In the House of Representatives, U. S.,
March 25, 2010.

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 1586) entitled “An Act to impose an additional tax on bonuses received from certain TARP recipients.” and be it further

Resolved, That the House agree to the amendment of the Senate to the text of the aforesaid bill, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

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

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

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

Subtitle C—Fees for FAA Services

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

Subtitle D—AIP Modifications

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

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

Sec. 201. Mission statement; sense of Congress.
Sec. 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. 211. Clarification of authority to enter into reimbursable agreements.
Sec. 212. Definition of air navigation facility.
Sec. 213. Improved management of property inventory.
Sec. 214. Clarification to acquisition reform authority.
Sec. 215. Assistance to foreign aviation authorities.
Sec. 216. Front line manager staffing.
Sec. 217. Flight service stations.
Sec. 218. NextGen Research and Development Center of Excellence.
Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

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

Subtitle B—Unmanned Aircraft Systems

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

Subtitle C—Safety and Protections

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

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. FAA Task Force on Air Carrier Safety and Pilot Training.
Sec. 344. Implementation of NTSB flight crewmember training recommendations.
Sec. 345. Secretary of Transportation responses to safety recommendations.
Sec. 346. FAA pilot records database.
Sec. 347. FAA rulemaking on training programs.
Sec. 348. Aviation safety inspectors and operational research analysts.
Sec. 349. Flight crewmember mentoring, professional development, and leadership.
Sec. 350. Flight crewmember screening and qualifications.
Sec. 351. Airline transport pilot certification.
Sec. 352. Flight schools, flight education, and pilot academic training.
Sec. 353. Voluntary safety programs.
Sec. 354. ASAP and FOQA implementation plan.
Sec. 355. Safety management systems.
Sec. 356. Disclosure of air carriers operating flights for tickets sold for air transportation.
Sec. 357. Pilot fatigue.
Sec. 358. Flight crewmember pairing and crew resource management techniques.

TITLE IV—AIR SERVICE IMPROVEMENTS

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

Sec. 501. Amendments to air tour management program.
Sec. 502. State block grant program.
Sec. 503. Airport funding of special studies or reviews.
Sec. 504. Grant eligibility for assessment of flight procedures.
Sec. 505. Determination of fair market value of residential properties.
Sec. 506. Soundproofing of residences.
Sec. 507. CLEEN research, development, and implementation partnership.
Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
Sec. 509. Environmental mitigation pilot program.
Sec. 510. Aircraft departure queue management pilot program.
Sec. 511. High performance and sustainable air traffic control facilities.
Sec. 512. Regulatory responsibility for aircraft engine noise and emissions standards.
Sec. 513. Cabin air quality technology.
Sec. 514. Sense of Congress.
Sec. 515. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
Sec. 516. GAO study on compliance with FAA record of decision.
Sec. 517. Westchester County Airport, New York.
Sec. 518. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

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

TITLE VII—AVIATION INSURANCE

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

TITLE VIII—MISCELLANEOUS

Sec. 801. Air carrier citizenship.
Sec. 802. Disclosure of data to Federal agencies in interest of national security.
Sec. 803. FAA access to criminal history records and database systems.
Sec. 804. Clarification of air carrier fee disputes.
Sec. 805. Study on national plan of integrated airport systems.
Sec. 806. Express carrier employee protection.
Sec. 807. Consolidation and realignment of FAA facilities.

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Sec. 806. Accidental death and dismemberment insurance for National Transportation Safety Board employees.

Sec. 807. GAO study on cooperation of airline industry in international child abduction cases.

Sec. 808. Lost Nation Airport, Ohio.

Sec. 809. Pollock Municipal Airport, Louisiana.

Sec. 810. Human intervention and motivation study program.

Sec. 811. Washington, DC, Air Defense Identification Zone.

Sec. 812. Merrill Field Airport, Anchorage, Alaska.

Sec. 813. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.

Sec. 814. Duty periods and flight time limitations applicable to flight crew members.

Sec. 815. Helicopter operations over Long Island and Staten Island, New York.

Sec. 816. Cabin temperature and humidity standards study.

Sec. 817. Civil penalties technical amendments.

Sec. 818. Study and report on alleviating congestion.

Sec. 819. Airline personnel training enhancement.

Sec. 820. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.

Sec. 821. FAA radar signal locations.

Sec. 822. Wind turbine lighting.

Sec. 823. Prohibition on use of certain funds.

Sec. 824. Limiting access to flight decks of all-cargo aircraft.

Sec. 825. Whistleblowers at FAA.

Sec. 826. College Point Marine Transfer Station, New York.

Sec. 827. Pilot training and certification.

Sec. 828. St. George, Utah.

Sec. 829. Replacement of terminal radar approach control at Palm Beach International Airport.

Sec. 830. Santa Monica Airport, California.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

Sec. 901. Short title.

Sec. 902. Definitions.

Sec. 903. Interagency research initiative on the impact of aviation on the climate.

Sec. 904. Research program on runways.

Sec. 905. Research on design for certification.

Sec. 906. Centers of excellence.

Sec. 907. Airport cooperative research program.

Sec. 908. Unmanned aircraft systems.

Sec. 909. Research grants program involving undergraduate students.

Sec. 910. Aviation gas research and development program.


Sec. 912. Review of FAA's aviation safety-related research programs.

Sec. 913. Research program on alternative jet fuel technology for civil aircraft.

Sec. 914. Center for excellence in aviation employment.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

Sec. 1001. Short title.

Sec. 1002. Extension and modification of taxes funding airport and airway trust fund.
TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

Sec. 1101. Compliance provision.

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

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

7 SEC. 3. EFFECTIVE DATE.

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

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

(a) AUTHORIZATION.—Section 48103 is amended—

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

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

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

“(2) $4,100,000,000 for fiscal year 2011; and
“(3) $4,200,000,000 for fiscal year 2012.”.

(b) ALLOCATIONS OF FUNDS.—Section 48103 is amended—

(1) by striking “The total amounts” and inserting “(a) AVAILABILITY OF AMOUNTS.—The total amounts”; and

(2) by adding at the end the following:

“(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Of the amounts made available under subsection (a), $15,000,000 for each of fiscal years 2010 through 2012 may be used for carrying out the Airport Cooperative Research Program.

“(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the amounts made available under subsection (a), $19,348,000 for each of fiscal years 2010 through 2012 may be used for carrying out airports technology research.”.

(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(d) RESCISSION OF UNOBLIGATED BALANCES.—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, $305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, $102,000,000 are hereby rescinded.
SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) Authorization of Appropriations.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) $3,259,000,000 for fiscal year 2010.
“(2) $3,353,000,000 for fiscal year 2011.
“(3) $3,506,000,000 for fiscal year 2012.”.

(b) Use of Funds.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

“(c) Wake Vortex Mitigation.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

“(d) Weather Hazards.—

“(1) In general.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.
“(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

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

“(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

“(C) en route turbulence prediction.

“(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used to advance the development and implementation of safety management systems.

“(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $12,000,000 for fiscal year 2010, $12,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

“(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $125,000,000 for fiscal year...
2010, $100,000,000 for fiscal year 2011, and $50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

“(h) NextGen Systems Development Programs.—Of amounts appropriated under subsection (a), $102,900,000 for fiscal year 2010, $104,000,000 for fiscal year 2011, and $105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

“(i) NextGen Demonstration Programs.—Of amounts appropriated under subsection (a), $30,000,000 for fiscal year 2010, $30,000,000 for fiscal year 2011, and $30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

“(j) Center for Advanced Aviation System Development.—Of amounts appropriated under subsection (a), $79,000,000 for fiscal year 2010, $79,000,000 for fiscal year 2011, and $80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

“(k) Additional Programs.—Of amounts appropriated under subsection (a), $22,500,000 for fiscal year 2010, $22,500,000 for fiscal year 2011, and $22,500,000 for fiscal year 2012 may be used for—
“(1) system capacity, planning, and improvement;
“(2) operations concept validation;
“(3) NAS weather requirements; and
“(4) Airspace Management Lab.”.

SEC. 103. FAA OPERATIONS.

(a) In General.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

“(A) $9,531,272,000 for fiscal year 2010;
“(B) $9,936,259,000 for fiscal year 2011;

and

“(C) $10,350,155,000 for fiscal year 2012.”.

(b) Authorized Expenditures.—Section 106(k)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) Such sums as may be necessary for fiscal years 2010 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.”;
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(2) by striking subparagraphs (B), (C), and (D);

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking “2004 through 2007” and inserting “2010 through 2012”.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation $6,000,000 for each of fiscal years 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting “and” at the end; and

(B) in subparagraph (L) by striking “and” at the end;

(2) in paragraph (12)(L) by striking “and” at the end; and
(3) by striking paragraph (13) and inserting the following:

“(13) for fiscal year 2010, $214,587,000, including—

“(A) $8,546,000 for fire research and safety;
“(B) $4,075,000 for propulsion and fuel systems;
“(C) $2,965,000 for advanced materials and structural safety;
“(D) $4,921,000 for atmospheric hazards and digital system safety;
“(E) $14,688,000 for aging aircraft;
“(F) $2,153,000 for aircraft catastrophic failure prevention research;
“(G) $11,000,000 for flightdeck maintenance, system integration, and human factors;
“(H) $12,589,000 for aviation safety risk analysis;
“(I) $15,471,000 for air traffic control, technical operations, and human factors;
“(J) $8,699,000 for aeromedical research;
“(K) $23,286,000 for weather program;
“(L) $6,236,000 for unmanned aircraft systems research;
“(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) $10,412,000 for wake turbulence;

“(O) $10,400,000 for NextGen—Air ground integration;

“(P) $8,000,000 for NextGen—Self separation;

“(Q) $7,567,000 for NextGen—Weather technology in the cockpit;

“(R) $20,278,000 for environment and energy;

“(S) $19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) $1,827,000 for system planning and resource management; and

“(U) $3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

“(14) for fiscal year 2011, $225,993,000, including—

“(A) $8,815,000 for fire research and safety;

“(B) $4,150,000 for propulsion and fuel systems;
“(C) $2,975,000 for advanced materials and structural safety;

“(D) $4,949,000 for atmospheric hazards and digital system safety;

“(E) $14,903,000 for aging aircraft;

“(F) $2,181,000 for aircraft catastrophic failure prevention research;

“(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) $12,497,000 for aviation safety risk analysis;

“(I) $15,715,000 for air traffic control, technical operations, and human factors;

“(J) $8,976,000 for aeromedical research;

“(K) $23,638,000 for weather program;

“(L) $6,295,000 for unmanned aircraft systems research;

“(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) $10,471,000 for wake turbulence;

“(O) $10,600,000 for NextGen—Air ground integration;

“(P) $8,300,000 for NextGen—Self separation;
“(Q) $8,345,000 for NextGen—Weather technology in the cockpit;
“(R) $27,075,000 for environment and energy;
“(S) $20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;
“(T) $1,836,000 for system planning and resource management; and
“(U) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and
“(15) for fiscal year 2012, $244,860,000, including—
“(A) $8,957,000 for fire research and safety;
“(B) $4,201,000 for propulsion and fuel systems;
“(C) $2,986,000 for advanced materials and structural safety;
“(D) $4,979,000 for atmospheric hazards and digital system safety;
“(E) $15,013,000 for aging aircraft;
“(F) $2,192,000 for aircraft catastrophic failure prevention research;
“(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;
“(H) $12,401,000 for aviation safety risk analysis;
“(I) $16,000,000 for air traffic control, technical operations, and human factors;
“(J) $9,267,000 for aeromedical research;
“(K) $23,800,000 for weather program;
“(L) $6,400,000 for unmanned aircraft systems research;
“(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;
“(N) $10,471,000 for wake turbulence;
“(O) $10,800,000 for NextGen—Air ground integration;
“(P) $8,500,000 for NextGen—Self separation;
“(Q) $8,569,000 for NextGen—Weather technology in the cockpit;
“(R) $44,409,000 for environment and energy;
“(S) $20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;
“(T) $1,840,000 for system planning and resource management; and
“(U) $3,941,000 for the William J. Hughes Technical Center Laboratory Facility.”

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

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

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

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

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

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

“(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total
amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).”.

(b) Additional Authorizations of Appropriations From the General Fund.—Section 48114(a)(2) is amended by striking “2007” and inserting “2012”.

(c) Estimated Level of Receipts Plus Interest Defined.—Section 48114(b)(2) is amended—

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

(2) by striking “level of receipts plus interest” and inserting “estimated level of receipts plus interest”.

(d) Enforcement of Guarantees.—Section 48114(c)(2) is amended by striking “2007” and inserting “2012”.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC Defined.—Section 40117(a)(5) is amended to read as follows:
“(5) **Passenger Facility Charge.**—The term ‘passenger facility charge’ means a charge or fee imposed under this section.”.

(b) **Increase in PFC Maximum Level.**—Section 40117(b)(4) is amended by striking “$4.00 or $4.50” and inserting “$4.00, $4.50, $5.00, $6.00, or $7.00”.

(c) **Pilot Program for PFC at Nonhub Airports.**—Section 40117(l) is amended—

(1) by striking paragraph (7); and

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

(d) **Correction of References.**—

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

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

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

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

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

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

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(F) in the heading for paragraph (1) of subsection (m) by striking “FEES” and inserting “CHARGES”;

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

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

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

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

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

(C) Section 47114(f).

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

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

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

“(II) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.”.
(b) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

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

(a) In general.—Section 40117(d) is amended—

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

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

(3) by adding at the end the following:

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

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

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

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

“(n) Pilot Program for PFC Eligibility for Intermodal Ground Access Projects.—

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

“(2) Intermodal Ground Access Project Defined.—In this section, the term ‘intermodal ground access project’ means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement
of passengers or property traveling in air transportation.

“(3) ELIGIBLE COSTS.—

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

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

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

“(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

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

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

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUB-CONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

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

“(o) PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.—

“(1) APPLICABILITY OF REQUIREMENTS.—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.

“(2) REGULATIONS.—The Secretary shall issue any regulations necessary to implement this subsection, including—
“(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged business enterprises that would be expected in the absence of discrimination;

“(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and

“(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.

“(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).
“(4) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.—The term ‘airport concessions disadvantaged business enterprise’ has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).

“(B) DISADVANTAGED BUSINESS ENTERPRISE.—The term ‘disadvantaged business enterprise’ has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).”.

SEC. 116. 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.
(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

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

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which 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 1 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-
ministration’s costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

“(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by May 1, 2010. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by September 1, 2009, and are intended to ensure that overflight fees are reasonably related to the Administrator’s costs of providing air traffic control and related services to overflights.
“(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

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

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

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

“(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.”.
SEC. 122. REGISTRATION FEES.

(a) In general.—Chapter 453 is amended by adding at the end the following:

“§ 45305. Registration, certification, and related fees

“(a) General authority and fees.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

“(1) $130 for registering an aircraft.

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

“(3) $130 for issuing an original dealer’s aircraft certificate.

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

“(5) $80 for issuing a special registration number.

“(6) $50 for issuing a renewal of a special registration number.

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

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

“(9) $25 for issuing a replacement airman certificate.

“(10) $42 for issuing an airman medical certificate.
“(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

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

“(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

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

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

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

“(C) remain available until expended.

“(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing con-
continuing appropriations in lieu of the Administration’s regular appropriations.

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

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

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

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

(1) by striking “A fee” and inserting the following:

“(1) IN GENERAL.—A fee”; and

(2) by adding at the end the following:

“(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.”.
Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

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

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

(2) by adding at the end the following:

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

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

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

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following:

“, developing an environmental management system”. 
(c) General Aviation Airport.—Section 47102 is amended—

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

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

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

“(8) ‘general aviation airport’ means a public airport that is located in a State and that, as determined by the Secretary—

“(A) does not have scheduled service; or

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

(d) Revenue Producing Aeronautical Support Facilities.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

“(24) ‘revenue producing aeronautical support facilities’ means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.”.
(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

“(28) ‘terminal development’ means—

“(A) development of—

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

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

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

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

SEC. 132. SOLID WASTE RECYCLING PLANS.

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

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

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

(3) by adding at the end the following:

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

SEC. 133. AMENDMENTS TO GRANT ASSURANCES.

(a) General Written Assurances.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: “, except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)”.

(b) Written Assurances on Acquiring Land.—

(1) Use of Proceeds.—Section 47107(c)(2)(A)(iii) is amended by striking “paid to the Secretary” and all that follows before the semicolon and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)”.

(2) Eligible Projects.—Section 47107(c) is amended by adding at the end the following:

“(4) Priorities for Reinvestment.—In approving the reinvestment or transfer of proceeds under
subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

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

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

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

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

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

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

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

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

(2) by adding at the end the following:

“(e) Special Rule for Transition From Small Hub to Medium Hub Status.—If the status of a small hub airport changes to a medium hub airport, the Government’s share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

“(f) Special Rule for Economically Depressed Communities.—The Government’s share of allowable project costs shall be 95 percent for a project at an airport that—

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

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

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

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

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

“(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

“(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

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

(b) Relocation of Airport-Owned Facilities.—

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

“(d) Relocation of Airport-Owned Facilities.—

The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—
“(1) the Government’s share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

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

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

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

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

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

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

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

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.
SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

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

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

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federa-
ally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;
(H) experience of airports and other local-
ities demonstrating that race- and gender-neu-
tral efforts alone are insufficient to remedy dis-
crimination; and

(I) other qualitative and quantitative evi-
dence of discrimination against minority- and
women-owned businesses in airport-related in-
dustries.

(6) All of this evidence provides a strong basis
for the continuation of the airport disadvantaged
business enterprise program and the airport conces-
sions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent
comprehensive and compelling evidence of discrimina-
tion from many different sources, including congres-
sional hearings and roundtables, scientific reports, re-
ports issued by public and private agencies, news sto-
ries, reports of discrimination by organizations and
individuals, and discrimination lawsuits.

(c) DISADVANTAGED BUSINESS ENTERPRISE Per-
sonal Net Worth Cap; Bonding Requirements.—Sec-
ction 47113 is amended by adding at the end the following:

“(e) Personal Net Worth Cap.—

“(1) Regulations.—Not later than 180 days
after the date of enactment of this subsection, the Sec-
retary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

“(2) Annual Adjustment.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

“(f) Exclusion of Retirement Benefits.—

“(1) In General.—In calculating a business owner’s personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

“(2) Regulations.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement
paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

“(g) Prohibition on Excessive or Discriminatory Bonding Requirements.—

“(1) In General.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

“(2) Regulations.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).”.

SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) Mandatory Training Program.—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking “Secretary” and inserting “Secretary of Transportation”; and

(2) by adding at the end the following:

“(h) Mandatory Training Program.—
“(1) IN GENERAL.—Not later than one year after
the date of enactment of this subsection, the Secretary
shall establish a mandatory training program for
persons described in paragraph (3) on certifying
whether a small business concern qualifies as a small
business concern owned and controlled by socially and
economically disadvantaged individuals under this
section and section 47107(e).

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

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

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

“(B) who is responsible for determining
whether or not a small business concern qualifies
as a small business concern owned and controlled
by socially and economically disadvantaged in-
dividuals under this section or section 47107(e).
“(4) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 106(k), not less than $2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.”.

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

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

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

(B) by striking “18.5 percent” and inserting “10 percent”; and
(2) by striking paragraph (3) and inserting the following:

“(3) ADDITIONAL AMOUNT.—

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

“(i) $150,000; or

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

“(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.”.
SEC. 140. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

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

(2) in subparagraph (B)—

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

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

(3) by adding at the end the following:

“(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.”.

SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

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

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking “fiscal years 2004 through 2009,” and inserting “fiscal years 2010 through 2012,”.
SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking “35 percent” and inserting

“$300,000,000”;

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

(C) by inserting before the period at the end

the following: “, and for water quality mitiga-

tion projects to comply with the Federal Water

Pollution Control Act (33 U.S.C. 1251 et seq.) as

approved in an environmental record of decision

for an airport development project under this

title”; and

(2) in the second sentence by striking “such 35

percent requirement is” and inserting “the require-

ments of the preceding sentence are”.

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

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

(1) by striking “Subsection (a) shall not apply

if” and inserting the following:

“(1) PRIOR LAWS AND AGREEMENTS.—Sub-

section (a) shall not apply if”; and

(2) by adding at the end the following:

“(2) SALE OF PRIVATE AIRPORT TO PUBLIC

SPONSOR.—In the case of a privately owned airport,
subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

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

“(B) funding is provided under this subtitle for any portion of the public sponsor’s acquisition of airport land; and

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

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

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

SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.

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

(b) Prohibition on Receipt of Funds.—

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

“(n) Prohibition on Receipt of Certain Funds.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.”.

(2) Conforming Amendments.—Section 47134(g) is amended—

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

(B) in paragraph (1) by striking the semicolon at the end and inserting “; or”;

(C) by striking paragraph (2); and

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

(c) Federal Share of Project Costs.—Section 47109(a) is amended—

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

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).
SEC. 146. AIRPORT SECURITY PROGRAM.

(a) General Authority.—Section 47137(a) is amended by inserting “, in consultation with the Secretary of Homeland Security,” after “Transportation”.

(b) Implementation.—Section 47137(b) is amended to read as follows:

“(b) Implementation.—

“(1) In general.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

“(A) is composed of public and private persons, including an airport sponsor; and

“(B) has at least 10 years of demonstrated experience in testing and evaluating anti-terrorist technologies at airports.

“(2) Project selection.—The Secretary shall select projects under this subsection that—

“(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

“...
“(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.”.

(c) MATCHING SHARE.—Section 47137(c) is amended by inserting after “section 47109” the following: “or any other provision of law”.

(d) ADMINISTRATION.—Section 47137(e) is amended by adding at the end the following: “The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.”.

(e) ELIGIBLE SPONSOR.—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 47137(f) (as so redesignated) is amended by striking “$5,000,000” and inserting “$8,500,000”.

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

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

“(f) SUNSET.—This section shall not be in effect after September 30, 2008.”.
SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

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

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “October 1, 2009,” and inserting “October 1, 2012,”.

SEC. 151. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting “AND PUERTO RICO” after “ALASKA”; and

(2) by adding at the end the following:

“(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the
difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.”.

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) Technical Changes to National Plan of Integrated Airport Systems.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking “each airport to—” and inserting “the airport system to—”; 

(B) in paragraph (1) by striking “system in the particular area;” and inserting “system, including connection to the surface transportation network; and”; 

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

(D) by striking paragraph (3); 

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting “; and”; 

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and
(C) in paragraph (2) (as so redesignated)
by striking “; Short Takeoff and Landing/Very
Short Takeoff and Landing aircraft operations,”;
and
(3) in subsection (d) by striking “status of the”.

(b) UPDATE VETERANS PREFERENCE DEFINITION.—
Section 47112(c) is amended—
(1) in paragraph (1)—
(A) in subparagraph (B) by striking “sepa-
rated from” and inserting “discharged or re-
leased from active duty in”; and
(B) by adding at the end the following:
“(C) ‘Afghanistan-Iraq war veteran’ means an
individual who served on active duty (as defined by
section 101 of title 38) in the Armed Forces for a pe-
riod of more than 180 consecutive days, any part of
which occurred during the period beginning on Sep-
tember 11, 2001, and ending on the date prescribed
by presidential proclamation or by law as the last
date of Operation Iraqi Freedom, and who was sepa-
rated from the Armed Forces under honorable condi-
tions.”; and
(2) in paragraph (2) by striking “veterans and”
and inserting “veterans, Afghanistan-Iraq war vet-
erans, and”.

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(c) CONSOLIDATION OF TERMINAL DEVELOPMENT

PROVISIONS.—Section 47119 is amended—

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

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) TERMINAL DEVELOPMENT PROJECTS.—

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

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

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

“(ii) all the security equipment required by regulation; and

“(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;
“(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

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

“(2) Project in revenue-producing areas and nonrevenue-producing parking lots.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

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

“(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary’s approval.”;

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

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking “subsection (b)(1) and (2)” and inserting “subsections (c)(1) and (c)(2)”;

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

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

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

(8) by adding at the end the following:

“(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).”.
(d) ANNUAL REPORT.—Section 47131(a) is amended—

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

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

“(1) a summary of airport development and planning completed;
“(2) a summary of individual grants issued;
“(3) an accounting of discretionary and apportioned funds allocated;
“(4) the allocation of appropriations; and”.

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

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

and

(2) in subsection (b)—

(A) by striking “47102(3)(F),”; and

(B) by striking “47103(3)(F),”.

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

(g) OTHER CONFORMING AMENDMENTS.—
(1) Sections 40117(a)(3)(B) is amended by striking “section 47110(d)” and inserting “section 47119(a)”.

(2) Section 47108(e)(3) is amended—

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

(B) by striking “section 47110(d)” and inserting “section 47119(a)”.

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

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking “Airport Capacity Benchmark Report 2001” and inserting “2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration’s most recent airport capacity benchmark report”.

SEC. 153. AIRPORT MASTER PLANS.

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

“(i) ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Admin-
istration advisory circulars, to consider customer conven-
ience, airport ground access, and access to airport facilities
in airport master plans.”.

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

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

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

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

(3) The aviation industry accounts for more
than 11,000,000 jobs in the United States and con-
tributes approximately $741,000,000,000 annually to
the United States gross domestic product.
(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the “NextGen System”) is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

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

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

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

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation’s transportation infrastructure;
(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

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

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

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the
United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) Establishment.—

(1) Associate Administrator for the Next Generation Air Transportation System.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

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

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

“(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.”.

(2) Responsibilities.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—
(A) in subparagraph (G) by striking “; and” and inserting a semicolon;

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

(C) by adding at the end the following:

“(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

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

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

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

“(M) maintaining a baseline modeling and
simulation environment for testing and evalu-
ating alternative concepts to satisfy Next Gen-
eration Air Transportation enterprise architec-
ture requirements.”.

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

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

(B) by adding at the end the following:

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

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

“(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

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

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

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

“(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official’s annual performance evaluations and compensation.

“(D) The head of a Federal agency referred to in subparagraph (B) shall—
“(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

“(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency’s Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

“(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.”.

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

“(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.
“(B) The Director, to the maximum extent practicable, shall—

“(i) ensure that—

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

“(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

“(ii) include, in the President’s budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

“(iii) identify and justify as part of the President’s budget submission any inconsistencies between the plan and amounts requested in the budget.

“(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.”.
(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

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

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

(B) by striking “beyond those currently included in the Federal Aviation Administration’s operational evolution plan”;

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

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

(4) by adding at the end the following:

“(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

“(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

“(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and
other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

“(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System’s end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

“(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity’s responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

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

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

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

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

(c) NextGen Implementation Plan.—Section
709(d) of such Act (117 Stat. 2584) is amended to read
as follows:

“(d) NextGen Implementation Plan.—The Admin-
istrator of the Federal Aviation Administration shall de-
velop and publish annually the document known as the
‘NextGen Implementation Plan’, or any successor docu-
ment, that provides a detailed description of how the agency
is implementing the Next Generation Air Transportation
System.”.
(d) Authorization of Appropriations.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking “2010” and inserting “2012”.

(e) Contingency Planning.—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) Meetings.—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following “and shall meet at least twice each year”.

(b) Annual Report.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(e) Annual Report.—

“(1) Submission to Congress.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President’s budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transport-
tation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

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

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

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

“(C) a detailed description of—

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

“(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;
“(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

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

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) Report on FAA Program and Schedule.—

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

(2) Contents.—The report shall include—

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

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

(C) a description of possible options for expanding surveillance coverage beyond the ground
stations currently under contract, including enhanced ground signal coverage at airports; and

(D) a detailed description of the protections that the Administration will require as part of any contract or program in the event of a contractor’s default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) Submission to Congress.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) Requirements of FAA Contracts for ADS-B Services.—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

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

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—
(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration’s award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

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

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

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Admin-
istration’s program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

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

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

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

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Ad-
ministration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.— Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

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

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

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

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.
SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH
TRANSFORMING TO THE NEXT GENERATION
AIR TRANSPORTATION SYSTEM.

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

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

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

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

(3) The progress and challenges associated with
coordinating government and industry stakeholders in
activities relating to the NextGen System, including
an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

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

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

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than 1 after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General
shall periodically submit to the committees referred to
in paragraph (1) a report on the results of the review
conducted under this section.

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

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

(b) SPECIFIC SYSTEMS REVIEW.—The review shall in-
clude, at a minimum, an examination of the acquisition
costs, schedule, and other relevant considerations for the fol-
lowing systems:

(1) En Route Automation Modernization
(ERAM).

(2) Standard Terminal Automation Replacement
System/Common Automated Radar Terminal System
(STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast
(ADS-B).

(4) System Wide Information Management
(SWIM).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

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

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

(1) an assessment of the extent to which the Fed-
eral Aviation Administration is relying or intends to
rely on a third party for the development of new pro-
cedures and a determination of whether the Adminis-
tration has established sufficient mechanisms and
staffing to provide safety oversight functions, which
may include quality assurance processes, flight checks,
integration of procedures into the National Aviation
System, and operational assessments of procedures de-
developed by third parties; and

(2) an assessment regarding whether the Admin-
istration has sufficient existing personnel and tech-
nical resources or mechanisms to develop such flight
procedures in a safe and efficient manner to meet the
demands of the national airspace system without the
use of third party resources.

(c) Report.—Not later than 1 after the date of enact-
ment of this Act, the Inspector General shall submit to the
Committee on Transportation and Infrastructure of the
House of Representatives and the Committee on Commerce,
Science, and Transportation of the Senate a report on the
results of the review conducted under this section, including
the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE
FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) Review.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

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

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and
(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2010 through 2012 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.
SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

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

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

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

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

“(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

“(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;”;

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

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

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

(4) by adding at the end the following:

“(F) buildings, equipment, and systems dedicated to the national airspace system.”.
SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

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

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

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

(2) by striking paragraph (4); and

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

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

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

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

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

SEC. 216. FRONT LINE MANAGER STAFFING.

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

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

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

(2) coverage requirements in relation to traffic
demand;

(3) facility type;
(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

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

(d) **REPORT.**—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

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

(a) **ESTABLISHMENT OF MONITORING SYSTEM.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.
(b) COMPONENTS.—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

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

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe
and high quality service to consumers, a description
of the changes or actions required; and

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

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

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

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

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-
TER OF EXCELLENCE.

(a) Establishment.—Of the amount appropriated
under section 48101(a) of title 49, United States Code, the
Administrator of the Federal Aviation Administration shall
use such sums as may be necessary for each of fiscal years
2010 through 2012 to contribute to the establishment of a
center of excellence for the research and development of Next
Generation Air Transportation System technologies.

(b) Functions.—The center established under sub-
section (a) shall—
(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

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

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the document known as the “NextGen Implementation Plan”.

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(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2010 to 2012 will not provide estimated capacity benefits without additional funds.

(b) Authorization of Appropriations.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) Additional Amounts.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

**TITLE III—SAFETY**

**Subtitle A—General Provisions**

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

(a) Judicial Review of NTSB Decisions.—Section 44703(d) is amended by adding at the end the following:
“(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

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

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

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

“(5) RELEASE OF DATA.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to
a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, 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 after the date of enactment of this subsection,” and inserting “Beginning January 1, 2014.”

SEC. 303. Inspection of Foreign Repair Stations.

(a) In General.—Chapter 447 is amended by adding at the end the following:

“§ 44730. Inspection of foreign repair stations

“(a) In General.—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall—

“(1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year;

“(2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third
party with whom an air carrier contracts to perform
work on air carrier aircraft or components; and

“(3) continue to hold discussions with countries
that have foreign repair stations that perform work
on air carrier aircraft and components to ensure har-
monization of the safety standards of such countries
with those of the United States, including standards
governing maintenance requirements, education and
licensing of maintenance personnel, training, over-
sight, and mutual inspection of work sites.

“(b) REGULATORY AUTHORITY WITH RESPECT TO
CERTAIN FOREIGN REPAIR STATIONS.—With respect to re-
pair stations that are located in countries that are party
to the agreement entitled “Agreement between the United
States of America and the European Community on Co-
operation in the Regulation of Civil Aviation Safety”,
dated June 30, 2008, the requirements of subsection (a) are
an exercise of the rights of the United States under para-
graph A of Article 15 of the Agreement, which provides that
nothing in the Agreement shall be construed to limit the
authority of a party to determine through its legislative,
regulatory, and administrative measures, the level of protec-
tion it considers appropriate for civil aviation safety.”.

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

“44730. Inspection of foreign repair stations.”.
SEC. 304. RUNWAY SAFETY.

(a) Strategic Runway Safety Plan.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) Contents of plan.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) Plan for Installation and Deployment of Systems to Provide Alerts of Potential Runway Incursions.—Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall sub-
mit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. IMPROVED PILOT LICENSES.

(a) In General.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) Requirements.—Improved pilots licenses issued under subsection (a) shall—

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

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

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) Tampering.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued
under subsection (a) has been tampered, altered, or counterfeited.

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

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 306. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

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

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space
Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

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

(e) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:
(A) A survey of field operations of flight attendants.

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

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

(D) A validation of models for assessing flight attendant fatigue.

(E) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

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

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 of this Act) is further amended by adding at the end the following:
“§ 44731. Occupational safety and health standards for flight attendants on board aircraft

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

“(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

“(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

“(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

“(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

“(1) Record keeping.

“(2) Blood borne pathogens.

“(3) Noise.

“(4) Sanitation.

“(5) Hazard communication.

“(6) Anti-discrimination.
“(7) Access to employee exposure and medical records.

“(8) Temperature standards for the aircraft cabin.

“(d) REGULATIONS.—

“(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

“(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

“(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

“(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.
“(f) Oversight.—

“(1) Cabin Occupational Safety and Health Inspectors.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

“(2) Responsibilities.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

“(g) Consultation.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

“(h) Safety Priority.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

“(i) Flight Attendant Defined.—In this section, the term ‘flight attendant’ has the meaning given that term by section 44728.

“(j) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be nec-
cessary to carry out this section. Such sums shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“44731. Occupational safety and health standards for flight attendants on board aircraft.”.

SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

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

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations),
an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) ISSUANCE OF REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—
(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier’s maintenance manual and, if applicable, the part 145 certificate holder’s repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and
(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED MAINTENANCE WORK.—The term “covered maintenance work” means maintenance work that is essential, regularly scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.
(4) **Noncertificated Maintenance Provider.**—The term “noncertificated maintenance provider” means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) **Authorization of Appropriations.**—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

**SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.**

(a) **Rulemaking Proceeding.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (“ARFF”) under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.
(b) **CONTENTS OF PROPOSED AND FINAL RULE.**—The proposed and final rule to be issued under subsection (a) shall address the following:

1. The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

2. The proper level of staffing.

3. The timeliness of a response.

4. The handling of hazardous materials incidents at airports.

5. Proper vehicle deployment.

6. The need for equipment modernization.

(c) **CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.**—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) **ASSESSMENTS OF POTENTIAL IMPACTS.**—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) **INCONSISTENCY WITH STANDARDS.**—If the proposed or final rule issued under subsection (a) is not con-
istent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) Final Rule.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

SEC. 312. COCKPIT SMOKE.

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

(b) Report.—Not later than 1 after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

(a) In General.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:
§ 44732. Helicopter air ambulance operations

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

(b) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

(2) Pilot training standards, including—

(A) mandatory training requirements, including a minimum time for completing the training requirements;

(B) training subject areas, such as communications procedures and appropriate technology use;

(C) establishment of training standards in—

(i) crew resource management;

(ii) flight risk evaluation;

(iii) preventing controlled flight into terrain;
“(iv) recovery from inadvertent flight into instrument meteorological conditions;
“(v) operational control of the pilot in command; and
“(vi) use of flight simulation training devices and line oriented flight training.
“(3) Safety-enhancing technology and equipment, including—
“(A) helicopter terrain awareness and warning systems;
“(B) radar altimeters;
“(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and
“(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.
“(4) Such other matters as the Administrator considers appropriate.
“(c) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:
“(1) Flight Risk Evaluation Program.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

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

“(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

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

“(2) Operational Control Center.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

“(3) Compliance.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather
minima and flight and duty time whenever medical personnel are onboard the aircraft.

“(d) DEADLINES.—The Administrator shall—

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

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

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

“§ 44733. Collection of data on helicopter air ambulance operations

“(a) In General.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

“(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.
“(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

“(3) The number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight).

“(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

“(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

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

“(b) Reporting Period.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.
“(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

“(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“Sec. 44732. Helicopter air ambulance operations.
“Sec. 44733. Collection of data on helicopter air ambulance operations.”.
SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS
TO USE NIGHT VISION GOGGLES.

(a) Study.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

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

(c) Report to Congress.—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) In General.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis,
and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

1. A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—
   1. (A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;
   2. (B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;
   3. (C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;
   4. (D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and
(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;
(E) accreditation requirements;

(F) compliance with dispatch procedures;

and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and
(C) on competition and safety; and

(3) whether systemic or other problems exist on
a statewide, regional, or national basis with the cur-
rent system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Compt-
troller General shall submit to the Secretary of Transpor-
tation and the appropriate committees of Congress a report
containing its findings and recommendations regarding the
study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—
Not later than 60 days after the date of receipt of the report
under subsection (d), the Secretary shall issue a report to
the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes rec-
ommended by the Comptroller General and any other
policy changes with respect to air ambulances the
Secretary will adopt and implement; and

(2) includes recommendations for legislative
change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In
this section, the term “part 135 certificate holder” means
a person holding a certificate issued under part 135 of title
14, Code of Federal Regulations.
Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) Integration Plan.—

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

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

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

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

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;
(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator, pilot, and programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

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

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2013.

(4) REPORT TO CONGRESS.—Not later than 1 after the date of enactment of this Act, the Secretary
shall submit to Congress a copy of the plan developed
under paragraph (1).

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

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

SEC. 322. SPECIAL RULES FOR certain unmanned air-
craft systems.

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

(b) Assessment of unmanned aircraft sys-
tems.—In making the determination under subsection (a),
the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if
any, as a result of their size, weight, speed, oper-
ational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

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

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology
matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term “certificate of authorization” means a Federal Aviation Administration grant of approval for a specific flight operation.

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

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.
(4) Secretary.—The term “Secretary” means the Secretary of Transportation.

(5) Test Range.—The term “test range” means a defined geographic area where research and development are conducted.

(6) Unmanned Aircraft.—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) Unmanned Aircraft System.—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

Subtitle C—Safety and Protections

Sec. 331. Aviation Safety Whistleblower Investigation Office.

Section 106 is amended by adding at the end the following:

“(s) Aviation Safety Whistleblower Investigation Office.—

“(1) Establishment.—There is established in the Federal Aviation Administration (in this subsection referred to as the ‘Agency’) an Aviation Safety
Whistleblower Investigation Office (in this subsection referred to as the ‘Office’).

“(2) DIRECTOR.—

“(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) REPORTS AND RECOMMENDATIONS TO SECRETARY.—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

“(C) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(D) TERM.—The Director shall be appointed for a term of 5 years.

“(E) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(3) COMPLAINTS AND INVESTIGATIONS.—
“(A) Authority of Director.—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

“(I) further investigation by the Office, the Inspector General of the De-
partment of Transportation, or other
appropriate investigative body; or
“(II) corrective actions.
“(B) Disclosure of identities.—The Di-
rector shall not disclose the identity or identi-
fying information of an individual who submits
a complaint or information under subparagraph
(A)(i) unless—
“(i) the individual consents to the dis-
closure in writing; or
“(ii) the Director determines, in the
course of an investigation, that the disclo-
sure is unavoidable, in which case the Di-
rector shall provide the individual with rea-
sonable advance notice.
“(C) Independence of Director.—The
Secretary, the Administrator, or any officer or
employee of the Agency may not prevent or pro-
hibit the Director from initiating, carrying out,
or completing any assessment of a complaint or
information submitted under subparagraph
(A)(i) or from reporting to Congress on any such
assessment.
“(D) Access to information.—In con-
ducting an assessment of a complaint or infor-
oration submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

“(E) PROCEDE.—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

“(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall—

“(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation,
in accordance with established record retention requirements; and

“(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary
for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

“(8) DISCIPLINARY ACTIONS.—The Secretary shall exercise the Secretary’s authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

“(9) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

“(A) information on the number of submissions of complaints and information received by
the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions;

“(D) summaries of the responses of the Administrator to such recommendations; and

“(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.”

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the “Agency”) to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vi-
sion statement in which it stated that it has a “vi-

sion” of “being responsive to our customers and ac-
countable to the public” and, in 2003, issued a cus-
tomer service initiative that required aviation inspec-
tors to treat air carriers and other aviation certificate
holders as “customers” rather than regulated entities.

(4) The initiatives described in paragraph (3)
appear to have given regulated entities and Agency
inspectors the impression that the management of the
Agency gives an unduly high priority to the satisfac-
tion of regulated entities regarding its inspection and
certification decisions and other lawful actions of its
safety inspectors.

(5) As a result of the emphasis on customer sat-
isfaction, some managers of the Agency have discour-
age vigorous enforcement and replaced inspectors
whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90
days after the date of enactment of this Act, the Adminis-
trator of the Federal Aviation Administration shall modify
the customer service initiative, mission and vision state-
ments, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or
other entities regulated by the Agency as “customers”;

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(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and
(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator’s responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) In General.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

“(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

“(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as
the ‘Agency’) if the individual, in the preceding 2-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) Written and oral communications.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.”.

(b) Applicability.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.
SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) In General.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the “Agency”) may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) Transitional Provision.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) Issuance of Order.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) Reviews.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Fed-
eral Aviation Administration (in this section referred to as the “Agency”) is reviewed by a team of employees of the Agency, including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.
(c) QUARTERLY REPORTS TO CONGRESS.—The Ad-
ministrator, on a quarterly basis, shall submit to the Com-
mittee on Transportation and Infrastructure of the House
of Representatives and the Committee on Commerce,
Science, and Transportation of the Senate a report on the
results of reviews of the air transportation oversight system
database conducted under this section, including copies of
reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING
SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM
DEFINED.—In this section, the term “Voluntary Disclosure
Reporting Program” means the program established by the
Federal Aviation Administration through Advisory Cir-
cular 00–58A, dated September 8, 2006, including any sub-
sequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal
Aviation Administration shall modify the Voluntary Dis-
closure Reporting Program to require inspectors to—
(1) verify that air carriers implement com-
prehensive solutions to correct the underlying causes
of the violations voluntarily disclosed by such air car-
rriers; and
(2) confirm, before approving a final report of a
violation, that the violation, or another violation oc-
curring under the same circumstances, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) **Supervisory Review of Voluntary Self Disclosures.**—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) **Inspector General Study.**—

(1) **In General.**—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) **Review.**—In conducting the study, the Inspector General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the
FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than 1 after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

Subtitle D—Airline Safety and Pilot Training Improvement

SEC. 341. SHORT TITLE.

This subtitle may be cited as the “Airline Safety and Pilot Training Improvement Act of 2010”.

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SEC. 342. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term “advanced qualification program” means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term “air carrier” has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term “aviation safety action program” means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term “flight crewmember” has the meaning given that term in part 1.1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term “flight operational quality assurance program” means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.
(6) **Line Operations Safety Audit.**—The term “line operations safety audit” means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

(7) **Part 121 Air Carrier.**—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) **Part 135 Air Carrier.**—The term “part 135 air carrier” means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

**SEC. 343. FAA Task Force on Air Carrier Safety and Pilot Training.**

(a) **Establishment.**—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the “Task Force”).

(b) **Composition.**—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and do-
mestic regulatory requirements for flight crewmember edu-
cation and training.

(c) DUTIES.—The duties of the Task Force shall in-
clude, at a minimum, evaluating best practices in the air
carrier industry and providing recommendations in the fol-
lowing areas:

(1) Air carrier management responsibilities for
flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and
performance.

(4) Mentoring and information sharing between
air carriers.

(d) REPORT.—Not later than 180 days after the date
of enactment of this Act, and before the last day of each
180-day period thereafter until termination of the Task
Force, the Task Force shall submit to the Committee on
Transportation and Infrastructure of the House of Rep-
resentatives and the Committee on Commerce, Science, and
Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying
best practices in the air carrier industry;

(2) the progress of air carriers and labor unions
in implementing the best practices identified by the
Task Force;
(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.


SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREW-MEMBER TRAINING RECOMMENDATIONS.

(a) RULEMAKING PROCEEDINGS.—

(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and
(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) Remedial Training Programs.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) Deadlines.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

(b) Stick Pusher Training and Weather Event Training.—

(1) Multidisciplinary Panel.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary
panel of specialists in aircraft operations, flight crew
member training, human factors, and aviation safety
to study and submit to the Administrator a report on
methods to increase the familiarity of flight crew-
members with, and improve the response of flight
crewmembers to, stick pusher systems, icing condi-
tions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS AND NTSB.—Not later
than 1 after the date on which the Administrator con-
venes the panel, the Administrator shall—

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

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

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

(1) FLIGHT TRAINING AND FLIGHT SIMU-
LATOR.—The terms “flight training” and “flight sim-
ulator” have the meanings given those terms in part
61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) STALL.—The term “stall” means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) STICK PUSHER.—The term “stick pusher” means a device that, at or near a stall, applies a nose down pitch force to an aircraft’s control columns to attempt to decrease the aircraft’s angle of attack.

(4) UPSET.—The term “upset” means an unusual aircraft attitude.

SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) of title 49, United States Code, is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—
“(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

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

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

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

“(B) Refusals to Adopt Recommendations.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

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

SEC. 346. FAA PILOT RECORDS DATABASE.

(a) Records of Employment of Pilot Applicants.—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:
“(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) FAA PILOT RECORDS DATABASE.—

“(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) FAA RECORDS.—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical cer-
tificates and associated type ratings and in-
formation on any limitations to those cer-
tificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed at-
tempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Ad-
ministrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently over-
turned.

“(B) AIR CARRIER AND OTHER RECORDS.—

From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bank-
ruptcy for such air carrier or person—

“(i) records pertaining to the indi-
vidual that are maintained by the air car-
rier (other than records relating to flight
time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title;

and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual’s performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual
that was not subsequently overturned;
and

“(III) any release from employment or resignation, termination, or disqualification with respect to employ-
ment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver li-
censing official of a State, information con-
cerning the motor vehicle driving record of the individual.

“(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other pro-
vision of law or agreement to the contrary, re-
quire an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising
from furnishing information known to be false
and maintained in violation of a criminal stat-
ute).

“(4) Reporting.—

“(A) Reporting by Administrator.—The
Administrator shall enter data described in
paragraph (2)(A) into the database promptly to
ensure that an individual’s records are current.

“(B) Reporting by air carriers and
other persons.—

“(i) In general.—Air carriers and
other persons shall report data described in
paragraphs (2)(B) and (2)(C) to the Ad-
ministrator promptly for entry into the
database.

“(ii) Data to be reported.—Air
carriers and other persons shall report, at a
minimum, under clause (i) the following
data described in paragraph (2)(B):

“(I) Records that are generated by
the air carrier or other person after the
date of enactment of this paragraph.

“(II) Records that the air carrier
or other person is maintaining, on
such date of enactment, pursuant to subsection (h)(4).

“(5) REQUIREMENT TO MAINTAIN RECORDS.—

The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual’s records from the database after that date.

“(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the indi-
individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) Reasonable Charges for Processing Requests and Furnishing Copies.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) Privacy Protections.—

“(A) Use of Records.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.
“(B) Disclosure of Information.—

“(i) In General.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) Exceptions.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.
“(10) Periodic Review.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) Regulations for Protection and Security of Records.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and
“(B) to preclude the further dissemination
of records received under paragraph (1) by the
person who accessed the records.

“(12) Good faith exception.—Notwithstanding paragraph (1), an air carrier may allow an
individual to begin service as a pilot, without first
obtaining information described in paragraph (2)(B)
from the database pertaining to the individual, if—

“(A) the air carrier has made a documented
good faith attempt to access the information
from the database; and

“(B) has received written notice from the
Administrator that the information is not con-
tained in the database because the individual
was employed by an air carrier or other person
that no longer exists or by a foreign government
or other entity that has not provided the infor-
mation to the database.

“(13) Limitations on electronic access to
records.—

“(A) Access by individuals designated
by air carriers.—For the purpose of increas-
ing timely and efficient access to records de-
scribed in paragraph (2), the Administrator may
allow, under terms established by the Adminis-
tractor, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under section 106(k)(1), there is authorized to be expended to carry out this subsection such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.

“(15) REGULATIONS.—
“(A) In general.—The Administrator shall issue regulations to carry out this subsection.

“(B) Effective date.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) Exceptions.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).
“(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(i)”;
(D) in paragraph (3), in the matter preceeding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”; and

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liabil-
ity requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.

(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) Establishment.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.
(2) **Assessment and Recommendations.**—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) **Report.**—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee
on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

SEC. 348. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

(a) Review by DOT Inspector General.—Not later than 9 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct a review of aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

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

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

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

(3) to assess the number and level of experience of aviation safety inspectors assigned to such carriers;

(4) to evaluate how the Administration is making assignments of aviation safety inspectors to such carriers;
(5) to review various safety inspector oversight programs, including the geographic inspector program;

(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of air carriers;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allowing access by aviation safety inspectors and operational research analysts to assist in the oversight of part 121 air carriers; and

(10) to conduct such other analyses as the Inspector General considers relevant to the purpose of the review.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of receipt of the report submitted under sub-
section (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) that specifies which, if any, policy changes recommended by the Inspector General under this section the Administrator intends to adopt and implement;

(2) that includes an explanation of how the Administrator plans to adopt and implement such policy changes; and

(3) in any case in which the Administrator does not intend to adopt a policy change recommended by the Inspector General, that includes an explanation of the reasons for the decision not to adopt and implement the policy change.

SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) Rulemaking Proceeding.—

(1) In general.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require each part 121 air carrier to take the following actions:

(A) Establish flight crewmember mentoring programs under which the air carrier will pair
highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots shall receive, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific air-
craft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the Administrator determines appropriate to enhance flight crewmember professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the
programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

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

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—

(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) MINIMUM REQUIREMENTS.—

(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers
undergo comprehensive pre-employment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier’s operational environment.

(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) DEADLINES.—The Administrator shall issue—

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

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a
rulemaking proceeding to amend part 61 of title 14, Code
of Federal Regulations, to modify requirements for the
issuance of an airline transport pilot certificate.

(b) Minimum Requirements.—To be qualified to re-
ceive an airline transport pilot certificate pursuant to sub-
section (a), an individual shall—

(1) have sufficient flight hours, as determined by
the Administrator, to enable a pilot to function effect-
tively in an air carrier operational environment; and

(2) have received flight training, academic train-
ing, or operational experience that will prepare a
pilot, at a minimum, to—

(A) function effectively in a multipilot envi-
ronment;

(B) function effectively in adverse weather
conditions, including icing conditions;

(C) function effectively during high altitude
operations;

(D) adhere to the highest professional stand-
ards; and

(E) function effectively in an air carrier
operational environment.

(c) Flight Hours.—
(1) **Numbers of Flight Hours.**—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) **Flight Hours in Difficult Operational Conditions.**—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) **Credit Toward Flight Hours.**—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) **Recommendations of Expert Panel.**—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 7(b) of this Act.
(f) **DEADLINE.**—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

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

(a) **GAO STUDY.**—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

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

(1) an assessment of the Federal Aviation Administration’s oversight of flight schools;

(2) an assessment of the Administration’s academic training requirements in effect on the date of enactment of this Act as compared to flight education provided to a pilot by accredited 2- and 4-year universities;

(3) an assessment of the quality of pilots entering the part 121 air carrier workforce from all sources after receiving training from flight training providers, including Aviation Accreditation Board International, universities, pilot training organizations, and the military, utilizing the training records of part 121 air carriers, including consideration of
any relationships between flight training providers and air carriers;

(4) a comparison of the academic training requirements for pilots in the United States to the academic training requirements for pilots in other countries;

(5) a determination and description of any improvements that may be needed in the Administration’s academic training requirements for pilots;

(6) an assessment of student financial aid and loan options available to individuals interested in enrolling at a flight school for both academic and flight hour training;

(7) an assessment of the Federal Aviation Administration’s oversight of general aviation flight schools that offer or would like to offer training programs under part 142 of title 14, Code of Federal Regulations; and

(8) an assessment of whether compliance with the English speaking requirements applicable to pilots under part 61 of such title is adequately tested and enforced.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure
SEC. 353. VOLUNTARY SAFETY PROGRAMS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) CONTENTS.—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and
(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from such programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from such programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified
under such programs into the air transport oversight
system and other surveillance databases so that such
system and databases are more effectively utilized;

(8) other plans to strengthen such programs, tak-
ing into account reviews of such programs by the Ins-
spector General of the Department of Transportation;
and

(9) such other matters as the Administrator de-
dtermines are appropriate.

SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The
Administrator of the Federal Aviation Administration shall
develop and implement a plan to facilitate the establish-
ment of an aviation safety action program and a flight
operational quality assurance program by all part 121 air
carriers.

(b) MATTERS TO BE CONSIDERED.—In developing the
plan under subsection (a), the Administrator shall con-
sider—

(1) how the Administration can assist part 121
air carriers with smaller fleet sizes to derive benefit
from establishing a flight operational quality assur-
ance program;

(2) how part 121 air carriers with established
aviation safety action and flight operational quality
assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than 1 after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

SEC. 355. SAFETY MANAGEMENT SYSTEMS.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

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

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

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

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

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

(d) **SAFETY MANAGEMENT SYSTEM DEFINED.**—In this section, the term “safety management system” means the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

**SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.**

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

“(c) **DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.**—
“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

SEC. 357. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—
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(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safe-
ty Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(B) not later than 1 after the date of enactment of this Act, a final rule under subsection (a).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90
days after the date of enactment of this section, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—
(A) **Initial Approval or Modification.**—

Not later than 9 months after the date of enactment of this section, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) **Update Approval or Modification.**—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) **Civil Penalties.**—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) **Limitation on Applicability.**—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) **Effect of Commuting on Fatigue.**—

(1) **In General.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the
National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration’s June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and
(G) any other matters as the Administrator considers appropriate.

(3) Preliminary Findings.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) Report.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator a report containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) Rulemaking.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

(6) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.
SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) Study.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing and crew resource management techniques.

(b) Report.—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. SMOKING PROHIBITION.

(a) In General.—Section 41706 is amended—

(1) in the section heading by striking “scheduled” and inserting “passenger”; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) Smoking Prohibition in Intrastate and Interstate Transportation by Aircraft.—An individual may not smoke in an aircraft—

“(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

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“(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

“(1) in scheduled passenger foreign air transportation; and

“(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

“41706. Prohibitions against smoking on flights.”.

SEC. 402. 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 re-
quired to file a monthly airline service quality per-
formance 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;

“(ii) the scheduled destination of the
flight;

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

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

“(v) wheels-on time at the diverted air-
port;

“(vi) the time, if any, passengers
deplaned the aircraft at the diverted air-
port; and
“(vii) if the flight arrives at the scheduled destination airport—

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

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

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

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

“(B) For flights cancelled after gate departure—

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

“(ii) the scheduled origin and destination airports of the cancelled flight;

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

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

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

“(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report.
and publish such report on the website of the Department of Transportation.”.

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

SEC. 403. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

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

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

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended—

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

(2) by inserting after paragraph (2) the following:

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

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

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

(2) by inserting after subsection (d) the fol-
lowing:

“(e) SCHEDULING PRIORITY.—Operations conducted
by new entrant air carriers and limited incumbent air car-
rriers shall be afforded a scheduling priority over operations
conducted by other air carriers granted exemptions pursu-
ant to this section, with the highest scheduling priority to
be afforded to beyond-perimeter operations conducted by
new entrant air carriers and limited incumbent air car-
rriers.”.

SEC. 404. EAS CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section
41737(a)(1) is amended—

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

(2) in subparagraph (C) by striking the period
at the end and inserting a semicolon; and

(3) by adding at the end the following:
“(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

“(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.”.

(b) Deadline for Issuance of Revised Guidance.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).
(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 405. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) of title 49, United States Code, is amended by striking “there is authorized to be appropriated $77,000,000” and inserting “there is authorized to be appropriated out of the Airport and Airway Trust Fund $150,000,000”.

(b) DISTRIBUTION OF EXCESS FUNDS.—

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

“(4) DISTRIBUTION OF EXCESS FUNDS.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the

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$50,000,000 made available for such fiscal year under paragraph (1)—

“(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

“(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).”.

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

(A) in the first sentence by striking “monies credited” and all that follows before “shall be used” and inserting “amounts made available under subsection (a)(4)(B)”; and

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

SEC. 406. SMALL COMMUNITY AIR SERVICE.

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

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

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

(3) by adding at the end the following:
“(F) multiple communities cooperate to submit a regional or multistate application to improve air service.”.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking “2009” and inserting “2012”.

SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

“CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

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

“§ 42301. Emergency contingency plans

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

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

“(c) AIR CARRIER PLANS.—

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

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

“(B) each large hub airport and medium
hub airport at which the carrier has flights for
which it has primary responsibility for inven-
tory control.

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

“(A) provide food, water that meets the
standards of the Safe Drinking Water Act (42
U.S.C. 300f et seq.), restroom facilities, cabin
ventilation, and access to medical treatment for
passengers onboard an aircraft at the airport
that is on the ground for an extended period of
time without access to the terminal;
“(B) allow passengers to deplane following excessive delays; and
“(C) share facilities and make gates available at the airport in an emergency.
“(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain—
“(1) a description of how the airport operator, to the maximum extent practicable, will provide for the deplanement of passengers following excessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency; and
“(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport’s terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.
“(e) UPDATES.—
“(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and
submit the update to the Secretary for review and approval.

“(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

“(f) APPROVAL.—

“(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

“(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

“(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.
“(h) **Public Access.**—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet website of the carrier or airport or by such other means as determined by the Secretary.

§ 42302. Consumer complaints

“(a) **Consumer Complaints Hotline Telephone Number.**—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

“(b) **Public Notice.**—The Secretary shall notify the public of the telephone number established under subsection (a).

“(c) **Notice to Passengers of Air Carriers.**—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

“(1) the hotline telephone number established under subsection (a);

“(2) the email address, telephone number, and mailing address of the air carrier; and

“(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection
Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

“§42303. Use of insecticides in passenger aircraft

“(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

“(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

“(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to
treat an aircraft passenger cabin with insecticides
prior to the flight or to apply an aerosol insecticide
in an aircraft cabin used for such a flight when the
cabin is occupied with passengers; and

“(2) refer the purchaser of the ticket to the Inter-
net Web site established under subsection (a) for addi-
tional information.

“§ 42304. Notification of flight status by text message
or email

“Not later than 180 days after the date of enactment
of this section, the Secretary of Transportation shall issue
regulations to require that each air carrier that has at least
1 percent of total domestic scheduled-service passenger rev-
ue provide each passenger of the carrier—

“(1) an option to receive a text message or email
or any other comparable electronic service, subject to
any fees applicable under the contract of the pas-
senger for the electronic service, from the air carrier
a notification of any change in the status of the flight
of the passenger whenever the flight status is changed
before the boarding process for the flight commences;
and

“(2) the notification if the passenger requests the
notification.”.
(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

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

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting "chapter 423," after "chapter 421,"

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 408. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking "patterns of air service,;"
(2) by inserting "and" before "whether"; and
(3) by striking "; and airfare levels" and all that follows before the period.

SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.

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

SEC. 410. CONTRACT TOWER PROGRAM.

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

(1) by striking "(1) The Secretary" and inserting the following:
“(1) CONTRACT TOWER PROGRAM.—

“(A) CONTINUATION AND EXTENSION.—The Secretary”;
(2) by adding at the end of paragraph (1) the following:

“(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

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

(3) by striking “(2) The Secretary” and inserting the following:

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

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(b) Section 47124(b)(3)(E) is amended to read as follows:

“(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not more than $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012 may be used to carry out this paragraph.”.

(c) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(1) by redesignating subparagraph (E) (as amended by subsection (b) of this section) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following:

“(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).”.

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(d) Federal Share.—Section 47124(b)(4)(C) is amended by striking "$1,500,000" and inserting "$2,000,000".

(e) Safety Audits.—Section 47124 is amended by adding at the end the following:

“(e) Safety Audits.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.”.

SEC. 411. Airfares for Members of the Armed Forces.

(a) Findings.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

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

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;
(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home and require members of the Armed Forces to travel with heavy bags; and

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

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

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

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

SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUELCOSTS.

(a) IN GENERAL.—The $200 per passenger subsidy cap initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

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

(c) LIMITATION ON ELIGIBILITY.—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the increased subsidy cap established pursuant to this section.
SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

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

“(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

“(2) PROCEDURES TO AVOID TERMINATION.—

The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.
“(3) Assistance Provided.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

“(A) the procedures established pursuant to paragraph (2); and

“(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

“(4) Subsidy Cap Defined.—In this subsection, the term ‘subsidy cap’ means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the Aviation Safety and Investment Act of 2010.”.

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 of this Act) is further amended by adding at the end the following:

“(g) Proposals of State and Local Governments To Restore Eligibility.—

“(1) In General.—If the Secretary, after the date of enactment of this subsection, ends payment of
compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap (as defined in subsection (f)), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

“(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

“(A) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap (as defined in subsection (f)); and

“(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).”
SEC. 416. OFFICE OF RURAL AVIATION.

(a) In General.—Subchapter II of chapter 417 is amended by adding at the end the following:

“§ 41749. Office of Rural Aviation

“(a) Establishment.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the ‘Office of Rural Aviation’ (in this section referred to as the ‘Office’).

“(b) Functions.—The Office shall—

“(1) monitor the status of air service to small communities;

“(2) develop proposals to improve air service to small communities; and

“(3) carry out such other functions as the Secretary considers appropriate.”.

(b) Clerical Amendment.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

“41749. Office of Rural Aviation.”.

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) Emergency Across-the-Board Adjustment.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation
fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) Expedited Process for Adjustments to Individual Contracts.—

(1) In General.—Section 41734(d) of title 49, United States Code, is amended by striking “continue to pay” and all that follows through “compensation sufficient—” and inserting “provide the carrier with compensation sufficient—”.

(2) Effective Date.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

Sec. 418. Review of Air Carrier Flight Delays, Cancellations, and Associated Causes.

(a) Review.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and entitled “Audit of Air Carrier Flight Delays and Cancellations”.

(b) Assessments.—In conducting the review under subsection (a), the Inspector General shall assess—
(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers’ scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation’s busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers; and

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

(c) REPORT.—Not later than 1 after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensa-
tion and other consideration offered to passengers who are
denied boarding or whose flights are cancelled or delayed.

(b) Specific Study Requirements.—The study
shall include an evaluation and comparison of the regula-
tions based on costs to the air carriers, preferences of pas-
sengers for compensation or other consideration, and forms
of compensation. In conducting the study, the Comptroller
General shall also take into account the differences in struc-
ture and size of the aviation systems of the European Union
and the United States.

(c) Report.—Not later than 1 after the date of enact-
ment of this Act, the Comptroller General shall submit a
report to Congress on the results of the study.

SEC. 420. Establishment of Advisory Committee for
Aviation Consumer Protection.

(a) In General.—The Secretary of Transportation
shall establish an advisory committee for aviation consumer
protection (in this section referred to as the “advisory com-
mittee”) to advise the Secretary in carrying out air pas-
senger service improvements, including those required by
chapter 423 of title 49, United States Code.

(b) Membership.—The Secretary shall appoint 8
members to the advisory committee as follows:
(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) Vacancies.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) Travel Expenses.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) Chairperson.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.
(f) Duties.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) Report.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary’s reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.

(a) Study.—The Comptroller General shall conduct a study to—
(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier’s baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 423. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a
voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) No AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

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

SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COM- PLAIN T INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;
(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 425. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:
``§ 41724. Prohibitions against voice communications
using mobile communications devices on
scheduled flights

"(a) Interstate and Intrastate Air Transportation.—

"(1) In general.—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

"(2) Exceptions.—The prohibition described in paragraph (1) shall not apply to—

"(A) a member of the flight crew or flight attendants on an aircraft; or

"(B) a Federal law enforcement officer acting in an official capacity.

"(b) Foreign Air Transportation.—

"(1) In general.—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

"(2) Alternate Prohibition.—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United
States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) FLIGHT.—The term ‘flight’ means the period beginning when an aircraft takes off and ending when an aircraft lands.

“(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—

“(A) INCLUSIONS.—The term ‘voice communications using a mobile communications device’ includes voice communications using—

“(i) a commercial mobile radio service or other wireless communications device;

“(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

“(iii) a device having voice override capability.
“(B) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

“(d) SAFETY REGULATIONS.—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.”.

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

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

SEC. 426. ANTITRUST EXEMPTIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the legal requirements and policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) ISSUES TO BE CONSIDERED.—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances
has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would
receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.
(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) REPORT.—Not later than 1 after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 1 after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting
exemptions from the antitrust laws in connection with such
international alliances.

(e) Sunset Provision.—

(1) In General.—An exemption from the anti-
trust laws granted by the Secretary on or before the
last day of the 3-year period beginning on the date
of enactment of this Act in connection with an inter-
national alliance, including an exemption granted be-
fore the date of enactment of this Act, shall cease to
be effective after such last day unless the exemption
is renewed by the Secretary.

(2) Timing for Renewals.—The Secretary may
not renew an exemption under paragraph (1) before
the date on which the Secretary issues a written de-
termination under subsection (d).

(3) Standards for Renewals.—The Secretary
shall make a decision on whether to renew an exemp-
tion under paragraph (1) based on the policies of the
Department in effect after the Secretary issues a writ-
ten determination under subsection (d).

(f) Definitions.—In this section, the following defini-
tions apply:

(1) Exemption from the Antitrust Laws.—
The term “exemption from the antitrust laws” means
an exemption from the antitrust laws granted by the
Secretary under section 41308 of title 49, United States Code.

(2) IMMUNIZED INTERNATIONAL ALLIANCE.—The term “immunized international alliance” means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) INTERNATIONAL ALLIANCE.—The term “international alliance” means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) DEPARTMENT.—The term “Department” means the Department of Transportation.

(5) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 427. MUSICAL INSTRUMENTS.

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

“§ 41725. Musical instruments

“(a) IN GENERAL.—

“(1) INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical in-
strument in the aircraft passenger compartment in a
closet, baggage, or cargo stowage compartment ap-
proved by the Administrator without charge if—

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

“(B) there is space for such stowage on the
aircraft.

“(2) LARGE INSTRUMENTS IN THE PASSENGER
COMPARTMENT.—An air carrier providing air trans-
portation shall permit a passenger to carry a musical
instrument in the aircraft passenger compartment
that is too large to be secured in a closet, baggage, or
cargo stowage compartment approved by the Admin-
istrator, if—

“(A) the instrument can be stowed in a
seat, in accordance with the requirements for
carriage of carry-on baggage or cargo set forth
by the Administrator for such stowage; and

“(B) the passenger wishing to carry the in-
strument in the aircraft cabin has purchased a
seat to accommodate the instrument.
“(3) **INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

“(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

“(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

“(4) **AIR CARRIER TERMS.**—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.
“(b) **REGULATIONS.**—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The analysis for such subchapter is amended by adding at the end the following: “41725. Musical instruments.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

**TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAM-LINING**

**SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.**

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting “or voluntary agreement under subsection (b)(7)” before “for the park”;

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

“(5) **EXEMPTION.**—

“(A) **IN GENERAL.**—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).
“(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

“(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

“(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.”;

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

“(7) VOLUNTARY AGREEMENTS.—

“(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the
Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

“(B) **Park Protection.**—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

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

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

“(iii) provide for fees for such operations.

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

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

(4) in subsection (c) by striking paragraph
(2)(I) and inserting the following:
“(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

“(i) adequate information regarding the operator’s existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

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

“(iii) the Director agrees with the modification, based on the Director’s professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.”;

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

“(i) adequate information on the operator’s proposed operations is provided to the
Administrator and the Director by the operator making the request;

“(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

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

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

(7) by inserting after subsection (c) the following:

“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

“(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may re-
quest in order to facilitate administering the provisions of this section.

“(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the Aviation Safety and Investment Act of 2010, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.”.

SEC. 502. STATE BLOCK GRANT PROGRAM.

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

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

(2) in the second sentence by striking “regulations” and inserting “guidance”.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: “, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements”.

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(c) **ENVIRONMENTAL ANALYSIS AND COORDINATION**

**Requirements.**—Section 47128 is amended by adding at the end the following:

“(d) **ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.**—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

“(1) coordinate and consult with the State;

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

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

**SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.**

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

“(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;
“(2) to conduct special environmental studies re-
related to an airport project funded with Federal funds;
“(3) to conduct special studies or reviews to sup-
port approved noise compatibility measures described
in part 150 of title 14, Code of Federal Regulations;
or
“(4) to conduct special studies or reviews to sup-
port environmental mitigation in a record of decision
or finding of no significant impact by the Federal
Aviation Administration.”.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT
PROCEDURES.

Section 47504 is amended by adding at the end the
following:
“(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
DURES.—
“(1) IN GENERAL.—In accordance with sub-
section (c)(1), the Secretary may make a grant to an
airport operator to assist in completing environ-
mental review and assessment activities for proposals
to implement flight procedures at such airport that
have been approved as part of an airport noise com-
patibility program under subsection (b).
“(2) ADDITIONAL STAFF.—The Administrator
may accept funds from an airport operator, including
funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(3) Receipts credited as offsetting collections.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

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

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

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

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

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

“(g) Determination of Fair Market Value of Residential Properties.—In approving a project to ac-
quire residential real property using financial assistance made available under this section or chapter 471, the Secreta-
ry shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reason-
able control of the owner.”.

SEC. 506. SOUNDPROOFING OF RESIDENCES.

(a) Soundproofing and Acquisition of Certain Residential Buildings and Properties.—Section 47504(c)(2)(D) is amended to read as follows:

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

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

“(ii) residential buildings located on resi-
dential properties in the noise impact area sur-
rounding the airport that the Secretary decides is adversely affected by airport noise, if—
“(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary’s methodology and guidance, and the noise contours have been found acceptable by the Secretary;

“(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

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

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

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

“(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—
“(1) Establishment of Criteria.—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

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

“(3) Priority.—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 though 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).”.

SEC. 507. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) Cooperative Agreement.—Subchapter I of chapter 475 is amended by adding at the end the following:
“§47511. CLEEN research, development, and implementation partnership

“(a) In General.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

“(b) CLEEN Engine and Airframe Technology Defined.—In this section, the term ‘CLEEN engine and airframe technology’ means continuous lower energy, emissions, and noise engine and airframe technology.

“(c) Performance Objective.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2016:

“(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

“(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide
emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

“(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

“(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

“(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

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

“(1) $25,000,000 for fiscal year 2010.

“(2) $33,000,000 for fiscal year 2011.
“(3) $50,000,000 for fiscal year 2012.

“(e) REPORT.—Beginning in fiscal year 2010, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.”.

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

“47511. CLEEN research, development, and implementation partnership.”.

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT

WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) In general.—Subchapter II of chapter 475 is amended by adding at the end the following:

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

“(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2013, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.
“(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

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

“(2) To scrap the aircraft.

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

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

“(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

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

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

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

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

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

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

(B) by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

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

(3) The analysis for chapter 475 is amended—

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

“47531. Penalties.”;

and

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

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.”.
SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) Establishment.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

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

(c) Eligibility for Passenger Facility Fees.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) Selection Criteria.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and
be implemented by an eligible consortium.

(e) **FEDERAL SHARE.**—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

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

(g) **PUBLICATION OF INFORMATION.**—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) **DEFINITIONS.**—In this section, the following definitions apply:

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

(A) A business incorporated in the United States.
(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term “environmental mitigation demonstration project” means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

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

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

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

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.
SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT

PILOT PROGRAM.

(a) In general.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) Selection criteria.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

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

(d) Report to Congress.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Com-
mittee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary’s reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) In General.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorpora-
tion of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

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

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

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;
(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft.

(c) Report to Congress.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.
(d) Definitions.—In this section, the following definitions apply:

(1) EPA.—The term “EPA” means the Environmental Protection Agency.

(2) FAA.—The term “FAA” means the Federal Aviation Administration.

SEC. 513. CABIN AIR QUALITY TECHNOLOGY.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) Technology Requirements.—The technology should, at a minimum, be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) Report.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to
Congress a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 514. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union’s emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the “ICAO”) in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as “Chicago Convention”), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.
SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2009. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

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

(a) Study.—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration’s record of decision dated August 2, 2002.

(b) Report.—Not later than 1 after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) Rulemaking.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking pro-
ceeding to determine whether Westchester County Airport
should be authorized to limit aircraft operations between
the hours of 12 a.m. and 6:30 a.m.

(b) DEADLINES.—The Administrator shall—

(1) not later than 180 days after the date of en-
actment of this Act, issue a notice of proposed rule-
making under subsection (a); and

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

SEC. 518. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 3
months after the date of enactment of this Act, each owner
or operator of a large hub airport (as defined in section
40102(a) of title 49, United States Code) shall publish on
an Internet Web site of the airport a telephone number to
receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than 1 after
the last day of the 3-month period referred to in subsection
(a), and annually thereafter, an owner or operator that re-
ceives one or more noise complaints under subsection (a)
shall submit to the Administrator of the Federal Aviation
Administration a report regarding the number of com-
plaints received and a summary regarding the nature of
such complaints. The Administrator shall make such infor-
mation available to the public by print and electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

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

(2) by striking paragraph (2) and inserting the following:

“(2) DISPUTE RESOLUTION.—

“(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

“(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date
of enactment of the Aviation Safety and Investment Act of 2010); or

“(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

“(B) Binding Arbitration.—

“(i) Assistance from Federal Service Impasses Panel.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the ‘parties’) shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

“(ii) Appointment of Arbitration Board.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration
board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

“(iii) FRAMING ISSUES IN CON- TROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

“(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims
and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

“(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

“(vi) COSTS.—The parties shall share costs of the arbitration equally.

“(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

“(4) ENFORCEMENT.—

“(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States
shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

“(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.”.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, 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 exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to sub-
section (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) **Savings Clause.**—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) **Back Pay.**—

(1) **In General.**—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for
pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to 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 Adminis-
tractor 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.

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

“(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;”.

SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) Applicability of Back Pay Requirements.—

Section 40122(g)(2) is amended—

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

(2) by striking the period at the end of subparagraph (H) and inserting “; and”;

(3) by adding at the end the following:

“(I) section 5596, relating to back pay.”.

(b) Applicability.—

(1) In general.—The amendment made by subsection (a) shall apply to—
(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) SPECIAL RULE.—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and
(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as “FAA systems specialists”).

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Ad-
ministration after developing courses for the
training of such specialists;

(F) identify the amount and cost of travel
that is required of FAA systems specialists in re-
ceiving training; and

(G) include a recommendation regarding
the most cost-effective approach to providing
FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the
date of enactment of this Act, the Comptroller General
shall submit to the Committee on Transportation and
Infrastructure of the House of Representatives and the
Committee on Commerce, Science, and Transport-
ation of the Senate a report on the results of the
study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF
SCIENCES.—Not later than 90 days after the date of
enactment of this Act, the Administrator of the Fed-
eral Aviation Administration shall make appropriate
arrangements for the National Academy of Sciences to
conduct a study of the assumptions and methods used
by the Federal Aviation Administration to estimate
staffing needs for FAA systems specialists to ensure
proper maintenance and certification of the national
airspace system.

(2) CONTENTS.—The study shall be conducted so
as to provide the following:

(A) A suggested method of modifying FAA
systems specialists staffing models for applica-
tion to current local conditions or applying some
other approach to developing an objective staff-
ing standard.

(B) The approximate cost and length of
time for developing such models.

(3) CONSULTATION.—In conducting the study,
the National Academy of Sciences shall consult with
the exclusive bargaining representative of employees of
the Federal Aviation Administration certified under
section 7111 of title 5, United States Code, and the
Administrator of the Federal Aviation Administra-
tion.

(4) REPORT.—Not later than 1 after the initia-
tion of the arrangements under subsection (a), the
National Academy of Sciences shall submit to Con-
gress a report on the results of the study.

SEC. 605. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date
of enactment of this Act, the Comptroller General shall sub-
mit to the Committee on Transportation and Infrastructure
of the House of Representatives and the Committee on Com-
merce, Science, and Transportation of the Senate a report
on the status of recommendations made by the Government
Accountability Office in its October 2004 report, “Aviation
Safety: FAA Needs to Strengthen Management of Its Des-
ignee Programs” (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Fed-
eral Aviation Administration has responded to rec-
ommendations of the Government Accountability Of-
office referred to in subsection (a);

(2) an identification of improvements, if any,
that have been made to the designee programs referred
to in the report of the Office as a result of such rec-
ommendations;

(3) an identification of further action that is
needed to implement such recommendations, improve
the Administration’s management control of the des-
ignee programs, and increase assurance that designees
meet the Administration’s performance standards;
and

(4) an assessment of the Administration’s orga-
nizational delegation and designee programs and a
determination as to whether the Administration has
sufficient monitoring and surveillance programs in place to properly oversee these programs.

SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) In General.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled “Staffing Standards for Aviation Safety Inspectors” and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 607. SAFETY CRITICAL STAFFING.

(a) Safety Inspectors.—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection (b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.
(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) $45,000,000 for fiscal year 2010;

(2) $138,000,000 for fiscal year 2011; and

(3) $235,000,000 for fiscal year 2012.

Such sums shall remain available until expended.

(c) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

(d) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term “safety critical positions” means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration’s fiscal year 2009 congressional budget justification); and
(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration’s fiscal year 2009 congressional budget justification).

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) Study by National Academy of Sciences.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the “FAA”) to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) Consultation.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) Contents.—The study shall include an examination of representative information on human factors, traffic...
activity, and the technology and equipment used in air traffic control.

(d) **Recommendations and Estimates.**—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) **Report.**—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

**SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.**

(a) **Study.**—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) **Contents.**—The study shall include—
(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided
at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates 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 include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the “FAA Task Force on Air Traffic Control Facility Conditions” (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—
(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, “sick building syndrome,” and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.
(5) **TRAVEL EXPENSES.**—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) **CHAIRPERSON.**—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) **TASK FORCE PERSONNEL MATTERS.**—

(1) **STAFF.**—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) **OTHER STAFF AND SUPPORT.**—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force
to assist it in carrying out its duties under this section.

(e) Obtaining Official Data.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) Duties.—

(1) Study.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;
(C) conditions of such facilities that could interfere with such employees’ ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES (FCI).—The Task Force shall review the facility condition indices of the Administration (in this section referred to as the “FCI”) for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—
(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align
future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.


(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking “September 30, 2009” and inserting “September 30, 2012”; and

(2) by striking “December 31, 2009” and inserting “December 31, 2019”.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

“(3) SUCCESSOR PROGRAM.—

“(A) IN GENERAL.—After December 31, 2019, coverage for the risks specified in a policy
that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(B) TRANSFER OF PREMIUMS.—

“(i) IN GENERAL.—On December 31, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

“(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

“(II) the amount of any claims pending under such policies as of December 31, 2019; and
“(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.”.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking “December 31, 2009” and inserting “December 31, 2012”.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking “the carrier” and inserting “any insurance carrier”.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking “agent” and inserting “agent, or a claims adjuster who is independent of the underwriting agent,.”.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking “December 31, 2013” and inserting “December 31, 2019”.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:
“For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.”.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

“(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.”.
SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

“§ 40130. FAA access to criminal history records or databases systems

“(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

“(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

“(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or
the State for other governmental agencies with access
to the system.

“(3) LIMITATION.—The Administrator may not
use the access authorized under paragraph (1) to con-
duct criminal investigations.

“(b) DESIGNATED EMPLOYEES.—The Administrator
shall designate, by order, employees of the Administration
who shall carry out the authority described in subsection
(a). The designated employees may—

“(1) have access to and receive criminal history,
driver, vehicle, and other law enforcement informa-
tion contained in the law enforcement databases of the
Department of Justice, or any jurisdiction of a State,
in the same manner as a police officer employed by
a State or local authority of that State who is cer-
tified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system
of the Federal Government, and of any jurisdiction in
a State, that provides information about wanted per-
sons, be-on-thelookout notices, warrant status, or
other officer safety information to which a police offi-
cer employed by a State or local authority in that
State who is certified or commission under the laws
of that State has access and in the same manner as
such police officer; or
“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term ‘system of documented criminal justice information’ means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records or databases systems.”.

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) In General.—Section 47129 is amended—

(1) in the section heading by striking “air carrier” and inserting “carrier”;

(2) in subsection (a) by striking “(as defined in section 40102 of this title)” and inserting “(as such terms are defined in section 40102)”;

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(3) in the heading for subsection (d) by striking “AIR CARRIER” and inserting “AIR CARRIER AND FOREIGN AIR CARRIER”;  

(4) in the heading for paragraph (2) of subsection (d) by striking “AIR CARRIER” and inserting “AIR CARRIER AND FOREIGN AIR CARRIER”;  

(5) by striking “air carriers” each place it appears and inserting “air carriers or foreign air carriers”;  

(6) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”; and  

(7) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”.

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

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

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.  

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this
section referred to as the “plan”) under section 47103 of title 49, United States Code.

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

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

(2) The changes in airport capital needs between fiscal years 2003 and 2008, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

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


(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and
Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate 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);

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

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking “All” and inserting “(a) IN GENERAL.—All”;

(2) by inserting “and every express carrier” after “common carrier by air”; and

(3) by adding at the end the following:

“(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

“(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that em-
ployee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

“(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

“(3) EXPRESS CARRIER DEFINED.—In this section, the term ‘express carrier’ means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.”.

(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,”.
SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(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 Federal Aviation Administration (in this section referred to as the “FAA”) a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) Membership.—The working group shall be composed of—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) Report to Congress Containing Recommendations of the Working Group.—
(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under
subsection (d), the Administrator shall submit to the com-
mittees referred to in subsection (c)(1) a report containing
the recommendations of the Administrator on realignment
of services and facilities (including regional offices) of the
FAA and copies of any public comments and objections re-
ceived by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGN-
MENTS AND CONSOLIDATIONS.—The Administrator may
not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator
has submitted the report under subsection (f).

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

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

(2) REALIGNMENT; CONSOLIDATION.—

(A) IN GENERAL.—The terms “realignment”
and “consolidation” include any action that—

(i) relocates functions, services, or per-
sonnel positions;

(ii) severs existing facility functions or
services; or

(iii) any combination thereof.
(B) **Exclusion.**—The term does not include a reduction in personnel resulting from workload adjustments.

** SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES. **

Section 1113 is amended by adding at the end the following:

“(i) **Accidental Death and Dismemberment Insurance.**—

“(1) **Authority to provide insurance.**—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

“(2) **Credit of insurance benefits to offset United States tort liability.**—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based
upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

“(3) Treatment of Insurance Benefits.— Any amounts paid under insurance coverage procured under this subsection shall not—

“(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

“(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

“(4) Entitlement to Other Insurance.— Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.”.

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) Study.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the “FAA”) could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.
(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.
(c) REPORT.—Not later than 1 after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County’s purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County’s purchase of the Lost Nation
Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the “airport”), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore
not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Adminis-
trator grants the town’s request for closure of the air-
port.

(3) Use of Proceeds from Sale of Airport.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) Relocation of Aircraft.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) In General.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for pilots and flight attendants involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such
sums as may be necessary for each of fiscal years 2010 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE.

(a) Submission of Plan to Congress.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, DC, Air Defense Identification Zone.

(b) Contents of Plan.—The plan shall outline specific changes to the Washington, DC, Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) In General.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and
limitations on the use, encumbrance, or conveyance of cer-
tain land located in the municipality of Anchorage, Alaska,
more particularly described as Tracts 22 and 24 of the
Fourth Addition to the Town Site of Anchorage, Alaska,
as shown on the plat of U.S. Survey No. 1456, accepted
June 13, 1923, on file in the Bureau of Land Management,
Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of
law, the municipality of Anchorage shall be released from
the repayment of any outstanding grant obligations owed
by the municipality to the Federal Aviation Administration
with respect to any land described in subsection (a) that
is subsequently conveyed to or used by the Department of
Transportation and Public Facilities of the State of Alaska
for the construction or reconstruction of a federally sub-
sidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.
HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air
Terminal Museum located at William P. Hobby Air-
port in the city of Houston, Texas;

(2) congratulates the city of Houston and the
1940 Air Terminal Museum on the 80-year history of
William P. Hobby Airport and the vital role of the
airport in Houston’s and the Nation’s transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation’s history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation
applicable to the flight crewmember relating to duty
periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is em-
ployed by an air carrier conducting operations under
part 135 of title 14, Code of Federal Regulations, and
who accepts an additional assignment for flying
under part 91 of such title from the air carrier or
any other air carrier conducting operations under
part 121 or 135 of such title, to apply the period of
the additional assignment (regardless of whether the
assignment is performed by the flight crewmember be-
fore or after an assignment to fly under part 135 of
such title) toward any limitation applicable to the
flight crewmember relating to duty periods or flight
times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-
PORT PROPERTIES.

(a) In General.—Not later than 1 after the date of
enactment of this Act, the Administrator of the Federal
Aviation Administration shall establish a pilot program at
up to 4 public-use airports (as defined in section 47102 of
title 49, United States Code) that have a noise compat-
ibility program approved by the Administrator under sec-
tion 47504 of such title.
(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(c)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1); and

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that
permit compatible redevelopment of real property described in subsection (b)(1); and

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) Cooperation With Local Affected Jurisdiction.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) United States Government Share.—

(1) In general.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) Determination.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the
airport or that is not owned by an affected local jurisdiction or other public entity.

(3) **Maximum Amount.**—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) **Special Rules for Repaid Funds.**—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and
(E) deposit in the Airport and Airway

Trust Fund established under section 9502 of the

Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized

under section 48103 of title 49, United States Code;

and

(3) shall remain available until expended.

(g) Use of Passenger Facility Revenue.—An op-
erator of an airport participating in the pilot program may
use passenger facility revenue collected for the airport under
section 40117 of title 49, United States Code, to pay the
portion of the total cost of a project carried out by the oper-
ator under the pilot program that are not allowable under
subsection (e)(2).

(h) Sunset.—The Administrator may not make a
grant under the pilot program after September 30, 2012.

(i) Report to Congress.—Not later than the last
day of the 30th month following the date on which the first
grant is made under this section, the Administrator shall
report to Congress on the effectiveness of the pilot program
on returning real property purchased with noise mitigation
funds made available under section 47117(e)(1)(A) or
47505 or passenger facility revenues to productive use.

(j) Noise Compatibility Measures.—Section
47504(a)(2) is amended—
(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:
(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island and Staten Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration’s authority to ensure the safe and efficient use of the national airspace system.
(e) Report.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 819. CABIN TEMPERATURE AND HUMIDITY STANDARDS STUDY.

(a) Study.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat and humidity onboard such aircraft during standard operations or during an excessive flight delay.

(b) Temperature Review.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperature and humidity of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and humidity and develop a system for
the reporting of excessive temperature and humidity onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature and humidity standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting “chapter 451,” before “section 47107(b)”;

(2) in subsection (a)(5)(A)(i)—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting after “44909)” the following: “, or chapter 451”; and

(3) in subsection (d)(2)—
(A) by inserting after “44723)” the following: “; chapter 451 (except section 45107)”;
and

(B) by inserting after “44909),” the following: “section 45107 or”.

SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than 1 after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regard-
ing serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A
PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, Agriculture, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) IMPACT OF WIND TURBINES ON RADAR SIGNALS.—In conducting the study, the Administrator shall consider
the impact of the operation of wind turbines, individually
and in collections, on radar signals and evaluate the feas-
ibility of providing quantifiable measures of numbers of tur-
bines and distance from radars that are acceptable.

(d) REPORT.—Not later than 1 after the date of enact-
ment of this Act, the Secretary shall submit a report on
the results of the study to the Committee on Transportation
and Infrastructure, Committee on Homeland Security,
Committee on Armed Services, Committee on Agriculture,
and Committee on Science and Technology of the House of
Representatives and the Committee on Commerce, Science,
and Transportation, Committee on Homeland Security and
Governmental Affairs, Committee on Agriculture, Nutri-
tion, and Forestry, and Committee on Armed Services of
the Senate.

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Avia-
tion Administration shall conduct a study on the locations
of Federal Aviation Administration radar signals (in this
section referred to as “FAA radars”) in the United States,
including the impact of such locations on—

(1) the development and installation of renew-
able energy technologies, including wind turbines; and
(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocations of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

SEC. 825. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.
(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

SEC. 827. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate
air carriers, aircraft manufacturers, and air carrier labor
representatives, shall conduct a study to identify a physical
means, or a combination of physical and procedural means,
of limiting access to the flight decks of all-cargo aircraft
to authorized flight crew members.

(b) Report.—Not later than 1 after the date of enactment of this Act, the Administrator shall submit to Congress
a report on the results of the study.

SEC. 828. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the
Federal Aviation Administration be granted the full protec-
tion of the law.

SEC. 829. COLLEGE POINT MARINE TRANSFER STATION,
NEW YORK.

(a) Finding.—Congress finds that the Federal Avia-
tion Administration, in determining whether the proposed
College Point Marine Transfer Station in New York City,
New York, if constructed, would constitute a hazard to air
navigation, has not followed published policy statements of
the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200–33B 2,
entitled “Hazardous Wildlife Attractants on or Near
Airports”;

(2) Advisory Circular Number 150/5300–13, en-
titled “Airport Design”; and
(3) the publication entitled “Policies and Procedures Memorandum—Airports Division”, Number 5300.1B, dated Feb. 5, 1999.

(b) DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

SEC. 830. PILOT TRAINING AND CERTIFICATION.

(a) INITIATION OF STUDY.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) DATA COLLECTED.—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;
(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

(c) CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and
(3) such other matters as the Comptroller General determines are appropriate.

(d) REPORT.—Not later than 12 months after the date of initiation of the study, the Comptroller General shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

SEC. 831. ST. GEORGE, UTAH.

(a) IN GENERAL.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary under the subsection (a) shall be subject to the following conditions:

(1) The city of St. George shall agree that in conveying any interest in the property that the
United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value. (2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.
TITLE IX—FEDERAL AVIATION
RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.
This title may be cited as the “Federal Aviation Research and Development Reauthorization Act of 2010”.

SEC. 902. DEFINITIONS.
As used in this title, the following definition apply:

(1) Administrator.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term “FAA” means the Federal Aviation Administration.

(3) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(4) National Research Council.—The term “National Research Council” means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term “NSF” means the National Science Foundation.

(7) Secretary.—The term “Secretary” means the Secretary of Transportation.
SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) In General.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall carry out a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) Research Plan.—Not later than 1 after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) Research Program.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2012 to carry out this section.
SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) Establishment of Program.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) Research Plan.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

(c) Review.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) Government’s Share of Costs.—Section 44513(f) is amended to read as follows:

“(f) Government’s Share of Costs.—The United States Government’s share of establishing and operating the
center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government’s share of an individual grant under this section shall not exceed 90 percent of the costs.”.

(b) Annual Report.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President’s budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking “establish a 4-year pilot” and inserting “maintain an”; and

(2) in paragraph (4)—
(A) by striking “expiration of the program” and inserting “expiration of the pilot program”; and

(B) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program” and inserting “program”.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) Research Initiative.—Section 44504(b) is amended—

(1) in paragraph (6) by striking “and” after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.”.

(b) Systems, Procedures, Facilities, and Devices.—Section 44505(b) is amended—
(1) in paragraph (4) by striking “and” after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

“(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.”.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) In General.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;
(2) research projects that combine undergraduate research with other research supported by the FAA;
(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and
(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2010 through 2012, for research grants under this section.

SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program con-
tinued in subsection (a), containing the specific research
and development objectives and the anticipated timetable
for achieving the objectives.
(c) REPORT.—Not later than 130 days after the date
of enactment of this Act, the Administrator shall provide
the roadmap specified in subsection (b) to the Committee
on Science and Technology of the House of Representatives
and the Committee on Commerce, Science, and Transpor-
tation of the Senate.
(d) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated $750,000 for each of the fiscal
years 2010 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA’S ENERGY- AND ENVIRONMENT-
RELATED RESEARCH PROGRAMS.
(a) STUDY.—The Administrator shall enter into an ar-
rangement with the National Research Council for a review
of the FAA’s energy- and environment-related research pro-
grams. The review shall assess whether—
(1) the programs have well-defined, prioritized,
and appropriate research objectives;
(2) the programs are properly coordinated with
the energy- and environment-related research pro-
grams of NASA, NOAA, and other relevant agencies;
(3) the programs have allocated appropriate re-
sources to each of the research objectives; and
(4) there exist suitable mechanisms for transitioning the research results into the FAA’s operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

SEC. 912. REVIEW OF FAA’S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA’s aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs
into the FAA’s operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.
(c) Report.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) Authorization of Appropriations.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2010 to carry out this section.

SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) Establishment of Research Program.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall conduct a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) Participation by Educational and Research Institutions.—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.
(c) **Designation of Institute as a Center of Excellence.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

**SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.**

(a) **Establishment.**—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the “Center”).

(b) **Applied Research and Training.**—The Center shall conduct applied research and training on—

1. human performance in the air transportation environment;
2. air transportation personnel, including air traffic controllers, pilots, and technicians; and
3. any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) **Duties.**—The Center shall—

1. in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a com-
prehensive, best-practices based training program for
air traffic controllers;

(2) work with the Office of Human Resource
Management of the FAA as that office develops and
implements a strategic recruitment and marketing
program to help the FAA compete for the best quali-
fied employees and incorporate an employee value
proposition process that results in attracting a broad-
based and diverse aviation workforce in mission crit-
ical positions, including air traffic controller, avia-
tion safety inspector, airway transportation safety
specialist, and engineer;

(3) through industry surveys and other research
methodologies and in partnership with the “Taskforce
on the Future of the Aerospace Workforce” and the
Secretary of Labor, establish a baseline of general
aviation employment statistics for purposes of pro-
jecting and anticipating future workforce needs and
demonstrating the economic impact of general avia-
tion employment;

(4) conduct a comprehensive analysis of the air-
frame and powerplant technician certification process
and employment trends for maintenance repair orga-
nization facilities, certificated repair stations, and
general aviation maintenance organizations;
(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

**TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Airport and Airway Trust Fund Financing Act of 2010”.

**SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) Rate of Tax on Aviation-Grade Kerosene and Aviation Gasoline.—

(1) Aviation-Grade Kerosene.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “,
and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking “19.3 cents” and inserting “24.1 cents”.

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

“(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

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(B) The following provisions of such Code are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”; and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Section 4081(a)(4) of such Code is amended—

(i) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”; and

(ii) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(E) Section 4081(d)(2) of such Code is amended by inserting “, (a)(2)(A)(iv),” after “subsections (a)(2)(A)(ii)”.

(b) Extension.—
(1) Fuels Taxes.—Paragraph (2) of section 4081(d) of such Code is amended by striking “gallon—” and all that follows and inserting “gallon after September 30, 2012”.

(2) Taxes on Transportation of Persons and Property.—

(A) Persons.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(B) Property.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) Exemption for Aviation-Grade Kerosene Removed Into an Aircraft.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking “kerosene” and inserting “aviation-grade kerosene”; 

(2) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”; and

(3) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(d) Retail Tax on Aviation Fuel.—
(1) Exemption for Previously Taxed Fuel.—Paragraph (2) of section 4041(c) of such Code is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) Rate of Tax.—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

“(3) Rate of Tax.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(e) Refunds Relating to Aviation-Grade Kerosene.—

(1) Kerosene Used in Commercial Aviation.—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) Kerosene Used in Aviation.—Paragraph (4) of section 6427(l) of such Code is amended—

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

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:
“(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section
4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking “paragraph (4)(C) or (5)” both places it appears and inserting “paragraph (4)(B) or (6)”;

(ii) by striking “, (l)(4)(C)(ii), and (l)(5)” and inserting “and (l)(6)”.

(B) Section 6427(l)(1) of such Code is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)(i)”.

(C) Section 4082(d)(2)(B) of such Code is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—
(A) Expenditures from trust fund.—

Paragraph (1) of section 9502(d) of such Code is amended—

(i) by striking “October 1, 2009” in the matter preceding subparagraph (A) and inserting “October 1, 2012”; and

(ii) by inserting “or the Aviation Safety and Investment Act of 2010” before the semicolon at the end of subparagraph (A).

(B) Limitation on transfers to trust fund.—Paragraph (2) of section 9502(e) of such Code is amended by striking “October 1, 2009” and inserting “October 1, 2012”.

(2) Transfers to trust fund.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

“(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(3) Transfers on account of certain refunds.—

(A) In general.—Subsection (d) of section 9502 of such Code is amended—

(i) by striking “(other than subsection (l)(4) thereof)” in paragraph (2); and
(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))” in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking “, section 9503(c)(7),”.

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:
“(7) Transfers from Airport and Airway Trust Fund on Account of Aviation-Grade Kerosene Not Used in Aviation.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.”.

(5) Expenditures for Air Traffic Control Modernization.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

“(8) Expenditures for Air Traffic Control Modernization.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

“(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

“(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commer-
cial aviation (as defined in section 4083(b)), and

“(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

“(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.”.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2009.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—
(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date; and

(ii) in the case of kerosene held exclusively for such person’s own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2010, and in such manner as the Secretary of the Treasury shall prescribe.
(3) Transfer of Floor Stock Tax Revenues to Trust Funds.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) Definitions.—For purposes of this subsection—

(A) Aviation Fuel.—The term “aviation fuel” means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) Held by a Person.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) Secretary.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) Exception for Exempt Uses.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allow-
able under the Internal Revenue Code of 1986 for such use.

(6) Exception for certain amounts of fuel.—

(A) In general.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) Exempt fuel.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) Controlled groups.—For purposes of this subsection—

(i) Corporations.—

(I) In general.—All persons treated as a controlled group shall be treated as 1 person.
(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.
TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1101. COMPLIANCE PROVISION.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

Attest:

Clerk.