studies published after the date of enactment of this*  
3     *section) that different medical standards, or different,*  
4     *greater, or more frequent medical examinations, are*  
5     *needed to ensure an adequate level of safety in flight.*

6             “(2) *DURATION OF FIRST-CLASS MEDICAL CER-*  
7     *TIFICATE.—No person who has attained 60 years of*  
8     *age may serve as a pilot of an air carrier engaged in*  
9     *covered operations unless the person has a first-class*  
10    *medical certificate. Such a certificate shall expire on*  
11    *the last day of the 6-month period following the date*  
12    *of examination shown on the certificate.*

13            “(h) *SAFETY.—*

14            “(1) *TRAINING.—Each air carrier engaged in*  
15    *covered operations shall continue to use pilot training*  
16    *and qualification programs approved by the Federal*  
17    *Aviation Administration, with specific emphasis on*  
18    *initial and recurrent training and qualification of*  
19    *pilots who have attained 60 years of age, to ensure*  
20    *continued acceptable levels of pilot skill and judg-*  
21    *ment.*

22            “(2) *LINE EVALUATIONS.—Not later than 6*  
23    *months after the date of enactment of this section, and*  
24    *every 6 months thereafter, an air carrier engaged in*  
25    *covered operations shall evaluate the performance of*



1        *each pilot of the air carrier who has attained 60*  
 2        *years of age through a line check of such pilot. Not-*  
 3        *withstanding the preceding sentence, an air carrier*  
 4        *shall not be required to conduct for a 6-month period*  
 5        *a line check under this paragraph of a pilot serving*  
 6        *as second in command if the pilot has undergone a*  
 7        *regularly scheduled simulator evaluation during that*  
 8        *period.*

9                *“(3) GAO REPORT.—Not later than 24 months*  
 10        *after the date of enactment of this section, the Comp-*  
 11        *troller General shall submit to the Committee on*  
 12        *Transportation and Infrastructure of the House of*  
 13        *Representatives and the Committee on Commerce,*  
 14        *Science, and Transportation of the Senate a report*  
 15        *concerning the effect, if any, on aviation safety of the*  
 16        *modification to pilot age standards made by sub-*  
 17        *section (a).”.*

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

*“44729. Age standards for pilots.”.*

20        **SEC. 302. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
 21        **TIFICATES.**

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

24                *“(3) JUDICIAL REVIEW.—A person who is sub-*  
 25        *stantially affected by an order of the Board under*

1        *this subsection, or the Administrator if the Adminis-*  
 2        *trator decides that an order of the Board will have a*  
 3        *significant adverse impact on carrying out this sub-*  
 4        *title, may seek judicial review of the order under sec-*  
 5        *tion 46110. The Administrator shall be made a party*  
 6        *to the judicial review proceedings. The findings of fact*  
 7        *of the Board in any such case are conclusive if sup-*  
 8        *ported by substantial evidence.”.*

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

12       **SEC. 303. RELEASE OF DATA RELATING TO ABANDONED**  
 13                                **TYPE CERTIFICATES AND SUPPLEMENTAL**  
 14                                **TYPE CERTIFICATES.**

15        (a) *RELEASE OF DATA.*—Section 44704(a) is amended  
 16       *by adding at the end the following:*

17                                “(5) *RELEASE OF DATA.*—

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

ance, without the consent of the owner of record,  
if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 or more years;

“(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record’s heir, of the type certificate or supplemental certificate; and

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

“(B) *ENGINEERING DATA DEFINED.*—In this section, the term ‘engineering data’ as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.”.

(b) *DESIGN ORGANIZATION CERTIFICATES.*—Section

44704(e)(1) is amended by striking “Beginning 7 years

1 *after the date of enactment of this subsection,” and inserting*  
 2 *“Beginning January 1, 2013,”.*

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

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

7 **“§44730. Inspection of foreign repair stations**

8 *“Not later than one year after the date of enactment*  
 9 *of this section, and annually thereafter, the Administrator*  
 10 *of the Federal Aviation Administration shall submit to*  
 11 *Congress a certification that each foreign repair station*  
 12 *that is certified by the Administrator under part 145 of*  
 13 *title 14, Code of Federal Regulations, and performs work*  
 14 *on air carrier aircraft or components has been inspected*  
 15 *by safety inspectors of the Administration not fewer than*  
 16 *2 times in the preceding calendar year.”.*

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

*“44730. Inspection of foreign repair stations.”.*

19 **SEC. 305. RUNWAY INCURSION REDUCTION.**

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

1 *Operational Evolution Partnership document of the Admin-*  
2 *istration or any successor document.*

3 **SEC. 306. IMPROVED PILOT LICENSES.**

4       (a) *IN GENERAL.*—Not later than 6 months after the  
5 date of enactment of this Act, the Administrator of the Fed-  
6 eral Aviation Administration shall begin to issue improved  
7 pilot licenses consistent with the requirements of title 49,  
8 United States Code, and title 14, Code of Federal Regula-  
9 tions.

10       (b) *REQUIREMENTS.*—Improved pilots licenses issued  
11 under subsection (a) shall—

12           (1) *be resistant to tampering, alteration, and*  
13 *counterfeiting;*

14           (2) *include a photograph of the individual to*  
15 *whom the license is issued; and*

16           (3) *be capable of accommodating a digital photo-*  
17 *graph, a biometric identifier, or any other unique*  
18 *identifier that the Administrator considers necessary.*

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

1       (d) *USE OF DESIGNEES.*—*The Administrator may use*  
 2       *designees to carry out subsection (a) to the extent feasible*  
 3       *in order to minimize the burdens on pilots.*

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

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

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

16       **SEC. 308. FLIGHT CREW FATIGUE.**

17       (a) *IN GENERAL.*—*Not later than 3 months after the*  
 18       *date of enactment of this Act, the Administrator of the Fed-*  
 19       *eral Aviation Administration shall conclude arrangements*  
 20       *with the National Academy of Sciences for a study of pilot*  
 21       *fatigue.*

22       (b) *STUDY.*—*The study shall include consideration*  
 23       *of—*

24               (1) *research on pilot fatigue, sleep, and circa-*  
 25       *dian rhythms;*

1           (2) *sleep and rest requirements of pilots rec-*  
2           *ommended by the National Aeronautics and Space*  
3           *Administration and the National Transportation*  
4           *Safety Board; and*

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

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

16          (d) *RULEMAKING.*—*After the Administrator receives*  
17          *the report of the National Academy of Sciences, the Admin-*  
18          *istrator shall consider the findings in the report and update*  
19          *as appropriate based on scientific data Federal Aviation*  
20          *Administration regulations governing flight time limita-*  
21          *tions and rest requirements for pilots.*

22          (e) *IMPLEMENTATION OF FLIGHT ATTENDANT FA-*  
23          *TIGUE STUDY RECOMMENDATIONS.*—*Not later than 60 days*  
24          *after the date of enactment of this Act, the Administrator*  
25          *shall initiate a process for the Civil Aerospace Medical In-*

stitute to carry out its recommendations for further study of the issue of flight attendant fatigue and to submit not later than March 31, 2009, to Congress a report on such process, including an analysis of the following:

(1) A survey of field operations of flight attendants.

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

(3) Field research on the effects of such fatigue.

(4) A validation of models for assessing flight attendant fatigue, international policies, and practices regarding flight limitations and rest of flight attendants, and the potential benefits of training flight attendants regarding such fatigue.

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

**SEC. 309. OSHA STANDARDS.**

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

(1) not later than 6 months after the date of enactment of this Act, establish milestones, in consultation with the Administrator of the OSHA, to complete work begun under the August 2000 memorandum of understanding between the FAA and OSHA and to



1       *address issues needing further action identified in the*  
2       *joint report of the FAA and OSHA in December*  
3       *2000; and*

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

9       ***(b) CONTENTS OF POLICY STATEMENT.—***

10               ***(1) ESTABLISHMENT OF COORDINATING BODY.—***

11       *The policy statement to be developed under subsection*  
12       *(a)(2) shall provide for the establishment of a coordi-*  
13       *nating body, similar to the aviation safety and health*  
14       *joint team established pursuant to the August 2000*  
15       *memorandum of understanding between the FAA and*  
16       *OSHA, that includes representatives designated by the*  
17       *FAA and OSHA—*

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

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

23               *(C) to make recommendations that will gov-*  
24       *ern the inspection and enforcement by the FAA*

1           *of occupational safety and health standards on*  
2           *board an aircraft providing air transportation.*

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

6                     *(A) the circumstances under which an em-*  
7                     *ployer is required to take action to address occu-*  
8                     *pational safety and health hazards;*

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

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

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

17           (d) *DEFINITIONS.*—*In this section, the following defi-*  
18           *nitions apply:*

19                    (1) *FAA.*—*The term “FAA” means the Federal*  
20                    *Aviation Administration.*

21                    (2) *OSHA.*—*The term “OSHA” means the “Oc-*  
22                    *cupational Safety and Health Administration”.*

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

3 (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*  
4 *eral 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 stations),*  
21 *an investment analysis, and recommendations for improv-*  
22 *ing 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 a  
6                   commercial unmanned aircraft system, in-  
7                   cluding standards and requirements for reg-  
8                   istration 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 under  
20                  paragraph (1) shall provide for the safe integration of  
21                  commercial unmanned aircraft systems into the na-  
22                  tional airspace system as soon as possible, but not  
23                  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 Sec-

1       retary shall submit to the Committee on Transpor-  
2       tation and Infrastructure of the House of Representa-  
3       tives and the Committee on Commerce, Science, and  
4       Transportation of the Senate a copy of the plan devel-  
5       oped under paragraph (1).

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

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

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

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

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

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

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

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

22 **SEC. 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 the*  
 25 *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 term*  
 17           *“certificate of authorization” means a Federal Avia-*  
 18           *tion Administration grant of approval for a specific*  
 19           *flight operation.*

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



1           (3) *PUBLIC UNMANNED AIRCRAFT SYSTEM.*—The  
2       term “public unmanned aircraft system” means an  
3       unmanned aircraft system that meets the qualifica-  
4       tions and conditions required for operation of a pub-  
5       lic aircraft, as defined by section 40102 of title 49,  
6       United States Code.

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

9           (5) *TEST RANGE.*—The term “test range” means  
10      a defined geographic area where research and develop-  
11      ment 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 communica-  
19      tion links and a ground control station) that are re-  
20      quired to operate safely and efficiently in the national  
21      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 air-  
7                   port;

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 the  
14                         diverted airport;

15                         “(II) the wheels-off time at the di-  
16                         verted 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 depar-  
22                   ture—

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 compile  
10                  the information provided in the monthly reports filed  
11                  pursuant to paragraph (1) in a single monthly report  
12                  and publish such report on the Web site of the De-  
13                  partment of Transportation.”.

14                  (b) *EFFECTIVE DATE.*—The Secretary of Transpor-  
15                  tation shall require monthly reports pursuant to the amend-  
16                  ment made by subsection (a) beginning not later than 90  
17                  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 by  
23                  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 Na-*  
 8           *tional Airport in section 93.123(a) of title 14, Code*  
 9           *of Federal Regulations, by a total of 10 slots that are*  
 10           *available for allocation. Such reductions shall be*  
 11           *taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m.*  
 12           *hours, as determined by the Administrator, in order*  
 13           *to grant exemptions under subsection (a).”.*

14          (d) *SCHEDULING PRIORITY.—Section 41718 is amend-*  
 15          *ed—*

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 operations*  
 23           *conducted by other air carriers granted exemptions pursu-*  
 24           *ant to this section, with the highest scheduling priority to*  
 25           *be afforded to beyond-perimeter operations conducted by*

1 *new entrant air carriers and limited incumbent air car-*  
 2 *riers.”.*

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 public*  
 20 *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 in-*  
 24 *serting “\$83,000,000”.*

25 *(b) DISTRIBUTION OF EXCESS FUNDS.—*

1           (1) *IN GENERAL.*—Section 41742(a) is amended  
2           by adding at the end the following:

3           “(4) *DISTRIBUTION OF EXCESS FUNDS.*—Of the  
4           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 under  
7           paragraph (1)—

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

11                   “(B) one-half shall be made available imme-  
12                   diately for obligation and expenditure to carry  
13                   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 be  
18                    used” and inserting “amounts made available  
19                    under subsection (a)(4)(B)”; and

20                    (B) in the second sentence by striking “any  
21                    amounts from those fees” and inserting “any of  
22                    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 sub-*  
 7       *mit a regional or multistate application to im-*  
 8       *prove 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.*

*“42302. Consumer complaints.*

*“42303. Use of insecticides in 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 enactment*  
 20   *of this section, each air carrier providing covered air trans-*  
 21   *portation at a large hub airport or medium hub airport*  
 22   *and each operator of a large hub airport or medium hub*  
 23   *airport shall submit to the Secretary of Transportation for*



1 *review and approval an emergency contingency plan in ac-*  
2 *cordance 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 air*  
9 *carrier shall submit an emergency contingency plan*  
10 *under subsection (a) for—*

11 “(A) *each large hub airport and medium*  
12 *hub airport at which the carrier provides covered*  
13 *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 inven-*  
17 *tory 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 facilities,*  
23 *cabin ventilation, and access to medical treat-*  
24 *ment for passengers onboard an aircraft at the*

1           airport that is on the ground for an extended pe-  
2           riod of time without access to the terminal; 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 (a)  
7 shall contain a description of how the airport operator, to  
8 the maximum extent practicable, will provide for the shar-  
9 ing of facilities and make gates available at the airport in  
10 an emergency.

11          “(e) *UPDATES.*—

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

17           “(2) *AIRPORTS.*—An airport operator shall up-  
18 date the emergency contingency plan submitted by the  
19 airport operator under subsection (a) every 5 years  
20 and submit the update to the Secretary for review  
21 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 establish  
 6 a consumer complaints hotline telephone number for the use  
 7 of passengers in air transportation.

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

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

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

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

1       (b) *CLERICAL AMENDMENT.*—*The analysis for subtitle*  
 2 *VII is amended by inserting after the item relating to chap-*  
 3 *ter 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 423,”*  
 6 *after “chapter 421,”.*

7       (d) *APPLICABILITY OF REQUIREMENTS.*—*Except as*  
 8 *otherwise specifically provided, the requirements of chapter*  
 9 *423 of title 49, United States Code, as added by this section,*  
 10 *shall begin to apply 60 days after the date of enactment*  
 11 *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 47124(b)*  
 23 *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.*—*The*  
3           *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 has*  
9           *a benefit to cost ratio of less than 1.0, the airport*  
10          *sponsor or State or local government having ju-*  
11          *risdiction over the airport shall not be required*  
12          *to pay the portion of the costs that exceeds the*  
13          *benefit for a period of 18 months after such de-*  
14          *termination 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 \$10,000,000  
9 for fiscal year 2011” after “2007”.

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

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

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

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

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

4       (d) *SAFETY AUDITS*.—Section 47124 is amended by  
5 adding at the end the following:

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

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

11       (a) *FINDINGS*.—Congress finds that—

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

16               (2) the United States is indebted to the members  
17 of the Armed Forces, many of whom are in grave  
18 danger due to their engagement in, or exposure to,  
19 combat;

20               (3) military service, especially in the current  
21 war against terrorism, often requires members of the  
22 Armed Forces to be separated from their families on  
23 short notice, for long periods of time, and under very  
24 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 to*  
 4           *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 Congress*  
 10          *that each United States air carrier should—*

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

14           (2) *offer flexible terms that allow members of the*  
 15           *Armed Forces on active duty to purchase, modify, or*  
 16           *cancel tickets without time restrictions, fees, and pen-*  
 17           *alties.*

18          **SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY**

19                               **ASSISTIVE DEVICES.**

20           *Not later than December 31, 2007, the Secretary of*  
 21           *Transportation shall issue a final rule regarding the car-*  
 22           *riage and use of passenger-owned portable electronic res-*  
 23           *piratory assistive devices and carrier-supplied medical oxy-*  
 24           *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 “for*  
 11                    *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 the*  
 21                    *Director determines that an air tour manage-*  
 22                    *ment plan or voluntary agreement is necessary*  
 23                    *to protect park resources and values or park vis-*  
 24                    *itor use and enjoyment, the Director shall with-*

1 draw the exemption of a park under subpara-  
 2 graph (A).

3 “(C) *LIST OF PARKS.*—The Director shall  
 4 inform the Administrator, in writing, of each de-  
 5 termination under subparagraph (B). The Direc-  
 6 tor and Administrator shall publish an annual  
 7 list of national parks that are covered by the ex-  
 8 emption 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 Ad-  
 13 ministrator and the Director an annual report  
 14 regarding the number of commercial air tour  
 15 flights it conducts each year in such park.”;

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

18 “(7) *VOLUNTARY AGREEMENTS.*—

19 “(A) *IN GENERAL.*—As an alternative to an  
 20 air tour management plan, the Director and the  
 21 Administrator may enter into a voluntary agree-  
 22 ment with a commercial air tour operator (in-  
 23 cluding a new entrant applicant and an oper-  
 24 ator that has interim operating authority) that  
 25 has applied to conduct air tour operations over

1       *a national park to manage commercial air tour*  
2       *operations over such national park.*

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

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

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

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

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

1 *graph. After such opportunity for public review*  
2 *and consultation, the voluntary agreement may*  
3 *be implemented without further administrative*  
4 *or environmental process beyond that described*  
5 *in this subsection.*

6 “(D) *TERMINATION.*—A voluntary agree-  
7 *ment under this paragraph may be terminated*  
8 *at any time at the discretion of the Director or*  
9 *the Administrator if the Director determines that*  
10 *the agreement is not adequately protecting park*  
11 *resources or visitor experiences or the Adminis-*  
12 *trator determines that the agreement is adversely*  
13 *affecting aviation safety or the national aviation*  
14 *system. If a voluntary agreement for a national*  
15 *park is terminated, the operators shall conform*  
16 *to the requirements for interim operating author-*  
17 *ity under subsection (c) until an air tour man-*  
18 *agement plan for the park is in effect.”;*

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

21 “(I) *may allow for modifications of the in-*  
22 *terim operating authority without further envi-*  
23 *ronmental review beyond that described in this*  
24 *section if—*

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

6           “(ii) the Administrator determines that  
7           there would be no adverse impact on avia-  
8           tion safety or the air traffic control system;  
9           and

10          “(iii) the Director agrees with the  
11          modification, based on the Director’s profes-  
12          sional expertise regarding the protection of  
13          the park resources and values and visitor  
14          use and enjoyment.”;

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

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

24               “(ii) the Administrator agrees that  
25               there would be no adverse impact on avia-

1                    *tion safety or the air traffic control system;*  
 2                    *and*

3                    *“(iii) the Director agrees, based on the*  
 4                    *Director’s professional expertise regarding*  
 5                    *the protection of park resources and values*  
 6                    *and visitor use and enjoyment.”; and*

7                    *(6) by redesignating subsections (d), (e), and (f)*  
 8                    *as subsections (e), (f), and (g), respectively; and*

9                    *(7) by inserting after subsection (c) the fol-*  
 10                   *lowing:*

11                   *“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—*

12                   *“(1) REPORT.—Each commercial air tour oper-*  
 13                   *ator providing a commercial air tour over a national*  
 14                   *park under interim operating authority granted*  
 15                   *under subsection (c) or in accordance with an air*  
 16                   *tour management plan under subsection (b) shall sub-*  
 17                   *mit a report to the Administrator and Director re-*  
 18                   *garding the number of its commercial air tour oper-*  
 19                   *ations over each national park and such other infor-*  
 20                   *mation as the Administrator and Director may re-*  
 21                   *quest in order to facilitate administering the provi-*  
 22                   *sions of this section.*

23                   *“(2) REPORT SUBMISSION.—Not later than 3*  
 24                   *months after the date of enactment of the FAA Reau-*  
 25                   *thorization Act of 2007, the Administrator and Direc-*

1        *tor shall jointly issue an initial request for reports*  
 2        *under this subsection. The reports shall be submitted*  
 3        *to the Administrator and Director on a frequency and*  
 4        *in a format prescribed by the Administrator and Di-*  
 5        *rector.”.*

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

7        *(a) GENERAL REQUIREMENTS.—Section 47128(a) is*  
 8        *amended—*

9                *(1) in the first sentence by striking “prescribe*  
 10        *regulations” and inserting “issue guidance”; and*

11                *(2) in the second sentence by striking “regula-*  
 12        *tions” and inserting “guidance”.*

13        *(b) APPLICATIONS AND SELECTION.—Section*  
 14        *47128(b)(4) is amended by inserting before the semicolon*  
 15        *the following: “, including the National Environmental Pol-*  
 16        *icy Act of 1969 (42 U.S.C. 4321 et seq.), State and local*  
 17        *environmental policy acts, Executive Orders, agency regula-*  
 18        *tions and guidance, and other Federal environmental re-*  
 19        *quirements”.*

20        *(c) ENVIRONMENTAL ANALYSIS AND COORDINATION*  
 21        *REQUIREMENTS.—Section 47128 is amended by adding at*  
 22        *the end the following:*

23                *“(d) ENVIRONMENTAL ANALYSIS AND COORDINATION*  
 24        *REQUIREMENTS.—A Federal agency, other than the Federal*  
 25        *Aviation Administration, that is responsible for issuing an*

1 approval, license, or permit to ensure compliance with a  
 2 Federal environmental requirement applicable to a project  
 3 or activity to be carried out by a State using amounts from  
 4 a block grant made under this section shall—

5 “(1) coordinate and consult with the State;

6 “(2) use the environmental analysis prepared by  
 7 the State for the project or activity if such analysis  
 8 is adequate; and

9 “(3) supplement such analysis, as necessary, to  
 10 meet applicable Federal requirements.”.

11 **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
 12 **VIEWS.**

13 Section 47173(a) is amended by striking “services of  
 14 consultants in order to” and all that follows through the  
 15 period at the end and inserting “services of consultants—

16 “(1) to facilitate the timely processing, review,  
 17 and completion of environmental activities associated  
 18 with an airport development project;

19 “(2) to conduct special environmental studies re-  
 20 lated to an airport project funded with Federal funds;

21 “(3) to conduct special studies or reviews to sup-  
 22 port approved noise compatibility measures described  
 23 in part 150 of title 14, Code of Federal Regulations;  
 24 or



1           “(4) to conduct special studies or reviews to sup-  
 2           port environmental mitigation in a record of decision  
 3           or finding of no significant impact by the Federal  
 4           Aviation Administration.”.

5   **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
 6                           **PROCEDURES.**

7           Section 47504 is amended by adding at the end the  
 8           following:

9           “(e) *GRANTS FOR ASSESSMENT OF FLIGHT PROCE-*  
 10          *DURES.—*

11           “(1) *IN GENERAL.—*In accordance with sub-  
 12          section (c)(1), the Secretary may make a grant to an  
 13          airport operator to assist in completing environ-  
 14          mental review and assessment activities for proposals  
 15          to implement flight procedures at such airport that  
 16          have been approved as part of an airport noise com-  
 17          patibility program under subsection (b).

18           “(2) *ADDITIONAL STAFF.—*The Administrator  
 19          may accept funds from an airport operator, including  
 20          funds provided to the operator under paragraph (1),  
 21          to hire additional staff or obtain the services of con-  
 22          sultants in order to facilitate the timely processing,  
 23          review, and completion of environmental activities as-  
 24          sociated with proposals to implement flight proce-  
 25          dures at such airport that have been approved as part

1       *of an airport noise compatibility program under sub-*  
 2       *section (b).*

3               “(3) *RECEIPTS CREDITED AS OFFSETTING COL-*  
 4       *LECTIONS.—Notwithstanding section 3302 of title 31,*  
 5       *any funds accepted under this section—*

6               “(A) *shall be credited as offsetting collec-*  
 7       *tions to the account that finances the activities*  
 8       *and services for which the funds are accepted;*

9               “(B) *shall be available for expenditure only*  
 10       *to pay the costs of activities and services for*  
 11       *which the funds are accepted; and*

12               “(C) *shall remain available until ex-*  
 13       *pended.”.*

14   **SEC. 505. CLEEN ENGINE AND AIRFRAME TECHNOLOGY**  
 15       **PARTNERSHIP.**

16       (a) *COOPERATIVE AGREEMENT.—Subchapter I of*  
 17       *chapter 475 is amended by adding at the end the following:*

18   **“§47511. CLEEN engine and airframe technology**  
 19       **partnership**

20       “(a) *IN GENERAL.—The Administrator of the Federal*  
 21       *Aviation Administration shall enter into a cooperative*  
 22       *agreement, using a competitive process, with an institution,*  
 23       *entity, or consortium to carry out a program for the devel-*  
 24       *opment, maturing, and certification of CLEEN engine and*  
 25       *airframe technology for aircraft over the next 10 years.*

1       “(b) *CLEEN ENGINE AND AIRFRAME TECHNOLOGY*  
2 *DEFINED.—In this section, the term ‘CLEEN engine and*  
3 *airframe technology’ means continuous lower energy, emis-*  
4 *sions, and noise engine and airframe technology.*

5       “(c) *PERFORMANCE OBJECTIVE.—The Administrator*  
6 *shall establish the following performance objectives for the*  
7 *program, to be achieved by September 30, 2015:*

8               “(1) *Development of certifiable aircraft tech-*  
9 *nology that reduces greenhouse gas emissions by in-*  
10 *creasing aircraft fuel efficiency by 25 percent relative*  
11 *to 1997 subsonic jet aircraft technology.*

12              “(2) *Development of certifiable engine technology*  
13 *that reduces landing and takeoff cycle nitrogen oxide*  
14 *emissions by 50 percent, without increasing other gas-*  
15 *eous or particle emissions, over the International*  
16 *Civil Aviation Organization standard adopted in*  
17 *2004.*

18              “(3) *Development of certifiable aircraft tech-*  
19 *nology that reduces noise levels by 10 decibels at each*  
20 *of the 3 certification points relative to 1997 subsonic*  
21 *jet aircraft technology.*

22              “(4) *Determination of the feasibility of the use of*  
23 *alternative fuels in aircraft systems, including suc-*  
24 *cessful demonstration and quantification of the bene-*  
25 *fits of such fuels.*

1           “(5) *Determination of the extent to which new*  
 2           *engine and aircraft technologies may be used to ret-*  
 3           *rofit or re-engine aircraft to increase the integration*  
 4           *of retrofitted and re-engined aircraft into the commer-*  
 5           *cial fleet.*

6           “(d) *FUNDING.—Of amounts appropriated under sec-*  
 7           *tion 48102(a), not more than the following amounts may*  
 8           *be used to carry out this section:*

9                     “(1) \$6,000,000 for fiscal year 2008.

10                    “(2) \$22,000,000 for fiscal year 2009.

11                    “(3) \$33,000,000 for fiscal year 2010.

12                    “(4) \$50,000,000 for fiscal year 2011.

13           “(e) *REPORT.—Beginning in fiscal year 2009, the Ad-*  
 14           *ministrator shall publish an annual report on the program*  
 15           *established under this section until completion of the pro-*  
 16           *gram.”.*

17           (b) *CLERICAL AMENDMENT.—The analysis for such*  
 18           *subchapter is amended by adding at the end the following:*

                  “47511. *CLEEN engine and airframe technology partnership.”.*

19   **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**  
 20                     **WEIGHING 75,000 POUNDS OR LESS NOT COM-**  
 21                     **PLYING WITH STAGE 3 NOISE LEVELS.**

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

1 **“§47534. Prohibition on operating certain aircraft**  
2 **weighing 75,000 pounds or less not com-**  
3 **plying with stage 3 noise levels**

4 “(a) *PROHIBITION.*—Except as provided in subsection  
5 (b), (c), or (d), after December 31, 2012, a person may not  
6 operate a civil subsonic jet airplane with a maximum  
7 weight of 75,000 pounds or less, and for which an air-  
8 worthiness certificate other than an experimental certificate  
9 has been issued, to or from an airport in the United States  
10 unless the Secretary of Transportation finds that the air-  
11 craft complies with stage 3 noise levels.

12 “(b) *EXCEPTION.*—Subsection (a) shall not apply to  
13 aircraft operated only outside the 48 contiguous States.

14 “(c) *EXCEPTIONS.*—The Secretary may allow tem-  
15 porary operation of an airplane otherwise prohibited from  
16 operation under subsection (a) to or from an airport in the  
17 contiguous United States by granting a special flight au-  
18 thorization for one or more of the following circumstances:

19 “(1) *To sell, lease, or use the aircraft outside the*  
20 *48 contiguous States.*

21 “(2) *To scrap the aircraft.*

22 “(3) *To obtain modifications to the aircraft to*  
23 *meet stage 3 noise levels.*

24 “(4) *To perform scheduled heavy maintenance or*  
25 *significant modifications on the aircraft at a mainte-*  
26 *nance facility located in the contiguous 48 States.*

1           “(5) To deliver the aircraft to an operator leas-  
 2           ing the aircraft from the owner or return the aircraft  
 3           to the lessor.

4           “(6) To prepare, park, or store the aircraft in  
 5           anticipation of any of the activities described in  
 6           paragraphs (1) through (5).

7           “(7) To provide transport of persons and goods  
 8           in the relief of emergency situations.

9           “(8) To divert the aircraft to an alternative air  
 10          port in the 48 contiguous States on account of weath-  
 11          er, mechanical, fuel, air traffic control, or other safety  
 12          reasons while conducting a flight in order to perform  
 13          any of the activities described in paragraphs (1)  
 14          through (7).

15          “(d) *STATUTORY CONSTRUCTION.*—Nothing in the sec-  
 16          tion may be construed as interfering with, nullifying, or  
 17          otherwise affecting determinations made by the Federal  
 18          Aviation Administration, or to be made by the Administra-  
 19          tion, with respect to applications under part 161 of title  
 20          14, Code of Federal Regulations, that were pending on the  
 21          date of enactment of this section.”.

22          (b) *CONFORMING AMENDMENTS.*—

23                 (1) Section 47531 is amended—

24                         (A) in the section heading by striking “**for**  
 25                         **violating sections 47528–47530**”; and

1                   (B) by striking “47529, or 47530” and in-  
 2                   serting “47529, 47530, or 47534”.

3                   (2) Section 47532 is amended by inserting “or  
 4                   47534” after “47528–47531”.

5                   (3) The analysis for chapter 475 is amended—

6                   (A) by striking the item relating to section  
 7                   47531 and inserting the following:

“47531. Penalties.”; and

8                   (B) by inserting after the item relating to  
 9                   section 47533 the following:

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

10   **SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

11           (a) *ESTABLISHMENT.*—The Secretary of Transpor-  
 12           tation shall establish a pilot program to carry out not more  
 13           than 6 environmental mitigation demonstration projects at  
 14           public-use airports.

15           (b) *GRANTS.*—In implementing the program, the Sec-  
 16           retary may make a grant to the sponsor of a public-use  
 17           airport from funds apportioned under section  
 18           47117(e)(1)(A) of title 49, United States Code, to carry out  
 19           an environmental mitigation demonstration project to  
 20           measurably reduce or mitigate aviation impacts on noise,  
 21           air quality, or water quality in the vicinity of the airport.

22           (c) *ELIGIBILITY FOR PASSENGER FACILITY FEES.*—  
 23           An environmental mitigation demonstration project that

1 *receives funds made available under this section may be*  
2 *considered an eligible airport-related project for purposes*  
3 *of section 40117 of such title.*

4 (d) *SELECTION CRITERIA.—In selecting among appli-*  
5 *cants for participation in the program, the Secretary shall*  
6 *give priority consideration to applicants proposing to carry*  
7 *out environmental mitigation demonstration projects that*  
8 *will—*

9 (1) *achieve the greatest reductions in aircraft*  
10 *noise, airport emissions, or airport water quality im-*  
11 *pacts either on an absolute basis or on a per dollar*  
12 *of funds expended basis; and*

13 (2) *be implemented by an eligible consortium.*

14 (e) *FEDERAL SHARE.—Notwithstanding any provi-*  
15 *sion of subchapter I of chapter 471 of such title, the United*  
16 *States Government share of allowable project costs of an en-*  
17 *vironmental mitigation demonstration project carried out*  
18 *under this section shall be 50 percent.*

19 (f) *MAXIMUM AMOUNT.—The Secretary may not make*  
20 *grants for a single environmental mitigation demonstration*  
21 *project under this section in a total amount that exceeds*  
22 *\$2,500,000.*

23 (g) *PUBLICATION OF INFORMATION.—The Secretary*  
24 *may develop and publish information on the results of envi-*  
25 *ronmental mitigation demonstration projects carried out*



1 *under this section, including information identifying best*  
 2 *practices for reducing or mitigating aviation impacts on*  
 3 *noise, air quality, or water quality in the vicinity of air-*  
 4 *ports.*

5 *(h) DEFINITIONS.—In this section, the following defi-*  
 6 *nitions apply:*

7 *(1) ELIGIBLE CONSORTIUM.—The term “eligible*  
 8 *consortium” means a consortium of 2 or more of the*  
 9 *following entities:*

10 *(A) A business incorporated in the United*  
 11 *States.*

12 *(B) A public or private educational or re-*  
 13 *search organization located in the United States.*

14 *(C) An entity of a State or local govern-*  
 15 *ment.*

16 *(D) A Federal laboratory.*

17 *(2) ENVIRONMENTAL MITIGATION DEMONSTRA-*  
 18 *TION PROJECT.—The term “environmental mitigation*  
 19 *demonstration project” means a project that—*

20 *(A) demonstrates at a public-use airport en-*  
 21 *vironmental mitigation techniques or tech-*  
 22 *nologies with associated benefits, which have al-*  
 23 *ready been proven in laboratory demonstrations;*

1                   (B) utilizes methods for efficient adaptation  
 2                   or integration of innovative concepts to airport  
 3                   operations; and

4                   (C) demonstrates whether a technique or  
 5                   technology for environmental mitigation identi-  
 6                   fied in research is—

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

9                   (ii) capable of reducing noise, airport  
 10                  emissions, greenhouse gas emissions, or  
 11                  water quality impacts in measurably sig-  
 12                  nificant amounts.

13 **SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**  
 14 **PILOT PROGRAM.**

15           (a) *IN GENERAL.*—The Secretary of Transportation  
 16 shall carry out a pilot program at not more than 5 public-  
 17 use airports under which the Federal Aviation Administra-  
 18 tion shall use funds made available under section 48101(a)  
 19 to design, develop, and test air traffic flow management  
 20 tools, methodologies, and procedures that will allow air traf-  
 21 fic controllers of the Administration to better manage the  
 22 flow of aircraft on the ground and reduce the length of  
 23 ground holds and idling time for aircraft.

24           (b) *SELECTION CRITERIA.*—In selecting from among  
 25 airports at which to conduct the pilot program, the Sec-

1   retary shall give priority consideration to airports at which  
2   improvements in ground control efficiencies are likely to  
3   achieve the greatest fuel savings or air quality or other envi-  
4   ronmental benefits, as measured by the amount of reduced  
5   fuel, reduced emissions, or other environmental benefits per  
6   dollar of funds expended under the pilot program.

7       (c) *MAXIMUM AMOUNT.*—Not more than a total of  
8   \$5,000,000 may be expended under the pilot program at  
9   any single public-use airport.

10       (d) *REPORT TO CONGRESS.*—Not later than 3 years  
11   after the date of the enactment of this section, the Secretary  
12   shall submit to the Committee on Transportation and In-  
13   frastructure of the House of Representatives and the Com-  
14   mittee on Commerce, Science, and Transportation of the  
15   Senate a report containing—

16           (1) *an evaluation of the effectiveness of the pilot*  
17       *program, including an assessment of the tools, meth-*  
18       *odologies, and procedures that provided the greatest*  
19       *fuel savings and air quality and other environmental*  
20       *benefits, and any impacts on safety, capacity, or effi-*  
21       *ciency of the air traffic control system or the airports*  
22       *at which affected aircraft were operating;*

23           (2) *an identification of anticipated benefits from*  
24       *implementation of the tools, methodologies, and proce-*

1        *dures developed under the pilot program at other air-*  
 2        *ports;*

3            *(3) a plan for implementing the tools, methodolo-*  
 4        *gies, and procedures developed under the pilot pro-*  
 5        *gram at other airports or the Secretary's reasons for*  
 6        *not implementing such measures at other airports;*  
 7        *and*

8            *(4) such other information as the Secretary con-*  
 9        *siders appropriate.*

10    **SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR**  
 11            **TRAFFIC CONTROL FACILITIES.**

12        *(a) IN GENERAL.—The Administrator of the Federal*  
 13        *Aviation Administration shall implement, to the maximum*  
 14        *extent practicable, sustainable practices for the incorpora-*  
 15        *tion of energy-efficient design, equipment, systems, and*  
 16        *other measures in the construction and major renovation*  
 17        *of air traffic control facilities of the Administration in*  
 18        *order to reduce energy consumption and improve the envi-*  
 19        *ronmental performance of such facilities.*

20        *(b) AUTHORIZATION.—Of amounts appropriated*  
 21        *under section 48101(a) of title 49, United States Code, such*  
 22        *sums as may be necessary may be used to carry out this*  
 23        *section.*

1 **SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT**  
2 **ENGINE NOISE AND EMISSIONS STANDARDS.**

3 (a) *INDEPENDENT REVIEW.*—*The Administrator of the*  
4 *FAA shall make appropriate arrangements for the National*  
5 *Academy of Public Administration or another qualified*  
6 *independent entity to review, in consultation with the FAA*  
7 *and the EPA, whether it is desirable to locate the regulatory*  
8 *responsibility for the establishment of engine noise and*  
9 *emissions standards for civil aircraft within one of the*  
10 *agencies.*

11 (b) *CONSIDERATIONS.*—*The review shall be conducted*  
12 *so as to take into account—*

13 (1) *the interrelationships between aircraft engine*  
14 *noise and emissions;*

15 (2) *the need for aircraft engine noise and emis-*  
16 *sions to be evaluated and addressed in an integrated*  
17 *and comprehensive manner;*

18 (3) *the scientific expertise of the FAA and the*  
19 *EPA to evaluate aircraft engine emissions and noise*  
20 *impacts on the environment;*

21 (4) *expertise to interface environmental perform-*  
22 *ance with ensuring the highest safe and reliable en-*  
23 *gine performance of aircraft in flight;*

24 (5) *consistency of the regulatory responsibility*  
25 *with other missions of the FAA and the EPA;*

1           (6) *past effectiveness of the FAA and the EPA in*  
 2           *carrying out the aviation environmental responsibil-*  
 3           *ities assigned to the agency; and*

4           (7) *the international responsibility to represent*  
 5           *the United States with respect to both engine noise*  
 6           *and emissions standards for civil aircraft*

7           (c) *REPORT TO CONGRESS.*—*Not later than 6 months*  
 8           *after the date of enactment of this Act, the Administrator*  
 9           *of the FAA shall submit to Congress a report on the results*  
 10          *of the review. The report shall include any recommenda-*  
 11          *tions developed as a result of the review and, if a transfer*  
 12          *of responsibilities is recommended, a description of the steps*  
 13          *and timeline for implementation of the transfer.*

14          (d) *DEFINITIONS.*—*In this section, the following defi-*  
 15          *nitions apply:*

16               (1) *EPA.*—*The term “EPA” means the Environ-*  
 17               *mental Protection Agency.*

18               (2) *FAA.*—*The term “FAA” means the Federal*  
 19               *Aviation Administration.*

20       **SEC. 511. PRODUCTION OF ALTERNATIVE JET FUEL TECH-**  
 21               **NOLOGY FOR CIVIL AIRCRAFT.**

22           (a) *ESTABLISHMENT OF RESEARCH PROGRAM.*—  
 23           *Using amounts made available under section 48102(a) of*  
 24           *title 49, United States Code, the Secretary of Transpor-*  
 25           *tation shall establish a research program related to devel-*

1 *oping jet fuel from alternative sources (such as coal, natural*  
 2 *gas, biomass, ethanol, butanol, and hydrogen) through*  
 3 *grants or other measures authorized under section 106(l)(6)*  
 4 *of such title, including reimbursable agreements with other*  
 5 *Federal agencies.*

6 *(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH*  
 7 *INSTITUTIONS.—In conducting the program, the Secretary*  
 8 *provide for participation by educational and research insti-*  
 9 *tutions that have existing facilities and experience in the*  
 10 *development and deployment of technology for alternative*  
 11 *jet fuels.*

12 *(c) DESIGNATION OF INSTITUTE AS A CENTER OF EX-*  
 13 *CELLENCE.—Not later than 6 months after the date of en-*  
 14 *actment of this Act, the Administrator of the Federal Avia-*  
 15 *tion Administration shall designate an institution de-*  
 16 *scribed in subsection (a) as a Center of Excellence for Alter-*  
 17 *native Jet Fuel Research.*

## 18 ***TITLE VI—FAA EMPLOYEES AND*** 19 ***ORGANIZATION***

### 20 ***SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-*** 21 ***SONNEL MANAGEMENT SYSTEM.***

22 *(a) DISPUTE RESOLUTION.—Section 40122(a) is*  
 23 *amended—*

24 *(1) by redesignating paragraphs (3) and (4) as*  
 25 *paragraphs (5) and (6), respectively; and*

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

3           “(2) *DISPUTE RESOLUTION.—*

4                 “(A) *MEDIATION.—If the Administrator*  
 5     *does not reach an agreement under paragraph*  
 6     *(1) or the provisions referred to in subsection*  
 7     *(g)(2)(C) with the exclusive bargaining rep-*  
 8     *resentative of the employees, the Administrator*  
 9     *and the bargaining representative—*

10                “(i) *shall use the services of the Federal*  
 11     *Mediation and Conciliation Service to at-*  
 12     *tempt to reach such agreement in accord-*  
 13     *ance with part 1425 of title 29, Code of*  
 14     *Federal Regulations (as in effect on the date*  
 15     *of enactment of the FAA Reauthorization*  
 16     *Act of 2007); or*

17                “(ii) *may by mutual agreement adopt*  
 18     *alternative procedures for the resolution of*  
 19     *disputes or impasses arising in the negotia-*  
 20     *tion of the collective-bargaining agreement.*

21           “(B) *BINDING ARBITRATION.—*

22                “(i) *ASSISTANCE FROM FEDERAL SERV-*  
 23     *ICE IMPASSES PANEL.—If the services of the*  
 24     *Federal Mediation and Conciliation Service*  
 25     *under subparagraph (A)(i) do not lead to*



1            *an agreement, the Administrator and the*  
2            *exclusive bargaining representative of the*  
3            *employees (in this subparagraph referred to*  
4            *as the ‘parties’) shall submit their issues in*  
5            *controversy to the Federal Service Impasses*  
6            *Panel. The Panel shall assist the parties in*  
7            *resolving the impasse by asserting jurisdic-*  
8            *tion and ordering binding arbitration by a*  
9            *private arbitration board consisting of 3*  
10           *members.*

11           “(ii) *APPOINTMENT OF ARBITRATION*  
12           *BOARD.—The Executive Director of the*  
13           *Panel shall provide for the appointment of*  
14           *the 3 members of a private arbitration*  
15           *board under clause (i) by requesting the Di-*  
16           *rector of the Federal Mediation and Concil-*  
17           *iation Service to prepare a list of not less*  
18           *than 15 names of arbitrators with Federal*  
19           *sector experience and by providing the list*  
20           *to the parties. Within 10 days of receiving*  
21           *the list, the parties shall each select one per-*  
22           *son from the list. The 2 arbitrators selected*  
23           *by the parties shall then select a third per-*  
24           *son from the list within 7 days. If either of*  
25           *the parties fails to select a person or if the*

1           2 arbitrators are unable to agree on the  
2           third person within 7 days, the parties shall  
3           make the selection by alternately striking  
4           names on the list until one arbitrator re-  
5           mains.

6           “(iii) *FRAMING ISSUES IN CON-*  
7           *TROVERSY.*—If the parties do not agree on  
8           the framing of the issues to be submitted for  
9           arbitration, the arbitration board shall  
10          frame the issues.

11          “(iv) *HEARINGS.*—The arbitration  
12          board shall give the parties a full and fair  
13          hearing, including an opportunity to  
14          present evidence in support of their claims  
15          and an opportunity to present their case in  
16          person, by counsel, or by other representa-  
17          tive as they may elect.

18          “(v) *DECISIONS.*—The arbitration  
19          board shall render its decision within 90  
20          days after the date of its appointment. De-  
21          cisions of the arbitration board shall be con-  
22          clusive and binding upon the parties.

23          “(vi) *COSTS.*—The parties shall share  
24          costs of the arbitration equally.

1           “(3) *RATIFICATION OF AGREEMENTS.*—Upon  
2           *reaching a voluntary agreement or at the conclusion*  
3           *of the binding arbitration under paragraph (2)(B),*  
4           *the final agreement, except for those matters decided*  
5           *by an arbitration board, shall be subject to ratifica-*  
6           *tion by the exclusive bargaining representative of the*  
7           *employees, if so requested by the bargaining represent-*  
8           *ative, and approval by the head of the agency in ac-*  
9           *cordance with the provisions referred to in subsection*  
10          *(g)(2)(C).*

11          “(4) *ENFORCEMENT.*—

12               “(A) *ENFORCEMENT ACTIONS IN UNITED*  
13               *STATES COURTS.*—*Each United States district*  
14               *court and each United States court of a place*  
15               *subject to the jurisdiction of the United States*  
16               *shall have jurisdiction of enforcement actions*  
17               *brought under this section. Such an action may*  
18               *be brought in any judicial district in the State*  
19               *in which the violation of this section is alleged*  
20               *to have been committed, the judicial district in*  
21               *which the Federal Aviation Administration has*  
22               *its principal office, or the District of Columbia.*

23               “(B) *ATTORNEY FEES.*—*The court may as-*  
24               *sess against the Federal Aviation Administration*  
25               *reasonable attorney fees and other litigation costs*

1           *reasonably incurred in any case under this sec-*  
2           *tion in which the complainant has substantially*  
3           *prevailed.”.*

4           **(b) APPLICATION.**—*On and after the date of enactment*  
5           *of this Act, any changes implemented by the Administrator*  
6           *of the Federal Aviation Administration on and after July*  
7           *10, 2005, under section 40122(a) of title 49, United States*  
8           *Code (as in effect on the day before such date of enactment),*  
9           *without the agreement of the exclusive bargaining represent-*  
10          *ative of the employees of the Administration certified under*  
11          *section 7111 of title 5, United States Code, shall be null*  
12          *and void and the parties shall be governed by their last*  
13          *mutual agreement before the implementation of such*  
14          *changes. The Administrator and the bargaining representa-*  
15          *tive shall resume negotiations promptly, and, subject to sub-*  
16          *section (c), their last mutual agreement shall be in effect*  
17          *until a new contract is adopted by the Administrator and*  
18          *the bargaining representative. If an agreement is not*  
19          *reached within 45 days after the date on which negotiations*  
20          *resume, the Administrator and the bargaining representa-*  
21          *tive shall submit their issues in controversy to the Federal*  
22          *Service Impasses Panel in accordance with section 7119 of*  
23          *title 5, United States Code, for binding arbitration in ac-*  
24          *cordance with paragraphs (2)(B), (3), and (4) of section*

1 40122(a) of title 49, United States Code (as amended by  
2 subsection (a) of this section).

3 (c) SAVINGS CLAUSE.—All cost of living adjustments  
4 and other pay increases, lump sum payments to employees,  
5 and leave and other benefit accruals implemented as part  
6 of the changes referred to in subsection (b) may not be re-  
7 versed unless such reversal is part of the calculation of back  
8 pay under subsection (d). The Administrator shall waive  
9 any overpayment paid to, and not collect any funds for  
10 such overpayment, from former employees of the Adminis-  
11 tration who received lump sum payments prior to their sep-  
12 aration from the Administration.

13 (d) BACK PAY.—

14 (1) IN GENERAL.—Employees subject to changes  
15 referred to in subsection (b) that are determined to be  
16 null and void under subsection (b) shall be eligible for  
17 pay that the employees would have received under the  
18 last mutual agreement between the Administrator and  
19 the exclusive bargaining representative of such em-  
20 ployees before the date of enactment of this Act and  
21 any changes were implemented without agreement of  
22 the bargaining representative. The Administrator  
23 shall pay the employees such pay subject to the avail-  
24 ability of amounts appropriated to carry out this sub-  
25 section. If the appropriated funds do not cover all

1      *claims of the employees for such pay, the Adminis-*  
2      *trator and the bargaining representative, pursuant to*  
3      *negotiations conducted in accordance with section*  
4      *40122(a) of title 49, United States Code (as amended*  
5      *by subsection (a) of this section), shall determine the*  
6      *allocation of the appropriated funds among the em-*  
7      *ployees on a pro rata basis.*

8 (2) AUTHORIZATION OF APPROPRIATIONS.—  
9 *There is authorized to be appropriated \$20,000,000 to*  
10 *carry out this subsection.*

(e) *INTERIM AGREEMENT.*—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

21 *SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-*  
22 *EES.*

23        *Section 40122(g)(3) of title 49, United States Code, is*  
24        *amended by adding at the end the following: “Notwith-*  
25        *standing any other provision of law, retroactive to April*

1 1, 1996, the Board shall have the same remedial authority  
 2 over such employee appeals that it had as of March 31,  
 3 1996.”.

4 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

5 (a) *STUDY.*—

6 (1) *IN GENERAL.*—The Comptroller General shall  
 7 conduct a study on the training of the airway trans-  
 8 portation systems specialists of the Federal Aviation  
 9 Administration (in this section referred to as “FAA  
 10 systems specialists”).

11 (2) *CONTENTS.*—The study shall—

12 (A) include an analysis of the type of train-  
 13 ing provided to FAA systems specialists;

14 (B) include an analysis of the type of train-  
 15 ing that FAA systems specialists need to be pro-  
 16 ficient on the maintenance of latest technologies;

17 (C) include a description of actions that the  
 18 Administration has undertaken to ensure that  
 19 FAA systems specialists receive up-to-date train-  
 20 ing on the latest technologies;

21 (D) identify the amount and cost of FAA  
 22 systems specialists training provided by vendors;

23 (E) identify the amount and cost of FAA  
 24 systems specialists training provided by the Ad-

1           ministration after developing courses for the  
2           training of such specialists;

3           (F) identify the amount and cost of travel  
4           that is required of FAA systems specialists in re-  
5           ceiving training; and

6           (G) include a recommendation regarding  
7           the most cost-effective approach to providing  
8           FAA systems specialists training.

9           (3) *REPORT.*—Not later than 1 year after the  
10          date of enactment of this Act, the Comptroller General  
11          shall submit to the Committee on Transportation and  
12          Infrastructure of the House of Representatives and the  
13          Committee on Commerce, Science, and Transpor-  
14          tation of the Senate a report on the results of the  
15          study.

16         (b) *WORKLOAD OF SYSTEMS SPECIALISTS.*—

17                 (1) *STUDY BY NATIONAL ACADEMY OF*  
18                 *SCIENCES.*—Not later than 90 days after the date of  
19                 enactment of this Act, the Administrator of the Fed-  
20                 eral Aviation Administration shall make appropriate  
21                 arrangements for the National Academy of Sciences to  
22                 conduct a study of the assumptions and methods used  
23                 by the Federal Aviation Administration to estimate  
24                 staffing needs for FAA systems specialists to ensure



1        *proper maintenance and certification of the national*  
2        *airspace system.*

3            (2) *CONTENTS.—The study shall be conducted so*  
4        *as to provide the following:*

5            (A) *A suggested method of modifying FAA*  
6        *systems specialists staffing models for applica-*  
7        *tion to current local conditions or applying some*  
8        *other approach to developing an objective staff-*  
9        *ing standard.*

10          (B) *The approximate cost and length of*  
11        *time for developing such models.*

12          (3) *REPORT.—Not later than one year after the*  
13        *initiation of the arrangements under subsection (a),*  
14        *the National Academy of Sciences shall submit to*  
15        *Congress a report on the results of the study.*

16    **SEC. 604. DESIGNEE PROGRAM.**

17          (a) *REPORT.—Not later than 18 months after the date*  
18        *of enactment of this Act, the Comptroller General shall sub-*  
19        *mit to the Committee on Transportation and Infrastructure*  
20        *of the House of Representatives and the Committee on Com-*  
21        *merce, Science, and Transportation of the Senate a report*  
22        *on the status of recommendations made by the Government*  
23        *Accountability Office in its October 2004 report, “Aviation*  
24        *Safety: FAA Needs to Strengthen Management of Its Des-*  
25        *ignee Programs” (GAO–05–40).*

1       (b) *CONTENTS.*—*The report shall include—*

2               (1) *an assessment of the extent to which the Fed-*  
3       *eral Aviation Administration has responded to rec-*  
4       *ommendations of the Government Accountability Of-*  
5       *fice referred to in subsection (a);*

6               (2) *an identification of improvements, if any,*  
7       *that have been made to the designee programs referred*  
8       *to in the report of the Office as a result of such rec-*  
9       *ommendations; and*

10              (3) *an identification of further action that is*  
11       *needed to implement such recommendations, improve*  
12       *the Administration’s management control of the des-*  
13       *ignee programs, and increase assurance that designees*  
14       *meet the Administration’s performance standards.*

15   **SEC. 605. STAFFING MODEL FOR AVIATION SAFETY INSPEC-**  
16                                   **TORS.**

17       (a) *IN GENERAL.*—*Not later than October 31, 2009,*  
18       *the Administrator of the Federal Aviation Administration*  
19       *shall develop a staffing model for aviation safety inspectors.*  
20       *In developing the model, the Administrator shall follow the*  
21       *recommendations outlined in the 2007 study released by the*  
22       *National Academy of Sciences entitled “Staffing Standards*  
23       *for Aviation Safety Inspectors” and consult with interested*  
24       *persons, including the exclusive collective bargaining rep-*  
25       *resentative of the aviation safety inspectors.*

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

4 **SEC. 606. SAFETY CRITICAL STAFFING.**

5       (a) *AVIATION SAFETY INSPECTORS.*—*The Adminis-*  
 6 *trator of the Federal Aviation Administration shall increase*  
 7 *the number of aviation safety inspectors in the Flight*  
 8 *Standards Service to not less than—*

9           (1) \_\_\_\_\_ *full-time equivalent positions in fiscal*  
 10 *year 2008;*

11           (2) \_\_\_\_\_ *full-time equivalent positions in fiscal*  
 12 *year 2009;*

13           (3) \_\_\_\_\_ *full-time equivalent positions in fiscal*  
 14 *year 2010; and*

15           (4) \_\_\_\_\_ *full-time equivalent positions in fiscal*  
 16 *year 2011.*

17       (b) *OPERATIONAL SUPPORT.*—*The Administrator shall*  
 18 *increase the number of safety technical specialists and oper-*  
 19 *ational support positions in the Flight Standards Service*  
 20 *to the levels necessary, as determined by the Administrator,*  
 21 *to ensure the most efficient and cost-effective use of the avia-*  
 22 *tion safety inspectors authorized by subsection (a).*

23       (c) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*  
 24 *tion to amounts authorized by section 106(k) of title 49,*

1 *United States Code, there is authorized to be appropriated*  
 2 *to carry out subsections (a) and (b)—*

3 *(1) \$58,000,000 for fiscal year 2008;*

4 *(2) \$134,000,000 for fiscal year 2009;*

5 *(3) \$170,000,000 for fiscal year 2010; and*

6 *(4) \$208,000,000 for fiscal year 2011.*

7 *Such sums shall remain available until expended.*

8 *(d) IMPLEMENTATION OF STAFFING STANDARDS.—*

9 *Notwithstanding any other provision of this section, upon*  
 10 *completion of the flight standards service staffing model*  
 11 *pursuant to section 604 of this Act, and validation of the*  
 12 *model by the Administrator, there are authorized to be ap-*  
 13 *propriated such sums as may be necessary to support the*  
 14 *number of aviation safety inspectors, safety technical spe-*  
 15 *cialists, and operation support positions that such model*  
 16 *determines are required to meet the responsibilities of the*  
 17 *Flight Standards Service.*

18 **SEC. 607. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**  
 19 **MENT.**

20 *(a) ESTABLISHMENT.—The Administrator of the Fed-*  
 21 *eral Aviation Administration shall establish a Center for*  
 22 *Excellence in Aviation Employment (in this section referred*  
 23 *to as the “Center”).*

24 *(b) APPLIED RESEARCH AND TRAINING.—The Center*  
 25 *shall conduct applied research and training on—*

1           (1) *human performance in the air transportation*  
2           *environment;*

3           (2) *air transportation personnel, including air*  
4           *traffic controllers, pilots, and technicians; and*

5           (3) *any other aviation human resource issues*  
6           *pertinent to developing and maintaining a safe and*  
7           *efficient air transportation system.*

8           (c) *DUTIES.—The Center shall—*

9           (1) *in conjunction with the Collegiate Training*  
10          *Initiative and other air traffic controller training*  
11          *programs, develop, implement, and evaluate a com-*  
12          *prehensive, best-practices based training program for*  
13          *air traffic controllers;*

14          (2) *work with the Office of Human Resource*  
15          *Management of the Administration as that office de-*  
16          *velops and implements a strategic recruitment and*  
17          *marketing program to help the Administration com-*  
18          *pete for the best qualified employees and incorporate*  
19          *an employee value proposition process that results in*  
20          *attracting a broad-based and diverse aviation work-*  
21          *force in mission critical positions, including air traf-*  
22          *fic controller, aviation safety inspector, airway trans-*  
23          *portation safety specialist, and engineer;*

24          (3) *through industry surveys and other research*  
25          *methodologies and in partnership with the “Taskforce*

1        *on the Future of the Aerospace Workforce” and the*  
2        *Secretary of Labor, establish a baseline of general*  
3        *aviation employment statistics for purposes of pro-*  
4        *jecting and anticipating future workforce needs and*  
5        *demonstrating the economic impact of general avia-*  
6        *tion employment;*

7                *(4) conduct a comprehensive analysis of the air-*  
8        *frame and powerplant technician certification process*  
9        *and employment trends for maintenance repair orga-*  
10        *nization facilities, certificated repair stations, and*  
11        *general aviation maintenance organizations;*

12                *(5) establish a best practices model in aviation*  
13        *maintenance technician school environments; and*

14                *(6) establish a workforce retraining program to*  
15        *allow for transition of recently unemployed and high-*  
16        *ly skilled mechanics into aviation employment.*

17        *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*  
18        *authorized to be appropriated to the Administrator such*  
19        *sums as may be necessary to carry out this section. Such*  
20        *sums shall remain available until expended.*

21        **SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.**

22                *(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—*  
23        *Not later than 90 days after the date of enactment of this*  
24        *Act, the Administrator of the Federal Aviation Administra-*  
25        *tion shall enter into appropriate arrangements with the Na-*

1 *tional Academy of Sciences to conduct a study of the as-*  
 2 *sumptions and methods used by the Federal Aviation Ad-*  
 3 *ministration (in this section referred to as the “FAA”) to*  
 4 *estimate staffing needs for FAA air traffic controllers to en-*  
 5 *sure the safe operation of the national airspace system.*

6       (b) *CONSULTATION.*—*In conducting the study, the Na-*  
 7 *tional Academy of Sciences shall consult with the exclusive*  
 8 *bargaining representative of employees of the FAA certified*  
 9 *under section 7111 of title 5, United States Code, the Ad-*  
 10 *ministrator of the Federal Aviation Administration, and*  
 11 *representatives of the Civil Aeronautical Medical Institute.*

12       (c) *CONTENTS.*—*The study shall include an examina-*  
 13 *tion of representative information on human factors, traffic*  
 14 *activity, and the technology and equipment used in air traf-*  
 15 *fic control.*

16       (d) *RECOMMENDATIONS AND ESTIMATES.*—*In con-*  
 17 *ducting the study, the National Academy of Sciences shall*  
 18 *develop—*

19               (1) *recommendations for the development by the*  
 20 *FAA of objective staffing standards to maintain the*  
 21 *safety and efficiency of the national airspace system*  
 22 *with current and future projected air traffic levels;*  
 23 *and*

24               (2) *estimates of cost and schedule for the develop-*  
 25 *ment of such standards by the FAA or its contractors.*

1       (e) *REPORT*.—Not later than 18 months after the date  
 2 of enactment of this Act, the National Academy of Sciences  
 3 shall submit to the Committee on Transportation and In-  
 4 frastructure of the House of Representatives and the Com-  
 5 mittee on Commerce, Science, and Transportation of the  
 6 Senate a report on the results of the study.

7       **SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**  
 8                               **TRAFFIC CONTROLLERS.**

9       (a) *STUDY*.—The Administrator of the Federal Avia-  
 10 tion Administration shall conduct a study to assess the ade-  
 11 quacy of training programs for air traffic controllers.

12       (b) *CONTENTS*.—The study shall include—

13               (1) a review of the current training system for  
 14 air traffic controllers;

15               (2) an analysis of the competencies required of  
 16 air traffic controllers for successful performance in the  
 17 current air traffic control environment;

18               (3) an analysis of competencies required of air  
 19 traffic controllers as the Federal Aviation Adminis-  
 20 tration transitions to the Next Generation Air Trans-  
 21 portation System; and

22               (4) an analysis of various training approaches  
 23 available to satisfy the controller competencies identi-  
 24 fied under paragraphs (2) and (3).



1       (c) *REPORT*.—Not later than 180 days after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to the Committee on Transportation and Infrastructure of  
4 the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report  
5 on the results of the study.

7       **SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.**

8       (a) *STUDY*.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative  
9 program conducted under section 44506(c) of title 49  
10 United States Code. The study shall analyze the impact of  
11 providing as an alternative to the current training provided  
12 at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates  
13 of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall  
14 include—

20               (1) the cost effectiveness of such an alternative  
21 training approach; and

22               (2) the effect that such an alternative training  
23 approach would have on the overall quality of training received by graduates of such programs.

1       (b) *REPORT*.—Not later than 180 days after the date  
 2 of enactment of this Act, the Administrator shall submit  
 3 to the Committee on Transportation and Infrastructure of  
 4 the House of Representatives and to the Committee on Com-  
 5 merce, Science, and Transportation of the Senate a report  
 6 on the results of the study.

## 7                   **TITLE VII—AVIATION** 8                   **INSURANCE**

### 9   **SEC. 701. GENERAL AUTHORITY.**

10       (a) *EXTENSION OF POLICIES*.—Section 44302(f)(1) is  
 11 amended—

12               (1) by striking “August 31, 2006” and inserting  
 13 “September 30, 2011”; and

14               (2) by striking “December 31, 2006” and insert-  
 15 ing “September 30, 2017”.

16       (b) *SUCCESSOR PROGRAM*.—Section 44302(f) is  
 17 amended by adding at the end the following:

18               “(3) *SUCCESSOR PROGRAM*.—

19                       “(A) *IN GENERAL*.—After December 31,  
 20 2017, coverage for the risks specified in a policy  
 21 that has been extended under paragraph (1) shall  
 22 be provided in an airline industry sponsored  
 23 risk retention or other risk-sharing arrangement  
 24 approved by the Secretary.

25                       “(B) *TRANSFER OF PREMIUMS*.—

1           “(i) *IN GENERAL.*—On December 31,  
 2           2017, and except as provided in clause (ii),  
 3           premiums that are collected by the Sec-  
 4           retary from the airline industry after Sep-  
 5           tember 22, 2001, for any policy under this  
 6           subsection, and interest earned thereon, as  
 7           determined by the Secretary, shall be trans-  
 8           ferred to an airline industry sponsored risk  
 9           retention or other risk-sharing arrangement  
 10          approved by the Secretary.

11          “(ii) *DETERMINATION OF AMOUNT*  
 12          *TRANSFERRED.*—The amount transferred  
 13          pursuant to clause (i) shall be less—

14               “(I) the amount of any claims  
 15               paid out on such policies from Sep-  
 16               tember 22, 2001, through December 31,  
 17               2017;

18               “(II) the amount of any claims  
 19               pending under such policies as of De-  
 20               cember 31, 2017; and

21               “(III) the cost, as determined by  
 22               the Secretary, of administering the  
 23               provision of insurance policies under  
 24               this chapter from September 22, 2001,  
 25               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 sentence*  
 12 *by striking “agent” and inserting “agent, or a claims ad-*  
 13 *juster who is independent of the underwriting agent,”.*

14 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

15 *Section 44310 is amended by striking “March 30,*  
 16 *2008” and inserting “September 30, 2017”.*

17 **TITLE VIII—MISCELLANEOUS**

18 **SEC. 801. AIR CARRIER CITIZENSHIP.**

19 *Section 40102(a)(15) is amended by adding at the end*  
 20 *the following:*

21 *“For purposes of subparagraph (C), an air carrier*  
 22 *shall not be deemed to be under the actual control of*  
 23 *citizens of the United States unless citizens of the*  
 24 *United States control all matters pertaining to the*  
 25 *business and structure of the air carrier, including*  
 26 *operational matters such as marketing, branding, fleet*

1       *composition, route selection, pricing, and labor rela-*  
 2       *tions.”.*

3   **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**  
 4       **INTEREST OF NATIONAL SECURITY.**

5       *Section 40119(b) is amended by adding at the end the*  
 6       *following:*

7               “(3) *LIMITATION ON APPLICABILITY OF FREEDOM*  
 8       *OF INFORMATION ACT.—Section 552 of title 5, United*  
 9       *States Code, shall not apply to disclosures that the*  
 10       *Administrator of the Federal Aviation Administra-*  
 11       *tion may make from the systems of records of the Ad-*  
 12       *ministration to any Federal law enforcement, intel-*  
 13       *ligence, protective service, immigration, or national*  
 14       *security official in order to assist the official receiving*  
 15       *the information in the performance of official du-*  
 16       *ties.”.*

17   **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**  
 18       **AND DATABASE SYSTEMS.**

19       *(a) IN GENERAL.—Chapter 401 is amended by adding*  
 20       *at the end the following:*

21   **“§40130. FAA access to criminal history records or**  
 22       **databases systems**

23       *“(a) ACCESS TO RECORDS OR DATABASES SYS-*  
 24       *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 of*  
12          *Homeland Security, and other law enforcement agen-*  
13          *cies.*

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 pro-*  
17          *cedures established by the Department of Justice or*  
18          *the State for other governmental agencies with access*  
19          *to the system.*

20          “(3) *LIMITATION.*—*The Administrator may not*  
21          *use the access authorized under paragraph (1) to con-*  
22          *duct 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 the*  
6           *Department of Justice, or any jurisdiction of a State,*  
7           *in the same manner as a police officer employed by*  
8           *a State or local authority of that State who is cer-*  
9           *tified or commissioned under the laws of that State;*

10           “(2) *use any radio, data link, or warning system*  
11           *of the Federal Government, and of any jurisdiction in*  
12           *a State, that provides information about wanted per-*  
13           *sons, be-on-the-lookout notices, warrant status, or*  
14           *other officer safety information to which a police offi-*  
15           *cer employed by a State or local authority in that*  
16           *State who is certified or commission under the laws*  
17           *of that State has access and in the same manner as*  
18           *such police officer; or*

19           “(3) *receive Federal, State, or local government*  
20           *communications with a police officer employed by a*  
21           *State or local authority in that State in the same*  
22           *manner as a police officer employed by a State or*  
23           *local authority in that State who is commissioned*  
24           *under the laws of that State.*

1       “(c) *SYSTEM OF DOCUMENTED CRIMINAL JUSTICE IN-*  
 2 *FORMATION DEFINED.*—*In this section, the term ‘system of*  
 3 *documented criminal justice information’ means any law*  
 4 *enforcement database, system, or communication con-*  
 5 *taining information concerning identification, criminal*  
 6 *history, arrests, convictions, arrest warrants, wanted or*  
 7 *missing persons, including the National Crime Information*  
 8 *Center and its incorporated criminal history databases and*  
 9 *the National Law Enforcement Telecommunications Sys-*  
 10 *tem.’.*”.

11       (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 12 *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 car-***  
 16 ***rier**” and inserting “**carrier**”;*

17               (2) *in subsection (a) by striking “(as defined in*  
 18 *section 40102 of this title)” and inserting “(as such*  
 19 *terms are 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”;*



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

(7) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”.

10 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
11 *471 is amended by striking the item relating to section*  
12 *47129 and inserting the following:*

13 *SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-*  
14 *PORT SYSTEMS.*

15           (a) *IN GENERAL.*—Not later than 90 days after the  
16 date of enactment of this Act, the Secretary of Transpor-  
17 tation shall initiate a study to evaluate the formulation of  
18 the National Plan of Integrated Airport Systems (in this  
19 section referred to as the “plan”) under section 47103 of  
20 title 49, United States Code.

21 (b) CONTENTS OF STUDY.—The study shall include a  
22 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 between*  
2           *fiscal years 2001 and 2007, as reported in the plan,*  
3           *as compared with the amounts apportioned or other-*  
4           *wise made available to individual airports over the*  
5           *same period of time.*

6           (3) *A comparison of the amounts received by air-*  
7           *ports under the airport improvement program in air-*  
8           *port apportionments, State apportionments, and dis-*  
9           *cretionary grants during such fiscal years with cap-*  
10          *ital 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 Secretary*  
18               *shall submit to the Committee on Transportation and*  
19               *Infrastructure of the House of Representatives and the*  
20               *Committee on Commerce, Science, and Transpor-*  
21               *tation of the Senate a report on the results of the*  
22               *study.*

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

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

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

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

8   **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

9           (a) *IN GENERAL*.—Section 201 of the Railway Labor  
10 Act (45 U.S.C. 181) is amended—

11                   (1) by striking “All” and inserting “(a) *IN GEN-*  
12                   *ERAL*.—All”;

13                   (2) by inserting “and every express carrier”  
14 after “common carrier by air”; and

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

16           “(b) *SPECIAL RULES FOR EXPRESS CARRIERS*.—

17                   “(1) *IN GENERAL*.—An employee of an express  
18 carrier shall be covered by this Act only if that em-  
19 ployee is in a position that is eligible for certification  
20 under part 61, 63, or 65 of title 14, Code of Federal  
21 Regulations, and only if that employee performs du-  
22 ties for the express carrier that are eligible for such  
23 certification. All other employees of an express carrier  
24 shall be covered by the provisions of the National  
25 Labor Relations Act (29 U.S.C. 151 et seq.).

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking “, any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,,”.

(a) *ESTABLISHMENT OF WORKING GROUP.*—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the FAA a working group to develop criteria and make recommendations for the realignment of services and facilities of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and ad-

1 *ministrative costs in instances in which cost reductions can*  
2 *be implemented without adversely affecting safety.*

3 (b) *MEMBERSHIP.*—*The working group shall be com-*  
4 *posed of, at a minimum—*

5 (1) *the Administrator of the FAA;*

6 (2) *2 representatives of air carriers;*

7 (3) *2 representatives of the general aviation com-*  
8 *munity;*

9 (4) *2 representatives of labor unions representing*  
10 *employees who work at field facilities of the FAA; and*

11 (5) *2 representatives of the airport community.*

12 (c) *REPORT TO CONGRESS CONTAINING RECOMMENDA-*  
13 *TIONS OF THE WORKING GROUP.*—

14 (1) *SUBMISSION.*—*Not later than 6 months after*  
15 *convening the working group, the Administrator shall*  
16 *submit to the Committee on Transportation and In-*  
17 *frastructure of the House of Representatives and the*  
18 *Committee on Commerce, Science, and Transpor-*  
19 *tation of the Senate a report containing the criteria*  
20 *and recommendations developed by the working group*  
21 *under this section.*

22 (2) *CONTENTS.*—*The report shall include a jus-*  
23 *tification for each recommendation to consolidate or*  
24 *realign a facility or service and a description of the*

1        *costs and savings associated with the consolidation or*  
2        *realignment.*

3        (d) *PUBLIC NOTICE AND COMMENT.—The Adminis-*  
4        *trator shall publish the report submitted under subsection*  
5        *(c) in the Federal Register and allow 45 days for the sub-*  
6        *mission of public comments. In addition, the Administrator*  
7        *upon request shall hold a public hearing in a community*  
8        *that would be affected by a recommendation in the report.*

9        (e) *OBJECTIONS.—Any interested person may file with*  
10       *the Administrator a written objection to a recommendation*  
11       *of the working group.*

12       (f) *REPORT TO CONGRESS CONTAINING RECOMMENDA-*  
13       *TIONS OF THE ADMINISTRATOR.—Not later than 60 days*  
14       *after the last day of the period for public comment under*  
15       *subsection (d), the Administrator shall submit to the com-*  
16       *mittees referred to in subsection (c)(1) a report containing*  
17       *the recommendations of the Administrator on realignment*  
18       *of services and facilities of the FAA and copies of any public*  
19       *comments and objections received by the Administrator*  
20       *under this section.*

21       (g) *LIMITATION ON IMPLEMENTATION OF REALIGN-*  
22       *MENTS AND CONSOLIDATIONS.—The Administrator may*  
23       *not realign or consolidate any services or facilities of the*  
24       *FAA before the Administrator has submitted the report*  
25       *under subsection (f).*

1       (h) *FAA DEFINED.*—*In this section, the term “FAA”*  
2 *means the Federal Aviation Administration.*

3 **SEC. 808. TRANSPORTATION SECURITY ADMINISTRATION**  
4                   **CENTRALIZED TRAINING FACILITY FEASI-**  
5                   **BILITY STUDY.**

6       (a) *STUDY.*—*The Secretary of Homeland Security*  
7 *shall carry out a study on the feasibility of establishing a*  
8 *centralized training center for advanced security training*  
9 *by the Transportation Security Administration.*

10      (b) *CONSIDERATIONS.*—*In conducting the study, the*  
11 *Secretary shall take into consideration the benefits, cost,*  
12 *equipment, and building requirements for a training center*  
13 *and whether the benefits of establishing a center would be*  
14 *an efficient process for training transportation security of-*  
15 *ficers.*

16      (c) *REPORT.*—*Not later than one year after the date*  
17 *of enactment of this Act, the Secretary shall submit to the*  
18 *Committee on Transportation and Infrastructure and the*  
19 *Committee on Homeland Security of the House of Rep-*  
20 *resentatives and the Committee on Commerce, Science, and*  
21 *Transportation of the Senate a report on the results of the*  
22 *study.*

1 **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUS-**  
2 **TRY IN INTERNATIONAL CHILD ABDUCTION**  
3 **CASES.**

4 (a) *STUDY.*—The Comptroller General shall conduct a  
5 study to help determine how the Federal Aviation Adminis-  
6 tration (in this section referred to as the “FAA”) could bet-  
7 ter ensure the collaboration and cooperation of air carriers  
8 and foreign air carriers providing air transportation and  
9 relevant Federal agencies to develop and enforce child safety  
10 control for adults traveling internationally with children.

11 (b) *CONTENTS.*—In conducting the study, the Comp-  
12 troller General shall examine—

13 (1) *the nature and scope of exit policies and pro-*  
14 *cedures of the FAA, air carriers, and foreign air car-*  
15 *riers and how the enforcement of such policies and*  
16 *procedures is monitored, including ticketing and*  
17 *boarding procedures;*

18 (2) *the extent to which air carriers and foreign*  
19 *air carriers cooperate in the investigations of inter-*  
20 *national child abduction cases, including cooperation*  
21 *with the National Center for Missing and Exploited*  
22 *Children and relevant Federal, State, and local agen-*  
23 *cies;*

24 (3) *any effective practices, procedures, or lessons*  
25 *learned from the assessment of current practices and*  
26 *procedures of air carriers, foreign air carriers, and*



1 operators of other transportation modes that could  
2 improve the ability of the aviation community to en-  
3 sure the safety of children traveling internationally  
4 with adults and, as appropriate, enhance the capa-  
5 bility of air carriers and foreign air carriers to co-  
6 operate in the investigations of international child  
7 abduction cases; and

8 (4) any liability issues associated with providing  
9 assistance in such investigations.

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

13 **SEC. 810. LOST NATION AIRPORT, OHIO.**

14 (a) *APPROVAL OF SALE.*—The Secretary of Transpor-  
15 tation may approve the sale of Lost Nation Airport from  
16 the city of Willoughby, Ohio, to Lake County, Ohio, if—

17 (1) Lake County meets all applicable require-  
18 ments for sponsorship of the airport; and

19 (2) Lake County agrees to assume the obligations  
20 and assurances of the grant agreements relating to the  
21 airport executed by the city of Willoughby under  
22 chapter 471 of title 49, United States Code, and to  
23 operate and maintain the airport in accordance with  
24 such obligations and assurances.

1       (b) *TREATMENT OF PROCEEDS FROM SALE.*—The Sec-  
2   retary may grant to the city of Willoughby an exemption  
3   from the provisions of sections 47107 and 47133 of such  
4   title, any grant obligations of the city of Willoughby, and  
5   regulations and policies of the Federal Aviation Adminis-  
6   tration to the extent necessary to allow the city of  
7   Willoughby to use the proceeds from the sale approved under  
8   subsection (a) for any purpose authorized by the city of  
9   Willoughby.

10   **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

11       (a) *FINDINGS.*—Congress finds that—

12           (1) *Pollock Municipal Airport located in Pollock,*  
13       *Louisiana (in this section referred to as the “air-*  
14       *port”), has never been included in the National Plan*  
15       *of Integrated Airport Systems pursuant to section*  
16       *47103 of title 49, United States Code, and is therefore*  
17       *not considered necessary to meet the current or future*  
18       *needs of the national aviation system; and*

19           (2) *closing the airport will not adversely affect*  
20       *aviation safety, aviation capacity, or air commerce.*

21       (b) *REQUEST FOR CLOSURE.*—

22           (1) *APPROVAL.*—Notwithstanding any other pro-  
23       *vision of law, requirement, or agreement and subject*  
24       *to the requirements of this section, the Administrator*  
25       *of the Federal Aviation Administration shall—*

1           (A) approve a request from the town of Pol-  
2           lock, Louisiana, to close the airport as a public  
3           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 air-  
10          port, that would otherwise prevent the closure of  
11          the airport and redevelopment of the facilities to  
12          nonaeronautical uses.

13          (2) *CONTINUED AIRPORT OPERATION PRIOR TO*  
14          *APPROVAL.*—The town of Pollock shall continue to op-  
15          erate and maintain the airport until the Adminis-  
16          trator grants the town’s request for closure of the air-  
17          port.

18          (3) *USE OF PROCEEDS FROM SALE OF AIR-*  
19          *PORT.*—Upon the approval of the request to close the  
20          airport, the town of Pollock shall obtain fair market  
21          value for the sale of the airport property and shall  
22          immediately upon receipt transfer all such proceeds  
23          from the sale of the airport property to the sponsor  
24          of a public airport designated by the Administrator

1        *to be used for the development or improvement of such*  
2        *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. 812. 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 Fed-*  
10       *eral Aviation Administration shall develop a human inter-*  
11       *vention 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 are*  
16       *authorized to be appropriated to carry out this section such*  
17       *sums as may be necessary for each of fiscal years 2008*  
18       *through 2011. Such sums shall remain available until ex-*  
19       *pendent.*

20    **SEC. 813. 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, and*  
4 *Transportation of the Senate a plan for the Washington,*  
5 *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. 814. 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 Management,*  
22 *Department of Interior.*

23 (b) *GRANTS.*—*Notwithstanding any other provision of*  
24 *law, the municipality of Anchorage shall be released from*  
25 *the repayment of any outstanding grant obligations owed*

1 *by the municipality to the Federal Aviation Administration*  
2 *with respect to any land described in subsection (a) that*  
3 *is subsequently conveyed to or used by the Department of*  
4 *Transportation and Public Facilities of the State of Alaska*  
5 *for the construction or reconstruction of a federally sub-*  
6 *sidized highway project.*

7 **SEC. 815. 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 Air*  
10 *Terminal Museum located at William P. Hobby Air-*  
11 *port 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 of*  
14 *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.*



**Union Calendar No. 206**

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2881**

[Report No. 110-331]

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**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.

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SEPTEMBER 17, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed