The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1676, as amended.

This is a 5-minute vote.

The vote was taken by electronic device and there were—yeas 297, nays 11, not voting 22, as follows:

(Yii No. 287)

YEAS—397

Mr. ROONEY. Mr. Speaker, had I been present, I would have voted as above recorded.

The result of the vote was announced.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1346. My name was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FAA REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 164 and rule XVIII, the Chair will call the vote of the entire membership of the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 915.

2354

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 915) to amend title 49, United States Code, to extend the authorization for FAA for the next 4 years, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. CARDOZO in the chair. The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself as much time as I may consume.

We bring to the House, once again, to the Committee of the Whole, the authorization for FAA for the next 4 years. We’re getting very good at this. We did it 2 years ago. It passed the House overwhelmingly. Unfortunately, the other body did not act on it. So we held further hearings and reshaped the bill. Essentially we have 95 percent of what we had in 2007 in this bill. It was worked out then in cooperation with the Republican members of the committee and with the ranking Republican, Mr. MICA, and the majority leader this year with Mr. MICA, Mr. PETRI and the Aviation Subcommittee under the extraordinarily gifted leadership of Mr.
Costello, who held numerous hearings to air the various aspects of this bill and other aviation issues.

So that we bring a bill for which there is broad bipartisan support except perhaps for four areas, where there are differences and on which my good friend, Mr. Mica, will elaborate in his own good time. We bring a bill of $70 billion investment in aviation over the next 10 years, $62 billion for the Airport Improvement Program to build runways, taxiways, air traffic on the aviation hard side, as I call it, of airports; $13.4 billion for facilities and equipment account over 4 years. That's for the modernization of the air traffic control system. Air traffic control is not a snapshot in time. It's a continuously evolving technology that keeps pace with the growth of aviation and with the need for greater safety at altitude, on approach, on departure, on the ground, in the airport runway safety areas. We provide substantial funding not only for the present but for future investment and modernization of the air traffic control system going on to the next-generation technology that will be satellite-based. Higher reliability, greater accuracy, shorter the flight time, shorter fuel burned in the air and vastly improve safety.

On the capacity side, we provide authority for airport authorities, at their choice, to charge four areas, to increase the passenger facility charge that was initiated in 1990, at the time when I chaired the Aviation Subcommittee and the first Bush administration, with then-Secretary Sam Skinner advocating for this increase and this authority for airports, to increase this charge on the grounds that they are accountable directly to the people who use their airports. It is a local decision, and we're allowing them to do it. It's not required. Airport authorities can impose or not impose a passenger facility charge. But it's used for all the authority airports are granted under the Airport Improvement Program, to expand capacity, improve the terminals, improve movement of passengers on the airport grounds to and from their parking area, from the drop-off area onto the aircraft it themselves.

It has been a very well-used and useful tool.

As part of the increase or the authority to use passenger facility charges in 1990 and with concurrence of the administration, we require that every airport, perhaps for four years, which increases the passenger facility charge will lose 50 cents on each dollar of their AIP entitlement account, and that goes into a special account in the Aviation Trust Fund for the use of small airports that don't have the capacity to level a passenger facility charge. That has resulted in some $800 million a year available for general aviation airports, regional airports, and smaller nonhub airports, and has enabled them to participate in the Nation's aviation system.

There is a provision in this bill that we had in the 2007 bill that requires the Federal Aviation Administration to negotiate a new contract with its traffic controllers. And if they do not reach an agreement 45 days after enactment, the issue will be sent to binding arbitration. The FAA administration objected to that provision. The ranking Republican on our committee, Mr. Mica, stoutly defended his administration's position, and his own view, that we should not have binding arbitration apply to this circumstance. I think it is fair to say he would accept that going forward.

Well, the bill never made its way through the Senate of 2007 or 2008. And we'll not have a vote this time on the Senate committee. So what we didn't trust the previous administration to do, we don't trust this administration to do. And we are keeping that language in this bill to keep the heat on them to negotiate this contract, renegotiate in due fairness to the air traffic controllers.

Then there is the matter of the foreign repair stations. There are 145 foreign stations certified by the French, the Germans, the British, the French, the Dutch, the Spanish, the Italian, the Portuguese, the Swiss, the French, the Dutch, the Spanish, the Portuguese. And we're going to make sure that the U.S. FAA in other countries where U.S. aircraft are maintained, supposedly to U.S. standards, to the standards of the airline as approved by FAA and to the standards of the country in which the aircraft maintenance personnel and certification of the facility in which the maintenance work is performed. Over time, questions have arisen about the adequacy of standards in other countries. This legislation takes those concerns and wraps them into this language we have in the bill, saying they must meet our standards for criminal background checks, for drug and alcohol testing, for certification of the facility, and certification of the aircraft maintenance specialists. That is in the interests of every American who flies on an aircraft in our country or outside of our country that is maintained in non-U.S. maintenance facility. And in the time since we passed that bill in 2007, the U.S. and the EU have negotiated an aviation agreement that moves toward harmonization of the aviation maintenance standards of our two countries.

That agreement provides, in Article 15, "nothing in this agreement shall be construed to limit the authority of a party to (A) determine through its legislative, regulatory and administrative procedures the level of protection it considers appropriate for civil aviation safety and environmental testing and approvals, and (B) take all appropriate and immediate measures necessary to eliminate or minimize any derogation of safety. That is what we are doing, simply put, in this legislation using our legislative authority, require twice-a-year onsite inspections of facilities in which U.S. aircraft are maintained in facilities overseas. If there is anything about reciprocity under this agreement, they have that authority. They can inspect U.S. maintenance facilities which are doing work on foreign aircraft, European aircraft, in the United States. That is what it is. It is comity, fairness, equity, and safety in the best interests of our citizens.

There may be other issues. But I will reserve my time. And Mr. Costello will address more details of this legislation subsequently.

Mr. Chairman, I submit for the RECORD an exchange of letters on this particular piece of legislation.

House of Representatives, Committee on Transportation and Infrastructure, Washington, DC, May 7, 2009.

Hon. James L. Oberstar, Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Oberstar: I write to you regarding H.R. 915, the "FAA Reauthorization Act of 2009." I appreciate your willingness to waive rights to further consideration of H.R. 915, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be placed on the House-Senate conference report on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

James L. Oberstar
Chairman


Hon. Bart Gordon, Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Gordon: I write to you regarding H.R. 915, the FAA Reauthorization Act of 2009. This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

H.R. 915 was marked up by the Committee on Transportation and Infrastructure on March 5, 2009. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 915.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 915 and the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

Bart Gordon, Chairman.
House of Representatives, Committee on Transportation and Infrastructure, Washington, DC, May 15, 2009.

Hon. John Conyers, Jr., chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Conyers: I write to you regarding H.R. 915, the "FAA Reauthorization Act of 2009".

I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on the Judiciary. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in RR 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

James L. Oberstar, Chairman,
House of Representatives, Committee on Transportation and Infrastructure, Washington, DC.

Dear Chairman Conyers: As you know, the Judiciary Committee requested referral of H.R. 915, the FAA Authorization Act of 2009, due in part to the addition in markup of the text of H.R. 831, which directs FAA to study on the use of a provision in current law to confer antitrust immunity on international air-line alliances, and sunsets all such antitrust immunity in three years—on which the Judiciary Committee had received a referral as falling within our Rule X jurisdiction.

We understand that, although the report, for H.R. 915 has not yet been filed, there is a desire to bring this bill to the floor for consideration next week. While we have concerns about how the antitrust provision is written, from the standpoint of sound antitrust policy, we would prefer to take referral of this provision to give appropriate consideration to that provision and other matters within our jurisdiction, we are willing to waive referral in order that the bill may proceed to the House floor.

The Judiciary Committee takes this action with our mutual understanding that by forgoing further consideration of H.R. 915 at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. We appreciate your continuing willingness to consult with us on these provisions, and on any refinements or clarifications to them, as the legislation moves forward. Finally, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

John Conyers, Jr., Chairman.

House of Representatives, Committee on Transportation and Infrastructure, Washington, DC, May 18, 2009.

Hon. Bennie G. Thompson, Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

Dear Chairman Thompson: I write to you regarding H.R. 915, the "FAA Reauthorization Act of 2009".

I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

James L. Oberstar, Chairman.


Hon. James L. Oberstar, Chairman, Committee on Transportation and Infrastructure, Rayburn Bldg., House of Representatives, Washington, DC.

Dear Chairman Oberstar: As you know, the Judiciary Committee requested referral of H.R. 915, the FAA Reauthorization Act of 2009, due in part to the addition in markup of the text of H.R. 831, which directs FAA to study on the use of a provision in current law to confer antitrust immunity on international airline alliances, and sunsets all such antitrust immunity in three years—on which the Judiciary Committee had received a referral as falling within our Rule X jurisdiction.

We understand that, although the report, for H.R. 915 has not yet been filed, there is a desire to bring the bill to the floor for consideration next week. While we have concerns about how the antitrust provision is written, from the standpoint of sound antitrust policy, we would prefer to take referral of this provision to give appropriate consideration to that provision and other matters within our jurisdiction, we are willing to waive referral in order that the bill may proceed to the House floor.

The Judiciary Committee takes this action with our mutual understanding that by forgoing further consideration of H.R. 915 at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. We appreciate your continuing willingness to consult with us on these provisions, and on any refinements or clarifications to them, as the legislation moves forward. Finally, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

Benjie G. Thompson, Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Thank you again for the opportunity to rise today and speak about a very important piece of legislation, and that is reauthorization of our Federal Aviation Administration operations.

Americans take for granted some of the safety, the largest, and the most accessible air transportation system in the world. But it is our job in Congress to make certain that provision of our Federal Air Safety and that we also pass laws from time to time authorizing the policy, the projects, the funding, and other safety measures that are important for that system.

I want to speak in favor of enacting good reauthorization. At the end of the day, I will not vote in support of this particular measure because I do have some concerns that I will briefly outline.

First, let me say that I have enjoyed my working relationship with Mr. Oberstar. He chairs the committee, and I try to work with him in a bipartisan manner to make certain that our key responsibilities, like this important safety air industry legislation, passes Congress, and I will continue to do that.

I do have some concerns about some specifics. The bill does have some very good provisions. And Mr. Oberstar, Mr. Costello, and Mr. Petri, our ranking member, have all worked hard to do the best they can in looking out for our current employees who should be treated fairly, and I try to work with him in a bipartisan manner to make certain that we have what we call NextGen, next generation air traffic control, in the future—good, fair, and safe. And I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of a conference committee to confer during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be included in the Conference Report on H.R. 915 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

James L. Oberstar, Chairman.
that remains. I am supportive of taking this away from Congress in the future and sending it to compulsory arbitration.

Unfortunately, there are two job killers in this bill. At a time when there isn’t a job killer in Congress that isn’t getting a heartfelt request that someone is losing their job, they are losing their home, or they are not able to live the American Dream, unfortunately, this bill has two job-killer provisions.

It is my hope that Congress that isn’t getting a heartfelt request that someone is losing their job, they are losing their home, or they are not able to live the American Dream, unfortunately, this bill has two job-killer provisions.

First is a provision that I know that Mr. OBERSTAR tried to explain this in his particular provision that he has put in here, requirement that the FAA make biennial inspections of all foreign repair stations. It sounds good. The only problem is that we already have existing agreements in place that that provision would supersede. We are negotiating now a treaty which also, the provisions the way they are written impose sanctions on us and cost us jobs.

Now, that is not what JOHN MICA is saying. The U.S. Chamber of Commerce says that, as written, the bill jeopardizes 125,000 jobs. And we will put that in here at the bit later.

The National Association of Manufacturers, not JOHN MICA, says retaliation threat from the EU is real and we must work together to maintain our working partnerships and preserve jobs. Again, they say it is a job killer.

Then I have a whole list of companies. They are in everybody’s district. I could go on and on, Rockwell Collins, Boeing, Gulfstream, GE. Here is just one, GE sent a letter to Mr. OBERSTAR.

And more troubling is that this provision would also automatically invalidate all antitrust immunity grants to airline alliances 3 years after the enactment of this bill. It is not necessary. It shouldn’t have been added.

The second and last thing that I am concerned about is 95 percent of this bill, we said in the Rules Committee, is pretty much the same bill we had last time. Added to this bill, and again I don’t know why, is a provision that we have not in the treaty that is a job killer. Unfortunately, this bill, and it is not what MICA says again, here is the Air Transport Association. This bill could cost as many as 15,000 airline jobs. Again, this is what is said by everyone.”

And the gentleman made a serious effort, and I greatly respect and appreciate his participation, but I just want to point out, Mr. Chairman, to the gentlewoman that the language we have on the arbitration is not unique.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself another 1 minute. Several times, over many years, this committee and its predecessor committee with authority over railroad issues has approved and the House has voted on Presidential Emergency Board to settle railroad labor disputes.

And in 1989, we moved legislation to establish an arbitration process to resolve the management labor dispute involving Eastern Airlines. Mr. Gingrich was the ranking member on the Aviation Subcommittee, and he voted in favor of it. Unfortunately, even though it passed the Senate, President Bush, the first, vetoed it. We are simply acting on precedent that has been the case in the House to attempt to resolve matters of this kind.

I yield such time as he may consume to the distinguished chair of the subcommittee, Mr. COSTELLO.

Mr. COSTELLO. Mr. Chairman, I thank Chairman OBERSTAR for recognizing me and the leadership and your support. No one knows more about aviation or transportation issues in this country than Chairman OBERSTAR, and I think everyone acknowledges that and respects him and his valuable input but the work that he does for this committee and on behalf of the American people.

To Mr. MICA and Mr. PETRI, as Mr. MICA has indicated, we have worked closely together on this legislation. As Chairman OBERSTAR has indicated, about 95 percent of what is in this bill was contained in the bill when the House passed it in September of 2007 by a vote of 267 Members passing the legislation. It truly was a bipartisan piece of legislation.

The bill provides increased funding levels, as Chairman OBERSTAR indicated, for the Airport Improvement Program, for the facilities and equipment program, and for the FAA operations. The funds we help improve our airports, upgrade our facilities, and modernize our air traffic control system.

In addition, we provide a consumer protection provision in this bill that forces airports and airlines to come up with an emergency contingency plan, and we install a consumer hotline for consumers to call the FAA for any complaints that they may have and any violations of the emergency contingency plans filed by the airports and airlines. For any violations, there are civil penalties.

It does establish a process to settle a labor dispute between the FAA and the controllers, and it takes steps to move us forward in upgrading our ground-based radar system to the next generation ATC.

The United States, I think we have to continue to point out, has the safest aviation system in the world; but in order to maintain that system and improve it, we need to pass this reauthorization bill. Let me make just a few comments regarding a few items that Mr. MICA mentioned.
Number one, the NATCA issue with the air traffic controllers. There is a process that is moving forward now with this administration. We hope that negotiations are successful, and we hope that there is a voluntary agreement. However, this bill does not contain a mechanism to help repeal legislation, Congress is not dictating to either the administration or to anyone what wages should be, nor do we address that in our bill at all. It has everything to do with the process, and nothing to do with salaries and benefits.

Number two, it deals with in fact two fundamental principles: the rights of workers and the right to collectively bargain. So if, in fact, you believe in collective bargaining, you will support the provisions in this bill, as we did through committee and we did in 2007.

Secondly, as far as two issues concerning the foreign repair stations, I think Chairman OBERSTAR addressed that issue, but let me just comment that I probably have more workers in my district that work in repair stations, domestic repair stations, than any other district in the country. If I thought for a moment that this was a job killer, I would not be supporting the provision in the bill. It is not a job killer. We have the right in the Congress and this legislative body under the agreements that we have with the European Union and others to move forward and insist that we have inspections of these foreign repair stations so that we can protect the American people. It is a safety issue.

And with that, let me just conclude by saying this is a good bill. We are 2 years behind schedule. We are passing this legislation. We appreciate the support and the bipartisan relationship in working together on this bill. We look forward to passing this bill today and then working with our colleagues in the other body to get an agreement so we can get a bill on the President’s desk.

Mr. Chair, today is an important day for the future of our aviation system. We are considering H.R. 915, the “FAA Reauthorization Act of 2009”. This comprehensive bill will provide a roadmap to modernize our air traffic control system, fund airport development, research programs, small community service and Federal Aviation Administration, FAA, operating expenses. H.R. 915 was produced after many hearings, in-depth analysis, and a continued dialogue with the FAA, our colleagues, and stakeholders.

Mr. Chair, this legislation is now almost two years behind schedule. In September 2007, the House approved a similar bill with a few additions, H.R. 2881, by a vote of 267 to 151. However, the reauthorization process has been slowed because of inaction by the other body. Since that time we have been acting under short-term funding extensions and continuing resolutions that are delaying key Next Generation Air Transportation System, NextGen, and airport capital development projects.

Although there are a few contentious issues that have marked this reauthorization process, virtually the entire aviation community—airlines, airports, general aviation, state aviation officials, and everyone communicating with us in a unified voice the need to get a multi-year reauthorization bill done as soon as possible.

The FAA forecasts that the airlines are expected to carry more than 1 billion passengers in 2021, 126 million more than in 2008. To deal with this growth, strengthen our economy, and create jobs, the FAA Reauthorization Act of 2009 provides historic funding levels for FAA’s capital programs. This includes $16.2 billion for the Airport Improvement Program, nearly $13.4 billion for FAA Facilities & Equipment, and $1 billion for Research, Engineering, and Development. The bill also provides $39.3 billion for FAA Operations over the next four years.

These funding levels will accelerate the implementation of NextGen, enable the FAA to replace existing facilities and equipment, improve airport development, and provide for the implementation of high-priority safety-related systems.

H.R. 915 also changes the organizational structure of the FAA’s Joint Planning and Development Office, JPDO, the body charged with planning NextGen. To increase the authority and visibility of the JPDO, H.R. 915 elevates the Director of the JPDO to the status of Associate Administrator for NextGen within the FAA, to be appointed by, and reporting directly to, the FAA Administrator. To increase accountability and coordination of NextGen planning and implementation, H.R. 915 requires the JPDO to develop a work plan that details, on a year-by-year basis, specific NextGen-related deliverables and milestones required by the FAA and its partner agencies.

Like the 2007 bill, we increase the passenger facility charge cap from $4.50 to $7.00 to help airports that choose to participate in the PFC program meet their capital needs. According to the FAA, if every airport currently collecting its PFC raised its PFC to $7.00, it would generate approximately $1.3 billion in additional revenue for airport development each year which strengthens our economy and creates additional jobs at a time when both are critically needed. H.R. 915 provides significant increases in AIP funding for smaller airports that rely on AIP for capital financing. The ability to raise the PFC and the increase in AIP funding provides financing for airport capital development that will help reduce delays.

The bill also dramatically increases funding for and improves the Essential Air Service program and reauthorizes the Small Community Air Service Development program through 2012.

To prevent another “meltdown” of the aviation system like what we saw during the summer of 2007, when the system was fraught with congestion, delays and poor customer service, H.R. 915 mandates that air carriers and airports create emergency contingency plans that are approved and enforced by the Department of Transportation, DOT. This legislation requires the DOT to receive and maintain a hotline for consumer complaints; expand consumer complaints investigated; require air carriers to report diverted and canceled flight information monthly; and create an Aviation Consumer Protection Advisory Committee. H.R. 915 also requires DOT to conduct schedule reduction meetings if aircraft operations exceed hourly capacity and are adversely affecting national or regional airspace.

Finally, H.R. 915 also provides civil penalties for the FAA.

Here at home and across the globe, more is being done to reduce energy consumption and emissions. The aviation community continues to be a leader in greening its operations. We further those efforts by establishing the CLEAN Engine and Infrastructure Technology Partnership, and the Green Towers Program, which was modeled after what is currently being done at O’Hare International Airport.

The United States has the safest air transportation system in the world; however, we must not become complacent about our past success. To keep proper oversight on safety at FAA, H.R. 915 directs the FAA to increase the number of aviation safety inspectors, initiates studies on fatigue, and requires the FAA to inspect at least 145 certified foreign repair stations at least twice a year. We also provide $4 million over four years for runway incursion reduction programs; $352 million over four years for runway status lights; and require the FAA to submit a strategic runway safety plan to Congress.

Combined with the tax title from Ways & Means, H.R. 915 does not impose new fees on airspace users. This concept has generated tremendous controversy and, frankly, has helped to seriously delay the reauthorization process. Instead, H.R. 915 would adjust the general aviation, GA, jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon, and the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon.

We believe that Airport and Airway Trust Fund revenues, coupled with additional revenue from the recommended GA fuel tax rate increases, and a reasonable General Fund contribution, will be sufficient to provide for the historic capital funding levels required to modernize the air traffic control system.

There are two provisions in the H.R. 915 that I believe are necessary for improving morale at the FAA; providing fair bargaining rights to employees of the FAA and at all express carriers; and helping to maintain safety in our aviation system.

The first provision requires that if the FAA and one of its bargaining units do not reach agreement during contract negotiations, the Federal Mediation and Conciliation Services are used or another agreed to alternative dispute resolution process. This process applies to the ongoing dispute between the National Air Traffic Controllers Association, NATCA, and the FAA. This legislation sends the FAA and NATCA back to the bargaining table where the FAA declared an impasse. It calls for $20 million in backpay and calls for binding arbitration if the FAA and NATCA cannot reach an agreement. These are the same provisions that were in H.R. 2881 that passed the House during the 110th Congress.

I have spent many hours trying to bring both sides together to work out their differences. Chairman OBERSTAR and I have conferred with the FAA and NATCA in hopes of reaching a voluntary agreement. I know Mr. MICA and Mr. PETRI have also spent time on this issue.
Unfortunately, an agreement could not be reached and that left us with only one clear course of action—binding arbitration.

I strongly believe in collective bargaining and bargaining in good faith with a fair dispute resolution process for both sides. Unfortunately, this did not happen in 2005 and we corrected that by adopting the Costello amendment with a strong bipartisan vote of 53–16. This amendment is included in H.R. 915 and will ensure fair treatment of FAA employees.

I am pleased Transportation Secretary Ray LaHood has appointed former Federal Aviation Administrator Jane Garvey to oversee a team of mediators to immediately address the contract dispute between the Federal Aviation Administration and National Air Traffic Controllers Association. President Obama has shown great leadership that will guide a positive way forward in which aviation safety professionals will be included as valued stakeholders.

The second provision provides consistency in collective bargaining rights throughout the express carrier industry by allowing ground handling workers to be covered under the National Labor Relations Act, which allows for organization at the local level. Those workers who are directly involved with the aircraft operation portion of those companies, like pilots and mechanics, would continue to be under the jurisdiction of the Railway Labor Act. This is consistent with how UPS is structured today and is identical to the provision in H.R. 2881.

With that Mr. Chair, I again want to thank you for working with me on this legislation. The bottom line is we need to get the FAA re-authorized and we need to do it now.

I urge my colleagues to support the bill.

Mr. PETRI. Mr. Chairman, I yield myself 1 minute, and then I yield 5 minutes to our ranking member, Mr. PETRI.

Just for the record, I want to call to the attention of Members—and we will try to get this distributed today—this bill, the way it is written, voids the 2006 contract with the FAA and air traffic controllers, and it reinstates the generous terms and pay raises of the 1998 contract which had about a 70 percent pay increase. Today, at noon the Government Accountability Office released this report on the effects of pay and compensation, particularly for air traffic controllers and FAA employees, and this substantiates what I’ve said and also substantiates the very generous compensation that was provided under the terms of the 1998 contract. This bill interferes, again, with pending negotiations that the President has started, and we’re hoping to resolve this matter.

I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI), our distinguished ranking member.

Mr. PETRI. I thank my colleague from Florida, the senior member of the Transportation and Infrastructure Committee, for yielding me this time.

In September of 2007, we passed a bill very similar to the one that we are considering today. Unfortunately, the Senate never acted so we find ourselves once again trying to enact a much-needed authorization bill. In the meantime, the program continues to operate under a series of extensions, the most recent one expiring September 30 this year.

While the current economic downturn has alleviated some of the delays in our ability to improve the flying public, we know that once the economy recovers the system will again feel overwhelming strain. So the urgency for this legislation remains.

The American Society of Civil Engineers issues its infrastructure report card every so often, and the most recent 2009 report card gives aviation a grade of only a D. This is actually a lower grade than the D-plus earned in the 2005 report card. So the condition of our aviation infrastructure is getting worse here in the United States, not better.

The bill before us increases Federal investment in aviation infrastructure, with funding for the Airport Improvement Program, which provides grants from the Aviation Trust Fund for airport improvements, increased to a total of $16.2 billion over 4 years. The Facilities and Equipment Program is increased to $13.4 billion.

It also increases the cap on the level of passenger charges that an airport can impose for capacity and safety projects. The cap was last raised 9 years ago, and the $4.50 maximum charge is now worth far less due to high construction costs and inflation.

One of the most important initiatives under way at the FAA is something known as NextGen to modernize the air traffic control system. We need to move away from a 50-year-old ground-based system to one that is modern, satellite-based, and which will increase the capacity of the system, lower costs, and increase safety. The bill before us will move that modernization process forward.

Mr. Chairman, there are a variety of other provisions in this bill that need to be enumerated, in this bill that will improve the aviation system in this country and which I strongly support.

However, as occurred last Congress, I am in the rather odd position of voting ‘no’ on final passage for my subcommittee’s bill. Back in the last Congress, the committee leadership worked together on a bipartisan basis to craft and introduce a good bill. But it failed. It failed because it was too expensive. It was, in the words of my distinguished chair of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER), a bill that was a splendid partner.

Ms. SLAUGHTER. I want to talk a moment about the safety of our skies and the frightening gap in training and oversight surrounding the commuter airline business.

One of the worst plane accidents in recent history occurred earlier this year on the night of February 12, just outside of Buffalo, New York. We lost 49 lives that snowy and icy night, and my thoughts are with the families and the victims.

Last week the National Transportation Safety Board conducted hearings, and we were shocked and saddened by the testimony and the revelations. I’m not here to revisit the sad last months of the crew or the 45 passengers who were lost that day. We still have many questions that must be answered and a lot of work to be done to ensure it never happens again. That is our responsibility and our mission.

I want to address the shocking conditions that many of these pilots are facing each and every day because of the lack of rigor and training and certification programs of commercial airline pilots. I hope we can shine a light on the appalling job that the FAA has done in recent years in regulating that industry. That’s why I’ve joined with my friends from New York, Mr. LEE and Mr. HIGGINS, to introduce an amendment mandating a detailed investigation by the General Accounting Office into this gap in training.

We need to look at the number of training hours required for new pilots,
how the carriers update and train the pilots, and what kind of remedial action is taken when pilots rate unsatisfactorily, among other things.

It is my belief that a thorough, top-to-bottom review of this issue is absolutely essential if we are to understand the true nature of today’s regional airline industry.

Most importantly, if we don’t get all the facts out and into the open, we are unlikely to be able to take meaningful steps forward. My idea is to work with colleagues on this issue and explore legislative remedies that we can take.

As I look around the Chamber, I am reminded that many Members of Congress also take flights to get home to their districts that are the regional airlines. And I take two of them every week. And in the gallery I’m sure there are visitors who have flown to Washington from their hometowns. Every day people from coast to coast in small cities and major hubs catch a plane from work to see a loved one, or simply to get away. All deserve the confidence that the pilots in the front of the plane are trained and ready for work when that aircraft pushes back from the tarmac.

It’s my understanding that the salary of one of the pilots on that plane was $16,000 a year. I can only imagine how little the attendants were paid. These young pilots earn far less than pilots at major carriers and struggle to make ends meet. My guess is it would surprise many of the passengers on a typical commuter flight to know the captain was paid less than a bus driver.

Worse still, we learned during the hearing that many of the pilots fly when they are sick and when they have not been able to have food. Imagine that. A pilot responsible for a plane full of men, women and children, who is sick but can’t take the day off; hungry and jetlagged, the whole way to lunch.

We have discovered the training is stunningly inadequate.

We have also discovered that the training for some of these pilots is stunningly inadequate. For example, the pilot in the Buffalo crash had apparently failed a hands-on proficiency exam not once but three times. He covered that up on his job application and the fact was not discovered until after the accident, according to the testimony we heard last week.

And the second pilot hired by Colgan, he actually failed two additional check rides but still was certified to fly. That’s five failed tests—five too many if you ask me.

Passengers on a typical flight would be horrified to learn that the pilot flying their plane was a repeat failure on such a basic skill test. And frankly the way that these pilots are assigned routes—which in many cases are hundreds if not thousands of miles from their homes—appears to me to be a recipe for disaster. In the case of the Buffalo crash, both pilots had flown from across the country just to arrive at that crash site near Buffalo and one from Seattle. Both had apparently slept in a lounge—if they slept at all. Trying to rest in a lounge or an airplane is not safe and we should not tolerate pilots being treated that way.

We need to reform this system so airlines and pilots can escape from this insane business of cross-carrying the country to work in different time zones for meager pay and the hope that one day they’ll work for a major airline.

It’s my intention to buckle down on this issue so we can put the focus less on the glamorous lifestyle of pilots and more on the quality of their training and certification and safety.

I encourage all of my colleagues to support this common-sense amendment and get some answers on the regional airline industry.

Mr. OBERSTAR. May I inquire of the Chair how much time remains on both sides?

The CHAIR. The gentleman from Minnesota has 10½ minutes and the gentleman from Florida has 14.

Mr. MICA. Mr. Chairman, I yield myself 15 seconds, and then I would like to yield 1½ minutes to the gentleman from Texas (Mr. BRADY).

Just 15 seconds to add in the RECORD that the repair station provision I will cite for different Members, in Mr. COSTELLO’s district, according to Midcoast Aviation, will cost us and kill 1,339 jobs.


Hon. JAMES L. OBERSTAR, Chairman, House Transportation and Infrastructure Committee

Hon. JOHN MICA, Ranking Member, House Transportation and Infrastructure Committee

CHAIRMAN OBERSTAR and REPRESENTATIVE MICA: This is to express great concern over the foreign repair station language contained in Sections 303 and 310 of H.R. 915 the FM Reauthorization Act of 2009. On behalf of GE Aviation, a world-leading producer of commercial and military jet engines and components as well as integrated digital, electric power, and mechanical systems for aircraft, we are very concerned that these provisions will compromise the U.S. competition in position. GE Aviation also has a global service network to support these offerings, including 29 repair stations in the United States and foreign countries. Our U.S. repair stations employ over 3,280 high-wage, highly skilled employees. If enacted as written, these sections could lead to retaliatory actions by the European Community, raise repair station initial certification and renewal costs twenty-fold, place U.S. repair stations at a competitive disadvantage in a very difficult economic environment, and put many thousands of American jobs at risk.

In recent conversations with the FAA, European officials have made it clear that, should these provisions be enacted, the European Aviation Safety Agency (EASA) would unilaterally and require the same twice-annual inspections of its U.S.-based certificated facilities. Based on EASA’s own estimates, certification costs for repair stations would increase from an average of $900 to $22,100 per station, if they conducted only one annual inspection per facility. Such a drastic increase in certification costs would pose significant hardships on repair facilities throughout the U.S.

There are approximately 2,000 FAA-certificated repair stations worldwide—over 1,300 of them are in the U.S. One of the drivers of the renewed focus on the NextGen initiative by deploying available state-of-the-art ground, air, and satellite-
based technologies as soon as possible. The Chamber believes that H.R. 915 would support this priority.

The Chamber supports the robust General Fund contribution to aviation programs contained in H.R. 915. Historically, General Fund revenues have been used to pay for a significant portion of the FAA’s costs, and they are essential to the public’s interest in a safe and efficient air transportation system. Throughout the FAA reauthorization discussions and development of the Chamber’s position, it has consistently stated that a robust General Fund contribution is key. Specifically, this contribution meets several vital national interests, including national defense; ensuring air preparedness; postal delivery; medical emergencies; and full implementation of a national air transportation system. According to the Governmental Budget Office, the average General Fund contribution to aviation programs from 2009-2012 will be 32%. With this General Fund commitment, the FAA will be in a position to work with industry to meet the public interest and manage the impending increase in passengers and the systems developed to provide for these passengers.

However, the Chamber is concerned with three provisions in this legislation.

The Chamber opposes Section 303 of the legislation unless amended to address serious international trade concerns. As written, the bill jeopardizes many of the 129,000 jobs at more than 800 Aviation Repair Stations (ARS) Agency (EASA)-certified aviation repair stations in 46 states. Section 303 calls for biennial FAA inspections of its certified repair stations overseas.

This provision violates the 2008 bilateral aviation safety agreement with the European Union (EU), which calls for reciprocity of both U.S. and European Aviation Safety Agency (EASA)-certified aviation repair stations. If this inspection requirement is applied to Europe, the EU would be forced to impose reciprocal requirements for European aviation personnel to inspect U.S.-based, E.U.-certified aviation repair facilities.

This requirement would result in a major increase in the associated fees charged to those U.S. facilities and could threaten thousands of American jobs by making international aircraft repairs in the U.S. more costly and less competitive. Preventing these jobs from crossing the border to competing businesses is simple and straightforward: Section 303 should be amended to be consistent with U.S. international obligations like the U.S.-E.U. bilateral aviation safety agreement.

The Chamber also opposes Section 24, which would automatically sunset existing grants of antitrust immunity and prohibit renewal unless the Secretary of Transportation determines whether to adopt new standards for authorizing international airline alliances and granting antitrust immunity. Alliances provide a way for U.S. airlines to serve their customers globally, strengthen their financial performance, and improve their economic and competitive position, and serve passengers through more frequent and convenient services and connecting options. Based on data from the Air Transport Association’s member airlines, this bill could cost as many as 15,000 U.S. airline jobs alone, not to mention the indirect effect on employment at other U.S. and international companies.

Finally, the Chamber strongly opposes Section 601 of the legislation, which would require application of a new dispute resolution process to any dispute between the NATCA and the FAA. Although the Chamber strongly supports and appreciates the work the air traffic controllers under- take, the amendment is unworkable and, if adopted, could seriously undermine the credibility and effectiveness of the Air Traffic Control System (NextGen). The NAM fully supports the creation of Next Generation Air Traffic Control System (NextGen). The NAM fully supports the goals of NextGen contained in H.R. 915 and applauds the emphasis of NextGen as a national infrastructure priority. However, the legislation must also call for an accelerated deployment effort that is focused on achieving critical outcomes over the next two to five years. The President’s identification and $800 million commitment to NextGen in the FY2010 budget request is a commendable first step but that funding level will not adequately accelerate NextGen efforts. Providing reasonable incentives for a successful deployment of the necessary technology must be a priority. NextGen is not a typical federal procurement and a program of this magnitude and complexity requires readiness, reliable, and robust funding stream in order to be successful.

The benefits of NextGen are real and the opportunity to reduce greenhouse gas emissions, reduce travel times, and provide greater system-wide throughput will reap rewards for years to come and help keep the United States competitive as the nation emerges from an unprecedented economic recession. As the Europeans introduce their version of NextGen, other nations with growing aviation opportunities in Asia and India, will look to the U.S. and European Union to guide the evolution of their air transportation systems. If the U.S. is not perceived as the leader in deploying this technology, then opportunities for U.S. manufacturers and workers will be lost forever.

I would like to bring to your attention an issue of great concern to our members who manufacture for the U.S.-based domestic air industry. This provision concludes with an air safety agreement between the U.S. and E.U. If H.R. 915 is enacted as written, the legislation calls for semi-annual FAA inspections of its certified repair stations overseas. Such FAA inspections in Europe will directly violate this agreement which calls for reciprocity of both aircraft certification and inspections of repair stations.

If H.R. 915 becomes law, the Chamber believes that H.R. 915 unwittingly provides the opportunity for our competitors to gain an advantage that will translate to fewer high-skill American jobs by making international aircraft repairs in the United States more costly and less competitive. Preventing job losses and maintaining a manufacturing and a skilled labor workforce in the current economic climate must be paramount. Additionally, if the current agreement breaks down to a point where it is unwound between the U.S. and E.U., then American access to European markets will be further challenged by the re-introduction of a redundant and inconsistent regulatory structure that will jeopardize exports of American aircraft, engines; and other components. The retaliation threat from the E.U. is real and we must work together to maintain the integrity of our existing agreements with our key trading partners.

The United States remains the leader in international aviation in terms of safety and competitiveness, but our rivals in Europe and Asia are not far behind and seek opportunities to get ahead of the iconic American aviation industry. The NAM is concerned that H.R. 915 unwittingly provides the opportunity for our competitors to gain an advantage that will translate to fewer high-skill and high-wage jobs in the U.S., less exports, and a further weakened aviation industry that is already challenged by the current economic environment.

Sincerely,

R. Bruce Josten, Executive Vice President, Government Affairs.

National Association of Manufacturers, Washington, DC.

April 30, 2009.
I find yet today on the House floor much of the time today is being spent talking about this very issue. And I first might say that perhaps the other 430 Members of this body too deserve the opportunity to weigh in on whether or not this provision is good or bad for America, specifically, good or bad for their district.

I’m not going to suggest to another Member that it’s going to be bad for their district. I can only speak for myself, and I will tell you, it will be. One company in my district, it may be a very small, Standard Aero in Springfield, Illinois, does $5 million of business, even given the economic downturn, working on aircraft from other countries. This provision that will require FAA inspections of foreign service stations, there’s no question what the result will be. The European Union, with whom we have an agreement now, will reciprocate, will retaliate. It’s not a question; they’ve been very clear. They’ve said it publicly. They’ve gone so far as to write a letter to this administration and this body stating that.

When that happens, they’ve also been very clear what will happen. They don’t have the inspectors to come over here to service our stations, to inspect our service stations. And as a result, our service stations who currently work on foreign aircraft will no longer be able to. There are over 1,200 of these stations, one of them in my town of Springfield, Illinois. So this question about what will happen is bogus. It’s been very clear.

The argument of safety has yet to be justified. The idea that additional inspections and duplicative inspections somehow makes us safer has yet to be justified. And since this agreement between the European Union and our country, which has made our inspections process more efficient, has been in effect for a number of years now, there’s been little evidence to suggest that it’s safer.

And at a time when we have a crisis on our hands with commuter aircraft and an inability within the FAA to provide adequate inspections and safety for the American citizens who travel on that aircraft, I would suggest that is where our money, our attention and the FAA’s time and talent ought to be focused.

I, too, agree there’s much good in this bill. But I’m, unfortunately, going to have to oppose it because of these provisions which will cost jobs in my district.

Mr. OBERSTAR. I yield 2 minutes to the distinguished chair of our Water Resources Subcommittee, Ms. Johnson of Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise to have a colloquy with the chairman.

The Dallas Area Rapid Transit, DART, has been a leader in promoting intermodal transportation in North Texas area region. And the City of Dallas plans to construct an intermodal connector that will provide passengers with an easy connection with the Dallas Love Field Airport. And I respectfully ask the distinguished chairman to work with me to ensure that Dallas Love Field Airport receives priority consideration for the program outlined in section 114 of this bill.

Expansion of passenger facility charge (PFC) to include Intermodal Ground Access Projects at Airports is of utmost importance to my congressional district.

This Committee cares deeply about intermodalism and I care deeply about intermodalism.

Mr. OBERSTAR. If the gentlewoman will yield.

Ms. EDDIE BERNICE JOHNSON of Texas. I will yield.

Mr. OBERSTAR. The provision in section 114 establishes a pilot program requiring four to five pilot projects to be determined by the Secretary of Transportation. I will gradually join with the gentlewoman and appeal to the Secretary on behalf of the Dallas project. I think it makes good sense. I think it would be a candidate and would be happy to support her in advocating for selection of the Dallas Love Field project.

Mr. MICA. Mr. Chairman, I yield myself 15 seconds.

I yield to the Chamber, Mr. Chairman, Congressman COHEN. And while he has some provisions in this that will do much damage to his district, the repair station jobs-killer provision will kill, could kill 218, I have a list of the companies, high-paying jobs.

I yield 2 minutes to the gentlelady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, I rise today to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Chairman, section 311 of the bill directs the FAA to complete its analysis and recommendations for updating the aircraft, rescue and firefighting standards at our Nation’s airports. I agree that the FAA should complete an update on firefighting standards, and commend the chairman for his dedication to improved safety at our airports. However, I am concerned that the pre-sunsetting language in section 311 would unnecessarily create a significant financial burden on small rural airports least capable of absorbing cost increases.

Will the chairman confirm that it is not the intent of H.R. 915 to saddle small airports and rural communities with unnecessary unfunded mandates?

Further, can the chairman assure me that he will work with me and other Members from rural districts to ensure that there is adequate flexibility in aircraft and firefighting standards to account for the unique needs of small rural airports?

I yield to the chairman.
Mr. OBERSTAR. I thank the gentlewoman for raising this issue and for yielding.

I, too, represent a district with a large rural area and many small airports. The standards for firefighting on board aircraft have not been updated for years and it is time to do that. It is not our intent that this updating should impose exceptional, unusual, or heavy burdens on small airports. In fact, the language in section 311(d) states that, during the rulemaking proceeding, the FAA shall assess the potential impact of any revisions to the firefighting standards on airports and on air transportation service.

We are going to be very clear that they take into account the unique circumstances. Many small communities can share firefighting services with local firefighting organizations.

The CHAIR. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield the distinguished gentlewoman another 30 seconds.

There are airports where that doesn’t exist, where that capability does not exist. So we will be watching the rulemaking process very carefully. I will be glad to work with the gentlewoman to ensure that in the process small airports are heard and that in the end their concerns are reflected.

Mrs. LUMMIS. I thank the chairman for his willingness to work together. I would also like to thank the gentleman from Nebraska, Mr. ADRIAN SMITH, for his valuable assurance on this important issue.

Mr. OBERSTAR. I now yield 1½ minutes to the distinguished gentleman from Georgia (Mr. JOHNSON), the chair of a subcommittee of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of the FAA Authorization Act of 2009, which deals with international airline alliances, which under current law, are eligible for antitrust immunity. I want to focus on section 425 in my limited time. It directs a study on the procedure by which these airline alliances are approved and given antitrust immunity. It would also sunset all such antitrust immunity in 3 years. After that time, the airlines would have to reapply under whatever new standards the Secretary of Transportation might set.

Mr. Chairman, sound antitrust policy is a critical part of ensuring that customers receive the full benefits of a competitive marketplace. As chairman of the Judiciary Committee’s Courts and Competition Policy Subcommittee, I’m committed to ensuring that international air transportation policy is properly reconciled with sound antitrust policy.

I appreciate the Transportation Committee’s commitment to this, and I also appreciate the Judiciary Committee for allowing us to share in this. I thank you very much.

Mr. MICA. I would like to yield myself 30 seconds to respond. Then I would like to yield 2 minutes to the gentleman from Ohio (Mr. LA TOURETTE).

Mr. Chair. I have my staff compile the number of jobs that would be killed in the Transportation and Infrastructure Committee members’ districts. The previous speaker from Georgia represents probably one of the busiest airports and activities in the United States, and he has expressed concerns. I don’t believe any jobs will be killed in his district. In Ms. Richardson’s district in California, which is suffering from a downturn in the economy, they could lose 1,015 jobs.

I will yield now, and I want to thank the gentleman from Ohio (Mr. LA TOURETTE). Mr. LA TOURETTE. I want to thank Mr. MICA for yielding to me.

I want to commend the chairman of the full committee, Mr. OBERSTAR; the chairman of the Appropriations Committee, Mr. COSTELLO; the ranking member of the full committee, Mr. MICA; and the subcommittee ranking member, Mr. PETTIT, for bringing us, again, this well-crafted bill.

It looks like the bill was very favorably received by a big margin here in the House during the last Congress. Sadly, the Senate couldn’t see its way clear to pass it.

I want to speak specifically on one issue. My time on the Transportation and Infrastructure Committee has come to an end, sadly, but I’d like to consider myself an ex officio member. That is the issue of the airline traffic controllers.

I am a Republican but I have to tell you that one of my great disappointments during the last administration is that I do believe President Bush was ill-served by his advisers who told him to deal with the air traffic controllers and to basically impose a contract on them.

I think everybody on this floor now engaged in the fight has been inside an air traffic control center and has seen these dedicated men and women who are peering in the dark at screens, controlling 10, 12, 15 jetliners filled with 138 or 150 Americans and travelers to our country, making sure that they get there safely.

Now, it’s not my belief that everybody who works in this country is entitled to have a contract that they’re happy with. It is my belief, however, that if a contract is a labor-negotiated contract, has the right to be happy about the process in which it was reached. This contract imposed by the last administration was not fair. I give credit to the Obama administration. I have been in a meeting with Secretary LaHood to try to move that process forward.

These people do an important job. Some people say they make too much money, but I’ll tell you what, that’s what you work on in negotiations. They have the right to have a contract where their representatives sit down and, eyeball to eyeball, talk to folks in the administration and get this done.

Mr. OBERSTAR. I yield 1½ minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise today to engage in a colloquy with the chairman. Mr. OBERSTAR. First, I want to thank you for recognizing the importance of the St. George Airport to my constituents in Utah.

As you know, on October 17, 2008, the City of St. George, Utah, and the Federal Aviation Administration broke ground on the construction of a new replacement airport that will provide air service to the over 300,000 residents of southern Utah. This is one of the few new airports being built in the country.

The total project will cost the $168 million, and airport operations are scheduled to begin on January 1, 2011.

The project is being funded largely through Federal grants, covered by a letter of intent from the FAA in the amount of $119 million. Unfortunately, St. George still needs funding for navigation aids, including an instrument landing system. These are critical of the safety of operations at the airport.

I appreciate the chairman’s recognition of Secretary LaHood’s commitment to fully fund the navigation aids component of the airport.

I remain committed, as I hope the committee will, to ensuring that the FAA funds these important safety enhancements by 2016.

With that, I would yield to the chairman.

Mr. OBERSTAR. I want to compliment the gentleman for his vigorous and persistent advocacy for the St. George Airport. I’m delighted that Secretary LaHood has committed to fund the navigation aids for the St. George Airport. We encourage him to stay on track, and we’ll continue to work with the gentleman in pursuit of that objective. Congratulations on your advocacy.

Mr. MATHESON. Well, I thank the chairman always for his support.

Mr. MICA. Mr. Chairman, I yield myself 30 seconds.

Again, the figures that I’m using about the job-killing provisions, particularly on the repair station provision, are not my guesstimates. These are provided by industry.

I don’t see Ms. Brown on the floor, but my colleague Ms. Brown and I share a district in Florida, its boundaries, and it’s estimated that 935 jobs could be lost. This is when our area is suffering from 10 to 15 percent unemployment, and these are high-paying jobs.

Mr. OBERSTAR. I yield now 2 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, today I rise to enter into a colloquy with the distinguished chairman of the Transportation Committee.

First of all, Mr. Chairman, I would like to thank you and Mr. COSTELLO for your strong leadership and for improving the safety of air ambulance operations. I want to thank you for working with us on this issue over the last
Mr. COSTELLO and I will work with the fixed-wing aero medical service safety. I can and should take action also on ttleman an additional 30 seconds. We have seen three fatal air ambulance crashes in my district. A flight crew from Steamboat Springs crashed on January 11, 2005. A few months later, on June 30, 2005, an EMS helicopter crashed in Mancos, Colorado. On October 4, 2007, we lost three lives near Pagosa Springs. Two of those involved fixed-wing aircraft, and that is why it’s so critical to improve the safety standards on all aircraft that provide air ambulance services.

Mr. LUNGER and I introduced legislation to increase the safety of all aircraft, not only of helicopters, and of pilots providing air ambulance services. Our legislation includes both helicopter and fixed-wing aircraft. I would like to ask if you would be willing to work with us to include all aircraft that provide air medical services in the future.

I yield to the chairman.

Mr. OBERSTAR. Mr. Chairman, the distinguished gentleman from Colorado has been most persistent and vigilant on this issue of aviation safety. As the gentleman rightly noted, there have been a number of air ambulance crashes in his district, two of which were fixed-wing aircraft.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield the gentleman an additional 30 seconds.

We intend to concentrate the attention of the FAA on helicopters because the preponderance of the problem has been helicopter services, but the FAA can and should take action on all the fixed-wing aero medical service safety. Mr. Costello and I will work with the gentleman not only to ensure that helicopter ambulance service is held to the highest standard but also that of fixed-wing aircraft.

I appreciate the gentleman’s persistence on this subject and his knowledge on the issue.

Mr. SALAZAR. I appreciate the chairman’s commitment, and I look forward to continuing to work to-gether.

Mr. MICA. Mr. Chairman, I would like to yield myself 30 seconds.

Well again, I’ve talked about the job-killing potential of this antitrust provisions. We have worked together to put them there. There are some hiccups here and there are some things we wished we were not in the bill. I have great concern about this repair station provision and the jobs that it does kill. I don’t know how many. All I have is the information. We took the information from the districts of the other members on the sub-committee, and it’s 11,000. This is a bipartisan job-killing provision—11,442 just on our small subcommittee in Congress. We can’t take that chance now.

Now, you heard Mr. JOHNSON, I believe, from Georgia talk about the antitrust provisions. And we’re told by the Air Transport Association the job-killing potential of that antitrust provision that was not in the bill that was voted on by Congress last time, it’s a new provision and a job-killing provision.

Our interest here is putting people to work and making this system safe, not doing away with jobs. So we’ve got to make sure that the provisions of this bill are sound for safety, sound for the current operations of our Federal Aviation Administration system, and sound, also, for the future.

With that, I pledge to work with my colleagues because this bill will probably pass today. I wouldn’t want to go back during Memorial Day and say I voted, however, for a measure—and we just heard Mr. COHEN from Tennessee make a plea because this has job-killing provisions for him—and say this may kill high-paying jobs in your dis-trict.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the minute and a half remaining.

I would not want to come back on this floor at some future date and have to respond to an air tragedy because an aircraft wasn’t properly inspected in a foreign repair station that was not properly supervised or supervised by U.S. personnel. We have the personnel in Europe to do the inspections. If the Eu-ropean community says—and they’re
crying wolf, they’re screaming inanities here that they don’t have the personnel to inspect mutually in the U.S., then that’s their problem. It’s not ours. But I want to say that the Congressional Antitrust Modernization Commission recently made this recommendation: “Statutory immunities from the antitrust laws should be disfavored. They should be granted rarely and only where, and for so long as, a clear case has been made that the conduct in question would subject the actors to liability and that it is necessary to satisfy a specific societal goal that trumps the benefit of the free market to consumers and to the U.S. economy in general.”

We are not terminating alliances. The language in this bill says that the antitrust authority shall expire at the end of 3 years. The alliance can continue. There is nothing wrong with alliances, but no one in this society deserves permanent immunity from the antitrust laws today, and that is what Bob Crandall, one of the greatest innovators in aviation history said that the antitrust immunity should not be allowed.

Mr. COHEN. Mr. Chair, I rise to express my concern with the FAA reauthorization bill in its current form.

The FAA Reauthorization bill contains many good improvements that will benefit aviation and the nation as a whole. However, the bill includes a provision that is completely unrelated to the FAA and could have the most damaging effect on the constituents in my district of Memphis. I am very concerned about the inclusion of language that seeks to change the laws with respect to only one company, FedEx Express, which is the largest employer in my district. The Federal Express Corporation, which includes FedEx Express, employs approximately 30,000 hard working Memphians.

The FAA reauthorization bill, as currently drafted, includes a provision that would shift the economic responsibility from the company, FedEx, from coverage under the Railway Labor Act (RLA) to governance under the National Labor Relations Act (NLRA). FedEx Express and FedEx Corporation have been governed under the Railway Labor Act (RLA) since their inception. Some have said this change will put FedEx Express on an even playing field with competitor United Parcel Service (UPS). However, this is not accurate. Unlike UPS, which started as a walking/bike messenger system, FedEx Express has always been a cargo carrier. I can understand why UPS would want their top competitor to be under the same labor laws. However, the two companies have different origination histories.

There are over two decades of findings by the Federal courts, the National Labor Relations Board and the National Mediation Board that reaffirm Federal Express is an “express carrier” under the Railway Labor Act. The Ninth Circuit United States District Court in California has also reemphasized this and it is the law. If it is the intent of Congress to do away with the Railway Labor Act that is one thing, but it’s another to simply pick out one term because of one company. There is a long history with respect to our nation’s labor laws, and the inclusion of three types of entities under the Railway Labor Act: railroads, airlines and express carriers.

This is a very complex issue that could have drastic consequences, which could negatively impact the airline employees. A hearing should have been held in order to have an adequate public exploration of the policy surrounding the issue or the effect on private industry and the nation, or in this case, one company.

Mr. Chair, by my long legislative career, I have always been a strong supporter of collective bargaining and I have been a long-time friend to labor. I have stood with them on important issues, like minimum wage, Davis Bacon, and trade agreements to protect American jobs and support American standards. However, this is not about denying workers an opportunity for collective bargaining, this provision is about switching the jurisdiction of a technical term in our labor laws in order to affect one company. Because this provision was included in the FAA reauthorization bill, it passes through the Memphis Chamber of Commerce and the Memphis Airport Authority to oppose it.

The question is one of fairness. Laws should not single out a person or a company, particularly when the law does not properly fit the circumstances. The language, making this so-called technical change will have a devastating effect upon the biggest employer in my District. In this already tough economic climate, the effects will be felt beyond Tennessee’s Ninth Congressional District because FedEx is a great economic presence in our country and our world. Now more than ever, we need a steady stream of interstate commerce, which could very well be disrupted by this legislation. Such a disruption could cripple our economy.

Mr. KLEIN of Florida. Mr. Chair, I rise today in strong support of H.R. 915, the FAA Reauthorization Act of 2009, and to commend Chairman OBERSTAR and Aviation Subcommittee Chairman COSTELLO for their leadership in bringing this bill to the floor today. This necessary legislation will address the complex challenges facing our nation’s aviation system, from the way we track our planes to the way we treat our passengers.

I was proud to author a provision in this legislation that would add an important layer of protection for consumers who endure unacceptable travel conditions. It came as a response to the alarming rate of complaints our constituents had over the past few years. Clearly, there are problems with our airline system. An aging infrastructure, outdated technology, an over-stretched workforce, and poor weather have all been cited as problems.

It’s true that despite these challenges, lots of passengers reach their destination without difficulty, and it’s great compliment to the men and women who work at the airlines to keep the system running. But one can’t deny that many Americans are frustrated. One of my constituents sat on the tarmac for three hours before her flight was canceled and couldn’t board another flight until the next day.

Mr. Chair, the American people deserve better. They’ve paid their hard-earned money to fly on a plane, so they should get to their destination without serious problems.

My provision in H.R. 915 will add an important layer of protection by requiring the Department of Transportation to investigate consumer complaints for a broad range of issues, including flight cancellations, overbooking, lost baggage, ticket refund problems, and incorrect or incomplete fare information. My provision will keep them from the wheel. The Department of Transportation already operates a division that handles airline consumer complaints with authority to issue warnings and fines.

What I am proposing is a simple expansion of the division so that they have the authority and resources to investigate a wide range of legitimate consumer grievances. I think that’s a fair and reasonable response to the overwhelming problems the American people have endured.

As we move forward to conference with the Senate, I also want to emphasize the important safety measures in this legislation.

Proper safety begins with having enough inspectors on the ground. This is a continuing concern at a general aviation airport in my district. The airport is not based at the airport, and random and scheduled inspections don’t seem to meet the airport’s needs.

Fortunately, H.R. 915 will provide a much-needed boost in the number of safety inspectors to ensure that every plane in the sky has been thoroughly cleared for takeoff.

This legislation will also hold the FAA accountable to the highest safety standards possible. Over the last several years, the FAA unfortunately had wavered from their core mission by treating the airlines, and not the American public, as its customers. The results were serious safety lapses. In the worst case, Southwest was allowed to fly 117 of its planes in violation of mandatory safety checks.

H.R. 915 will create an independent whistle-blower investigation office to help serve as a watchdog, and it will close the revolving door between FAA officials and the airline industry. Make no mistake: the buddy system between FAA and the airlines must end.

Finally, I am pleased that both Congress and the Obama Administration are reaffirming our commitment to the dedicated men and women who operate our air traffic control towers. Staffing shortages at many towers are at a critical mass, forcing controllers to work longer hours and potentially exposing them to dangerous levels of fatigue.

We must turn the page on the old way of treating our air traffic controllers and end the standoff between them and the FAA. Central to this will be a collective bargaining agreement that’s fair and worthy of the men and women who keep our skies safe.

I am hopeful that the current negotiations ordered by Secretary LaHood will be fruitful. But if not, the binding arbitration process set up in this bill will be important. I participated in numerous arbitration hearings as an attorney, and I believe this strategy will be a smart way forward to a new collective bargaining agreement.

For these reasons, I urge my colleagues to support H.R. 915.

Mrs. BLACKBURN. Mr. Chairman, I rise in opposition to H.R. 915. The legislation before the Committee today detrimentally impacts the American job creation, and will further exacerbate the federal deficit during an economic downturn. Both effects of the legislation are inexorable while Americans strive to cope with
The legislation includes two provisions that if adopted, will almost certainly lead to job loss and the prevention of economic expansion for successful American corporations. Primarily, H.R. 915 rewrites modern aviation labor law by requiring FedEx Express employees to organize under the National Labor Relations Act (NLRA) rather than the Railway Labor Act (RLA). Organization under the RLA allows for a symbiotic and prosperous relationship between management and its employees, and has been a successful organizing tool for both since 1971.

Amending current law to force FedEx Express employees under the auspices of the RLA will almost certainly disrupt the company’s plans for economic expansion. According to FedEx, the change in law would threaten “FedEx’s ability to provide competitively priced shipping options and ready access to global markets.” Both of these elements are critical to the company’s growth over the past 38 years and to the continued competitiveness of the U.S. airline industry, and threaten at least 15,000 domestic airline jobs.

Finally, the legislation authorizes an $84 billion outlay from a federal budget already stretched thin by trillions of dollars in deficit spending. This staggering increase impacts both mandatory and discretionary spending, and will only add to the credit card tab mounting at an astonishing pace in only five months of unified Democrat leadership.

I urge my colleagues to oppose H.R. 915. Ms. JACKSON-LEE of Texas, Mr. Chair, I rise today in support of H.R. 915, the Federal Aviation Administration (FAA) Reauthorization Act of 2009. I also want to thank Chairman OBERSTAR and the Committee on Transportation and Infrastructure as they continue to mine the wealth of our national transportation projects. They face not only the reauthorization of the FAA but also reauthorization of SAFETEA-LU and other major legislation in the areas of transportation—I look forward to working with them on the many projects going on in Texas and my district of Houston.

Mr. Chair, as the Subcommittee chair for Transportation Security and Infrastructure protection, with jurisdiction over TSA, I am pleased to see that this Act authorizes $70 billion for the FAA through FY 2012.

There are significant improvements required to modernize the Air Traffic Control system, as well as to stabilize and strengthen the Airport and Airway Trust Fund. It includes $16.2 billion for the Airports Improvement Program, and $39.3 billion for FAA Operations. It also provides significant increases in funding for smaller airports.

Provides $13.4 billion for air traffic control including for accelerating the implementation of the Next Generation Air Transportation System (NextGen), enhancing FAA to reorganize existing facilities and equipment, and implementing high-priority safety-related systems. Includes a fiscally responsible incentive in the general aviation jet fuel tax rate in order to modernize air traffic control.

Increases the maximum Passenger Facility Charge to $7.00 from $4.50 to combat inflation and to help airports meet increased capital needs. Based on the needs of the airport, local governments and airport authorities decide on these fees, which could raise an additional $1 billion for airport modernization to help fill the gap left by the federal program.

Creates an independent Aviation Safety Whistleblower Investigation Office within the FAA; also mandates a two-year “post-service” cooling off period after FAA inspectors leave the agency, during which they cannot go work for the airline that they were previously responsible for overseeing.

Requires the FAA to submit a strategic runway safety plan to Congress.

Requires the FAA to contract with the National Academies to conduct a study on pilot fatigue, and update, where appropriate, its regulations regarding flight and duty time requirements for pilots.

Requires airlines and airports to have emergency contingency plans to take care of passenger needs in the event of tarmac delays, including plans on deplaning after a lengthy delay. These plans must account for the provision of food, water, clean restrooms and medical care for passengers. DOT can fine those who fail to develop or comply with these plans.

This bill will not impede ongoing alliances such as United Airlines and Continental Airlines by any Antitrust provisions in the bill. This is an important alliance to keep U.S. Airlines competitive.

Directs the FAA to meet with air carriers, if flights exceed FAA’s maximum arrival/departure rates and are adversely impacting the airspace, to ensure flight schedule reductions.

In 2005 the FAA, Texas Airports Development Office selected the Houston Airport System (HAS) as Airport of the Year. The Texas Airports Development Office makes a selection of the outstanding primary-commercial service airport each year. There are twenty-six primary-commercial service airports in the state of Texas—each enplaning in excess of 10,000 passengers annually, I believe the Houston Airport System can achieve this again next year.

As Members of Congress, we are continually flying back and forth from our District offices to Washington, DC. As a subcommittee chair responsible for TSA and Transportation Security, I pay particular attention to the safety of the employees and the public in our airports. I believe this Act will improve both of these issues.

Mr. Chair, I proudly support this reauthorization Act for what it does to support transportation and aviation safety goals for our nation.

Mr. GORDON of Tennessee. Mr. Chair, I rise today in support of the “FAA Reauthorization Act of 2009”. The bill that is before us represents Congress working together on a bipartisan basis across committee boundaries to meet the needs of the American people. I am pleased that the base text of H.R. 915 includes the updated set of provisions of H.R. 2698, the “Federal Aviation Research and Development Reauthorization Act of 2007”, which was passed unanimously by the Science and Technology Committee in the 110th Congress.

I appreciate the leadership of Transportation and Infrastructure Committee Chairman JIM OBERSTAR and Aviation Subcommittee Chair JERRY COSTELLO and their willingness to work with my committee to ensure that our provisions were included so that we can protect this House-passed, bi-partisan piece of legislation. I also want to express my appreciation to Transportation and Infrastructure Committee Ranking Member JOHN MICA and Aviation Subcommittee Ranking Member TOM PETRI. In addition, none of this would have been possible without the support and cooperation of Ranking Member RALPH HALL. I feel that our work together across party lines and across committee jurisdictions is in many ways a model of how committees should cooperate to move important legislation.

Mr. Chair, in view of the limited time, I will not dwell on the many good provisions included in this bill. I would simply assure my colleagues that this legislation builds on funding in sections 102 and 104 for a number of important R&D programs related to improving safety, reducing noise and other environmental impacts, and increasing the efficiency of the air transportation system. In addition, the bill establishes important new research initiatives to assess the impact of environmental climate, research on runway materials and engineered materials restraining systems, and aviation gas, as well as calling for independent assessments of FAA’s safety R&D programs and its energy and environmental R&D programs.

This legislation also incorporates provisions intended to ensure that the Next Generation Air Transportation System [NextGen] initiative succeeds. Everyone recognizes that changes are needed to our air transportation system. Thus this bill includes measures to address the needs of the NextGen system, including strengthening both the authority and the accountability of the NextGen Joint Planning and Development Office—JPDO—because the success or failure of NextGen is going to determine in large measure whether or not the nation will have a safe and efficient air traffic management system in the future.

However, it is clear that FAA cannot ensure the successful development of the nation’s future air transportation system on its own. As the establishment of the interagency JPDO by Congress in the Vision 100 Act indicates, it is going to take the combined efforts of multiple federal agencies, working in partnership with industry and the academic community, to make the NextGen initiative a success. NASA, in the near term, has an important role to play, and that is something that the Science and Technology Committee will devote attention to as we work on reauthorizing NASA in this Congress.

For now, however, our focus is on the FAA, and I think that H.R. 915 is a good bill that will
help ensure that America’s aviation system remains safe and preeminent in the world. I support the bill, as well as the manager’s amendment that will be offered by Chairman OBERTAR that contains several provisions in the jurisdiction of the Science and Technology Committee.

I urge my colleagues to support H.R. 915.

Mr. TIBERI. Mr. Chair, I rise today to express my support for the provisions in this bill that would establish a fair process for addressing contract disputes between the FAA and our country’s air traffic controllers.

Air traffic controllers ensure the safety of air passengers every day. I thank the air traffic controllers in my Central Ohio district, across Ohio and across the country for their hard work and dedication in keeping our skies safe. In 2006, I cosponsored legislation that would have required the contract dispute between the FAA and the Air Traffic Controllers Association to be submitted to binding arbitration if the two parties did not reach an agreement. Unfortunately, this did not happen.

The provisions in H.R. 915 are a good start and I rise in support of them today.

Ms. HARMAN. Mr. Chair, I rise in support of Chairman OBERTAR and this important legislation—and to address provisions that relate to staffing air traffic control towers.

Safety is the most crucial and fundamental feature of America’s aviation system. Experience is a huge component of safety. This was demonstrated in the heroic landing by Captain Sullenberger on the Hudson River in the past January. It was also demonstrated by air traffic controllers on 9/11, when the national aviation system was shut down and they landed all planes across the country safely.

In this transformation, we have seen a significant increase in the number of air traffic controllers retiring. As a result, there has been a need to hire and train new air traffic controllers. Our aviation system has been forced to hire a very large number of new controllers very quickly—no small feat, given the high level of skill and training necessary to do the job. But we can’t cut corners with filling crucial positions. I have concerns because the FAA counts controllers who are still training and not fully certified as staff when determining if an air traffic facility is fully staffed.

According to the FAA’s “A Plan for the Future 10-year Strategy for the Air Traffic Control Workforce 2009–2018,” Appendix A states these staffing ranges include the number of controllers needed to perform the work. While most of the work is accomplished by CPCs, work is also being performed in facilities by CPC–ITs and position-qualified developments who are proficient, or “checked out,” in specific sectors or positions and handles workload independently of other CPCs. CPCs are certified professional controllers and CPC–ITs are certified professional controllers in training, those that transferred from other facilities, and developments are new hires.

Trainees are used in the airport in my district, Lambert St. Louis International Airport, that are especially reliant on AIP funding. Also, critical to funding these projects. Additionally, this legislation will increase the cap on passenger facility charges from $4.50 to $7.00. This increase would generate $1.1 billion in additional revenue for airport development annually.

I am pleased to see a significant increase in the Airport Improvement Program. Over the four year life of the bill’s authorization this amounts to an additional $1 billion in authorized funds for AIP. This increase in funding will be especially helpful to airports, like Lambert St. Louis International Airport, that are especially reliant on AIP funding. Also, critical to handling the expected increases in the number of passengers is modernizing our air transportation system.

The FAA Reauthorization includes $13.4 billion for FAA Facilities and Equipment to accelerate the implementation of Next Generation Air Transportation System to modernize our air transportation system.

Again, thank you for the time and I urge my colleagues to support this transformative FAA Reauthorization.

Mr. GARRETT of New Jersey. Mr. Chair, I rise today to express my disappointment with this legislation, the FAA Reauthorization Act of 2009. For many years now, I have fought the FAA on their so-called New York/New Jersey/Philadelphia airspace redesign plan. This plan would redirect thousands of flights per year over the houses of many of my constituents. This increased aircraft noise affects people’s daily lives in many ways. It is more than a nuisance. Aircraft noise can adversely affect children in schools; the elderly in nursing facilities; pregnant women; and families in their homes. Additionally, these homes may decrease in value as a result of this aircraft noise.

Proponents of the airspace redesign have long maintained that it is necessary to redesign the airspace because a significant portion of delays in our national airspace derive from the tri-state area. We have long maintained that redesigning the airspace would have very little effect on delays but would adversely affect the lives of thousands of people. Yesterday, I, along with Congressmen Jim Himes and ROYDY FRELINGHUYSEN submitted an amendment to the Rules Committee. This amendment would have prohibited the FAA from continuing its implementation of the

That is why I support sections, 607, “FAA Air Traffic Controller Staffing” and 608, “Assessment of Training Programs for Air Traffic Controllers.”

Section 607 authorizes a National Academy of Sciences study on FAA’s assumptions and methodologies in determining staffing needs for air traffic controllers. Section 608 authorizes a study by the FAA to assess the adequacy of training programs for air traffic controllers.

These studies will provide us with information to ensure we have the right numbers of staff qualified air traffic controllers staffing our aviation system. If we don’t, we must ensure that only those with the training and experience necessary keep the flying public safe and fill these positions. I want to thank Chairman OBERTAR for his leadership on this legislation and for including these important provisions in the bill.

Mr. ORTIZ. Mr. Chair, I rise to support my colleague from Texas.

With the continuing emphasis on renewable energy programs as part of our national energy policy, it is unavoidable that we will have situations where FAA radars and renewable energy facilities, especially wind turbines, will compete for prime locations.

This amendment gives the FAA the executive direction necessary to address these situations.

Under our amendment, the FAA is directed to study their radar facilities and review conflicts with renewable energy facilities. To mitigate these situations, the Administrator is directed to develop an administrative process for relocating radar facilities when it is appropriate and necessary.

I ask my colleagues to support this amendment.

Mr. LIPINSKI. Mr. Chair, I rise in strong support of H.R. 915, the FAA Reauthorization Act of 2009. I would like to commend Chairman OBERTAR and Chairman COSTELLO for their excellent leadership on this bill and for their continued dedicated service on transportation issues.

H.R. 915 contains a number of critical provisions that will not only upgrade and modernize our nation’s air transportation system, but will significantly enhance and expand protections for consumers.

As a member of the Transportation Subcommittee on Aviation, I was especially pleased to work with the Chairmen and others to write a number of these pro-consumer/pro-environment provisions, which include: holding airlines more accountable for delayed passenger bags, requiring airports to consider implementing recycling programs, establishing a federal research center to develop alternative jet fuels, funding research to eliminate the use of lead in aviation gas, and requiring an open, competitive process for airport projects with the use of OBS.

Additionally, I am pleased that this bill will take a close look at the impact of airline antitrust immunity on competition and then require DOT to adjust its existing policies accordingly.

Mr. Chair, I would like to thank Chairman OBERTAR and Chairman COSTELLO for their hard work on this legislation and urge my colleagues to join me in voting for its passage.

Mr. CARNAHAN. Mr. Chair, as a Congressman from St. Louis a major aviation hub and a member of the Aviation Subcommittee, I rise today in strong support of the FAA Reauthorization.

Thanks to Chairman OBERTAR and C OSTELLO for their leadership and dedication to bring this bill to the floor again.

A long term reauthorization of the FAA is long overdue. We need a four year reauthorization to provide stability to airport development projects and modernizing the aging air traffic control system.

This legislation authorizes nearly $70 billion in needed investments in FAA programs over the next four years to help meet the growing demand on our system. The Federal Aviation Administration estimates over the next seven to twelve years our airlines will carry more than one billion passengers. Without expanded capacity airports will not be able to serve the increases in passengers.

Airport capital investment is critical to accommodate growth and improve service. As you all know passenger facility charges are critical to funding these projects. Additionally, this legislation will increase the cap on passenger facility charges from $4.50 to $7.00. This increase would generate $1.1 billion in additional revenue for airport development annually.

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Mr. Chair, I would like to thank Chairman OBERTAR and Chairman COSTELLO for their hard work on this legislation and urge my colleagues to join me in voting for its passage.
airspace redesign until it conducted a study on alternatives to reduce delays at the four airports considered in the redesign; including studying whether reducing overscheduling and the use of smaller aircraft by air carriers would have a greater effect on reducing delays than the redesign. I would like to reiterate it again: we cannot on general aviation gasoline and jet fuel. Mr. WAXMAN is a 56 percent tax hike and will result in all passenger Facility Charge or “PFC” tax increase. The increase, from $4.50 to $7 per passenger, will follow our lead and move this important legislation.

Mr. Chair, I rise today in support of this bill, H.R. 915, I specifically support provisions in the bill which will require FAA inspectors to monitor overseas stations that repair U.S. aircraft. The FAA has an obligation to ensure that FAA-certified facilities meet U.S. standards, and we cannot abrogate this responsibility based on threats of retaliation from foreign governments looking to protect their own economic interests.

Mr. MACK. Mr. Chair, I rise today to speak about the FAA Reauthorization bill. First, I want to thank Chairman OBSTER and Ranking Member Mica for their leadership and continued work on this legislation. While we need to pass this bill; the FAA has proposed several measures to address safety concerns at Santa Monica Airport. I appreciate the Committee’s ongoing interest in addressing this serious issue.

Santa Monica Airport is a unique General Aviation facility located in my congressional district. Built in 1922, the airport has no runway safety areas, which are now required by the FAA to reduce damage and loss of life in the event that an aircraft overshoots the runway or fails to lift off. The airport’s single runway is bordered by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet from the runway. As flight traffic at the airport has increased, particularly among larger jets, so have concerns that any plane overshooting the runway would be at great risk of landing in the neighborhood.

For nearly a decade, I have joined the community, the City of Santa Monica and the Airport Administration to push the FAA to address this serious safety gap. While the FAA initially overturned the Air Traffic Control Agreement, its response has at times been marked by delay and unfortunate acts of bad faith. Its proposals have simply fallen short of addressing the safety needs of the airport. Some proposed changes could seriously undermine emergency response capability at the airport, while others could be insufficient to stop a larger jet from an overrun into the surrounding streets and homes.

My constituents and the crews and passengers that use Santa Monica Airport deserve to have the confidence that airport operations meet FAA safety guidelines and go beyond the barest minimum enhancements previously offered by the FAA. The amendment expresses the sense of Congress that the incoming Administrator of the FAA should take a fresh look at this issue. I urge the new Administrator once more to enter into good faith discussions with the City of Santa Monica to achieve runway safety area solutions consistent with FAA design guidelines to address the safety concerns at Santa Monica Airport. When safety is at stake, time is of the essence.

Mr. LARSEN of Washington. Mr. Chair, I rise today to speak in support of H.R. 915, the Federal Aviation Administration Reauthorization Act. This bill provides historic levels of funding for FAA’s critical work to improve safety, efficiency and reliability of our nation’s airports, and modernize our air transportation system. H.R. 915 will help accelerate the implementation of FAA’s Air Traffic Control Modernization and Next Generation Air Transportation System. NextGen will increase the capacity and efficiency of our national air transportation system, which will help accommodate expected increases in air traffic. H.R. 915 also increases oversight of NextGen and mandates that FAA develop a detailed plan for how they will deliver results for the airline industry and the flying public.

This legislation invests in our nation’s airports by providing $16.2 billion for the Airport Improvement Program. This historic funding level also includes a significant increase in AIP funding for smaller airports, like many in my district. H.R. 915 also makes critical improvements in aviation safety, including stronger air carrier safety oversight provisions and an increase in the number of aviation safety inspectors.

I commend Chairmen OBSTER and COSTELLO for addressing this ongoing dispute between the National Air Traffic Controllers Association and the FAA over failed contract negotiations by establishing a binding dispute resolution process and requiring the parties to go back to the negotiating table. The bill also fixes a long-standing disparity in the way employees of express delivery companies are treated under our nation’s labor laws. This provision will help restore collective bargaining rights to this critical workforce.

This legislation is not perfect, but it makes critical improvements to our nation’s air transportation system to create jobs and strengthen our economy. I urge my colleagues to support this bill.
Mr. TANNER. Mr. Chair, I rise today to thank Chairman OBERSTAR and Ranking Member MICA for bringing the FAA Reauthorization bill to the floor today. For the most part I am supportive of their efforts; however, I must express concern with a provision in this bill that would change the labor status of the employees of FedEx based in Memphis, Tennessee, and important to our regional economy.

FedEx has been covered by provisions of the Railroad Labor Act for decades. I am disappointed that this legislation attempts to overturn the years of legislative and legal precedent by now putting FedEx under the National Labor Relations Act. FedEx was founded in 1973, and every court and agency to address the issue since then has found FedEx to be subject to the RLA, because national labor and transportation policy mandates that integrated, multi-modal transportation networks be subject to the processes of the RLA.

I do hope the Committee will consider my views and the views of those I represent in Tennessee, who depend on FedEx staying competitive. Because of the adverse effects this provision would have, I urge House conferees to eliminate this provision during its conference with the Senate. These provisions, which I oppose, should stand alone in separate legislation so all parties can come to the table and offer their ideas and concerns.

Mr. Chair, the complexity of this issue requires further debate from all parties affected.

The CHAIR. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Transportation and Infrastructure, printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 111–126, modified by the amendment printed in part B of that report, shall be considered as adopted and shall be considered as an original bill for purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

SECTIONS 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FAA Reauthorization Act of 2009.”

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

1. Short title; table of contents.


3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning 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. Heightened PFC elegance for bicycle storage.

Sec. 112. Award of architectural and engineering contracts for airside projects.

Sec. 113. Intermodal ground access project pilot program.

Sec. 114. Intermodal ground access project pilot program.

Sec. 115. Impacts on airports of accommodating connecting passengers.

Sec. 116. Update on overflights.

Sec. 117. Registration fees.

Sec. 118. D—AIP Modifications

Sec. 119. Amendments to AIP definitions.

Sec. 120. Solid waste recycling plans.

Sec. 121. Amendments to grant assurances.

Sec. 122. Government share of project costs.

Sec. 123. Amendments to allow state governments to participate in disaster recovery assistance.

Sec. 124. Calculation of State apportionment fund.

Sec. 125. Reducing apportionments.

Sec. 126. Minimum amount for discretionary fund.


Sec. 128. Use of apportioned amounts.

Sec. 129. Sale of private airport to public sponsor.

Sec. 130. Air privatization pilot program.

Sec. 131. Air security program.

Sec. 132. Sunset of pilot program for purchase of airport development rights.

Sec. 133. Extension of grant authority for compatible land use planning and projects by State and local governments.

Sec. 134. Repeal of limitations on Metropolis Washington Airports Authority.

Sec. 135. Midway Island Airport.

Sec. 136. Puerto Rico minimum guarantee.

Sec. 137. Miscellaneous amendments.

Sec. 138. 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 airport development and transportation oversight system.

Sec. 206. FAA review of challenges associated with transforming to the Next Generation Air Transportation System.

Sec. 207. FAA 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. Review of operations for enterprise architecture for Next Generation Air Transportation System.


Sec. 211. Clarification of authority to enter into cooperative agreements.

Sec. 212. Definition of air navigation facility.

Sec. 213. Improved management of property conveyed.

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 abandonned 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.

Subtitle B—Unmanned Aircraft Systems

Sec. 312. Commercial unmanned aircraft systems integration plan.

Sec. 313. Special rules for certain unmanned aircraft systems.

Sec. 314. Public unmanned aircraft systems.

Sec. 315. Definitions.

Subtitle C—Safety and Protections

Sec. 316. Aviation safety whistleblower investigation office.

Sec. 317. Modification of customer service initiative.

Sec. 318. Post-employment restrictions for flight standards inspectors.

Sec. 319. Assignment of principal supervisory inspectors.

Sec. 320. Headquarters review of air transportation oversight system database.

Sec. 321. Improved voluntary disclosure reporting system.

TITLE IV—AIR SERVICE IMPROVEMENTS

Sec. 401. Monthly air carrier reports.

Sec. 402. Flight operations at Reagan National Airport.

Sec. 403. EAS contract streamline.

Sec. 404. Essential air service reform.

Sec. 405. Small community air service.

Sec. 406. Air passenger service improvement.

Sec. 407. Contents of competition plans.

Sec. 408. Extension of competitive access reports.

Sec. 409. Contract tower program.

Sec. 410. Airfares for members of the Armed Forces.

Sec. 411. Repeal of essential air service local participation program.

Sec. 412. Adjustment to subsidy cap to reflect increased fuel costs.

Sec. 413. Notice to communities prior to termination of eligibility for subsidized essential air service.

Sec. 414. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.

Sec. 415. Office of Rural Aviation.

Sec. 416. Adjustments to compensation for significantly increased costs.

Sec. 417. Review of air carrier flight delays, cancellations, and associated monetary losses.

Sec. 418. European Union rules for passenger rights.
Sec. 423. Expansion of DOT airline consumer protection.

Sec. 422. Schedule reduction.

Sec. 421. Compensation for delayed baggage.

Sec. 425. Antitrust exemptions.

TITLe V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

Sec. 501. Amendments to air tour management program.

Sec. 502. State block grant program.

Sec. 503. Airport funding of special studies or reviews.

Sec. 504. Grant eligibility for assessment of flight procedures.

Sec. 505. CLEEN research, development, and implementation partnership.

Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.

Sec. 507. Environmental mitigation pilot program.

Sec. 508. Aircraft departure queue management pilot program.

Sec. 509. High performance and sustainable air traffic control facilities.

Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.

Sec. 511. Continuation of air quality sampling.

Sec. 512. Sense of Congress.

Sec. 513. Airport noise compatibility plan.

Sec. 514. GAQ study on compliance with FAA noise record of decision.

TITLe VI—FAA EMPLOYEES AND ORGANIZATION

Sec. 601. Federal Aviation Administration personnel management system.

Sec. 602. Application of back pay requirements.

Sec. 603. MSPB remedial authority for FAA employees.

Sec. 604. FAA technical training and staffing.

Sec. 605. Designee program.

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Sec. 807. Construction and realignment of FAA facilities.

Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.

Sec. 809. GAQ study on cooperation of airline industry in international child abduction cases.

Sec. 810. Lost Nation Airport, Ohio.

Sec. 811. Pollock Municipal Airport, Louisiana.

Sec. 812. Human intervention and motivation study program.

Sec. 813. Washington, DC, Air Defense Identification Zone.

Sec. 814. Merrill Field Airport, Anchorage, Alaska.

Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.

Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.

Sec. 817. Pilot program for redevelopment of air traffic controllers.

Sec. 818. Helicopter operations over Long Island and Staten Island, New York.

Sec. 819. Cabin altitude temperature standards study.

Sec. 820. Civil penalties technical amendments.

Sec. 821. Study and report on alleviating congestion.

Sec. 822. Airline personnel training enhancements.

Sec. 823. Study on feasibility of development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.

Sec. 824. Wind turbine lighting.

Sec. 825. Limiting access to flight decks of all-cargo aircraft.

TITLe IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

Sec. 901. Short title.

Sec. 902. Definitions.

Sec. 903. Intergency 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. Repeal of FAA’s aviation safety-related research programs.

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

Sec. 914. Center for excellence in aviation employment.

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

(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) $3,216,000,000 for fiscal year 2009.

“(2) $3,226,000,000 for fiscal year 2010.

“(3) $3,237,000,000 for fiscal year 2011.

“(4) $3,245,000,000 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), $53,000,000 for each of fiscal years 2009 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), $9,194,000,000 for each of fiscal years 2009 through 2012 may be used for carrying out the Airport Technology Research Program.

“(d) OBLIGATIONAL AUTHORITY.—Section 47104(a) is amended by striking “March 31, 2009” and inserting “September 30, 2012”. The total amounts”.

(c) 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 2009 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 2009 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 prevented to commercial aviation, including convective weather ice crystal ingestion threats; and

(C) on route turbulence prediction.

“(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(g)(1), such sums as may be necessary for each of fiscal years 2009 through 2012 may be used for the development and implementation of safety management systems.

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.
“(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $10,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $12,000,000 for fiscal year 2011 may be used for the development and implementation of runway incursion reduction programs.

(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $50,000,000 for fiscal year 2009, $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), $41,400,000 for fiscal year 2009, $102,300,000 for fiscal year 2010, $104,000,000 for fiscal year 2011, and $105,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of amounts appropriated under subsection (a), $28,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $30,000,000 for fiscal year 2011 may be used for demonstration activities associated with NextGen.

(j) CENTER FOR ADVANCED AVIATION SYSTEMS DEVELOPMENT.—Of amounts appropriated under subsection (a), $76,000,000 for fiscal year 2009, $79,000,000 for fiscal year 2010, $100,000,000 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), $21,900,000 for fiscal year 2009, $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) General.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

(1) $8,937,000,000 for the William J. Hughes Technical Center Laboratory Facility;
(2) $23,800,000 for weather program;
(3) $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:

(1) $8,857,000,000 for fire research and safety;
(2) $1,201,000,000 for propulsion and fuel systems;
(3) $1,986,000,000 for advanced materials and structural safety;
(4) $12,975,000,000 for aircraft catastrophic failure prevention research;
(5) $12,000,000 for flightdeck maintenance, systems integration, and human factors;
(6) $4,949,000,000 for atmospheric hazards and digital system safety;
(7) $2,181,000 for aircraft catastrophic failure prevention research;
(8) $12,000,000 for flightdeck maintenance, systems integration, and human factors; and
(9) $2,158,000 for aircraft catastrophic failure prevention research;

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and
(3) by redesignating subparagraphs (B), (C), and (D) as so redesignated by striking “2004 through 2007” and inserting “2009 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 (28 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 2009, 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 40102(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; and
(2) in paragraph (12)(L) by striking “at the end; and
(3) by striking paragraph (13) and inserting the following:

(13) for fiscal year 2009, $212,929,000, including—

(A) $8,457,000 for fire research and safety;
(B) $125,000,000 for propulsion and fuel systems;
(C) $2,965,000 for advanced materials and structural safety;
(D) $4,075,000 for propulsion and fuel systems;
(E) $14,688,000 for aircraft catastrophic failure prevention research;
(F) $2,181,000 for aircraft catastrophic failure prevention research;
(G) $12,497,000 for aviation safety risk analysis;
(H) $12,000,000 for flightdeck maintenance, systems integration, and human factors;
(I) $12,000,000 for flightdeck maintenance, systems integration, and human factors;
(J) $15,471,000 for air traffic control, technical operations, and human factors;
(K) $23,286,000 for weather program;
(L) $6,758,000 for unmanned aircraft systems research;
(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;
(N) $13,871,000 for fiscal year 2010, $214,587,000, including—

(1) $8,049,000 for NextGen—Weather technology in the cockpit;
(2) $27,075,000 for environment and energy;
(3) $20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;
(4) $1,836,000 for fiscal year 2010 for fire research and safety;
(5) $10,800,000 for NextGen—Air ground integration;
(6) $8,000,000 for NextGen—Self separation;
(7) $8,345,000 for NextGen—Weather technology in the cockpit;
(8) $8,000,000 for NextGen—Self separation;
(9) $8,300,000 for NextGen—Self separation;
(10) $3,548,000 for the William J. Hughes Technical Center Laboratory Facility; and
(11) $15,715,000 for air traffic control, technical operations, and human factors; and
(12) $8,976,000 for aeromedical research;
(13) $23,638,000 for weather program;
(14) $6,395,000 for unmanned aircraft systems research;
(15) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;
(16) for fiscal year 2012, $244,880,000, including—

(A) $8,976,000 for fire research and safety;
(B) $125,000,000 for propulsion and fuel systems;
(C) $2,965,000 for advanced materials and structural safety;
(D) $4,975,000 for atmospheric hazards and digital system safety;
(E) $13,950,000 for aging aircraft;
(F) $2,181,000 for aircraft catastrophic failure prevention research;
(G) $12,000,000 for flightdeck maintenance, systems 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 system research;
(M) $13,871,000 for the Next Generation Air Transportation System Joint Planning and Development Office;
(N) $19,471,000 for fiscal year 2011, $225,993,000, including—

(A) $8,815,000 for fire research and safety;
(B) $1,450,000 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) $14,981,000 for aging aircraft;
(F) $2,181,000 for aircraft catastrophic failure prevention research;
(G) $12,000,000 for flightdeck maintenance, systems integration, and human factors; and
(H) $12,401,000 for aviation safety risk analysis;
(I) $15,715,000 for air traffic control, technical operations, and human factors; and
(J) $8,976,000 for aeromedical research;
(K) $23,638,000 for weather program;
(L) $6,395,000 for unmanned aircraft systems research;
(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;
(N) $19,471,000 for fiscal year 2011, $225,993,000, including—

(A) $8,815,000 for fire research and safety;
(B) $1,450,000 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) $14,981,000 for aging aircraft;
(F) $2,181,000 for aircraft catastrophic failure prevention research;
(G) $12,000,000 for flightdeck maintenance, systems integration, and human factors; and
(H) $12,401,000 for aviation safety risk analysis;
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) 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—

‘‘(1) in each of fiscal years 2009 and 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

‘‘(2) in each of fiscal years 2011 and 2012, be equal to the estimated level of receipts plus interest credited to 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.—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 ‘‘LEVIES’’ 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 ‘‘2009’’.

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) APPlicABILITY.—The amendment made by subsection (b) shall apply to an application to be financed in part using funds authorized by section 40117 of title 49, United States Code.

Subtitle C—Fees for Faa Services

SEC. 121. UPDATE ON OVERFLIGHTS.
(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b)(1) is amended to read as follows:

‘‘(1) In general.—Except as provided by clause (ii), the Secretary shall determine the project used 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 authorized by this subsection, the Administrator shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to determine the projected use of the project for purposes of subparagraph (A).’’.

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE PROJECTS.
(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

‘‘(H) A project to construct secure bicycle storage facilities or storage facilities for bicycles by passengers at the airport and that are in compliance with applicable security standards.’’.

(b) REPORT TO CONGRESS.—Not later than one 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:

‘‘(6) in the case of a project to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that such 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 49 of the United States Code.’’.

(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.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.
Section 40117 is amended by adding at the end the following:

‘‘(5) the added costs to air carriers of collecting passenger facility charges on connecting passengers and originating and destination passengers;

(6) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charge revenues attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers; and

(7) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers.’’

(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, between 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 potential impact 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 imposed on connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers.’’.

(c) REPORT TO CONGRESS.—

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

(2) CONTENTS.—The report shall include—

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

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

Subtitle C—Fees for Faa Services

SEC. 121. UPDATE ON OVERFLIGHTS.
(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b)(1) is amended to read as follows:

‘‘(1) in general.—Except as provided by clause (ii), the Secretary shall determine the project used 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 authorized by the Federal Transit Administration, the Administrator shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to determine the projected use of the project for purposes of subparagraph (A).’’.
(1) $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 appropriate Act. 
(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—In general.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—
(A) be credited as an offsetting collection against the costs of other services provided and related services to overflights.
(B) may be collected under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations.
(C) remain available until expended.
(D) 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 continuing appropriations in lieu of the Administrator’s regular appropriations.

(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for development 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 project costs for the period during which the services will be provided.

(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any 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—
(1) In general.—Chapter 453 is amended by adding at the end the following: 
"4305. Registration, certification, and related fees.
(a) General Authority and Fees.—Subchapter (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administrator:
(1) $130 for registering an aircraft.
(2) $45 for replacing an aircraft registration. 
(3) $120 for issuing an original dealer’s aircraft certificate.
(4) $100 for issuing an airman certificate (other than an original airman’s certificate).
(5) $20 for registering an aircraft.
(6) $50 for issuing a renewal of a special registration number.
(7) $50 for issuing an airman’s certificate.
(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 appropriate Act.
(c) Fees Credited as Offsetting Collections.—In general.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—
(A) be credited as an offsetting collection against the costs of other services provided and related services to overflights;
(B) may be collected under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations; and
(C) remain available until expended.
(d) 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 continuing appropriations in lieu of the Administrator’s regular appropriations.

SEC. 122. REGISTRATION FEES.
(a) In General.—Chapter 453 is amended by adding at the end the following:
"4305. Registration, certification, and related fees.
(a) General Authority and Fees.—Subchapter (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administrator:
(1) $130 for registering an aircraft.
(2) $45 for replacing an aircraft registration. 
(3) $120 for issuing an original dealer’s aircraft certificate.
(4) $100 for issuing an airman certificate (other than an original airman’s certificate).
(5) $20 for registering an aircraft.
(6) $50 for issuing a renewal of a special registration number.
(7) $50 for issuing an airman’s certificate.
(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 appropriate Act.
(c) Fees Credited as Offsetting Collections.—In general.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—
(A) be credited as an offsetting collection against the costs of other services provided and related services to overflights;
(B) may be collected under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations; and
(C) remain available until expended.
(d) 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 continuing appropriations in lieu of the Administrator’s regular appropriations.

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; 
(N) 'terminal development' means— 
(1) construction of or improvements to airport terminal facilities, 
(2) the provision of goods, services, or facilities to airport passengers; and
(3) the construction of a new terminal or the expansion of an existing terminal;
(O) 'passenger-terminal' means—
(1) a terminal facility providing passenger-service functions; and
(2) the support facilities associated with the passenger-terminal;
(P) 'minor project' means—
(1) the alteration or improvement of an existing airport terminal or the construction of a new terminal; and
(2) activities related to the operation, maintenance, and management of the terminal facilities;
(Q) 'major project' means—
(1) the construction of a new passenger-terminal or the expansion of an existing passenger-terminal; and
(2) activities related to the operation, maintenance, and management of the passenger-terminal and the support facilities associated with the passenger-terminal;
(R) 'luggage retrieval system' means—
(1) an automated system for the retrieval of luggage at the airport; and
(2) the support facilities associated with the luggage retrieval system; and
(S) 'ground transportation' means—
(1) shuttle service; and
(2) the support facilities associated with the shuttle service.".

(b) Airports Planning.—Section 47102(5) is amended—
(1) by redesignating paragraphs (23) through (25) as paragraphs (24) 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:
"(B) Reinvestment in an approved project
(1) U.S. airports
(A) Reinvestment in an approved noise reduction project
(B) Reinvestment in an approved airport enhancement project
(C) Reinvestment in an approved airport capital improvement project

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, reduce, or avoid solid waste in a manner that is consistent with applicable State and local recyling laws".

(b) Master Plan.—Section 47110(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(c)(2)(A)(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.—Section 47107(c)(2)(A) 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)".

(b) 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)(i) of this section, the Secretary shall give priority, 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 facility as a benefit in an approved noise compatibility project at such airport.

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

(c) LEGISLATIVE 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 all that follows 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 Secretary determines that the conversion of an airport to medium hub status will be paid with funds apportioned to the Airport and Airway Trust Fund.''

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

(a) AIRPORT CONCESSIONS.—Section 47110(h) is amended—

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

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

SEC. 136. UNIFORM CERTIFICATION TRAINING FOR AIRPORT CONCESSIONS UNDER DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

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

(1) by redesignating paragraph (8) as paragraph (9); and

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

“(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

“(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Reauthorization Act of 2009, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

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

“(C) PARTICIPANTS.—A person referred to in subparagraph (A) is an individual who is—

“(i) an owner or operator of an airport

“(ii) 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.’’.

(b) EFFECT.—No 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 carrying out an airport development project under this title.”.

SEC. 137. 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. 138. MANDATORY AND DISADVANTAGED BUSINESS PARTICIPATION.

Section 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 Act, the Secretary shall issue final regulations under the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subparagraph (C) with respect to the Small Business Administration established the personal net worth cap at $750,000 in 1989. The regulations shall correct for the impact of inflation since the Small Business Administration established 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.’’.

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”;

(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 paragraph (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 airports listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

“B. REDUCTION.—If 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); and

(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 $1.50 imposed by the sponsor of an airport entrance fee, the Secretary may set 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 DISCRIMINATORY 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(i) is amended by striking “fiscal years 2004 through 2008, and for the period of fiscal year 2009 ending before April 1, 2009,” and inserting “fiscal years 2008 through 2012’’.

SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(c)(1)(A) is amended—

(1) in the first sentence—

(A) by striking “35 percent” and inserting “$300,000,000,”

(B) by striking “and” after “47111,” and

(C) by inserting before the period at the end the following: ‘‘, and for water quality mitigation 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

and
(2) in the second sentence by striking "such 35 percent requirement is" and inserting "the requirements 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.—Subsection (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 processing from FIN 410 of 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 the use 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 an 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 airport property 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 47104 is amended in subsections (b)(1A)(ii), (b)(1E)(ii), and (c)(4)(B) by striking "65 percent" each place it appears and inserting "75 percent".

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 414A.—Section 414A is amended by adding at the end the following:

"(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—Money earned under paragraph (4) of section 414A shall not be used to acquire or improve any land or facility in a metropolitan area that is intended to be used as an airport if any fiscal year in which the total amount apportioned to all airports in such fiscal year is less than .05 percent of the total annual passenger and baggage screening and monitoring costs the expenses of terminal development projects in such fiscal year.

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

"(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

(2) in subsection (d) by striking "status of the".

(c) EXISTING AIRPORTS.—

(1) IN GENERAL.—In carrying out this subsection, the Secretary may enter into an agreement with the Secretary of Homeland Security, and the Secretary may enter into an agreement with the Secretary of the Treasury, the Secretary of Defense, and the Secretary of Homeland Security, and with any other Federal agency or department, for the purposes of improving aviation security, or capacity will not be deferred because of the Secretary's approval.

(2) by adding at the end following:

"(C) 'Afghanistan-Iraq war veteran' means any individual who served on active duty in the United States Armed Forces during Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, or Operation Freedom's Sentinel, and ended on the date prescribed by presidential proclamation or law as the last date of Operation Iraqi Freedom, and was separated from the Armed Forces under honorable conditions; and

(3) in subsection (d) by striking "veterans and" and inserting "veterans, Afghanistan-Iraq war veterans, and".

(d) 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—

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

(A) all the safety equipment required for certification of the airport under section 44706; and

(B) 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 HIGH-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) the airport does not have more than .06 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 subsection) 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)(2)’’ and inserting ‘‘subsection (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)’’; and (7) 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 47133(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 appropriated funds allocated; (4) the allocation of appropriated funds; and (e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47135 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) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ‘‘46319, after ‘‘46318’’.

(g) OTHER CONFORMING AMENDMENTS.— (1) Sections 46317(a)(3)(B) is amended by striking ‘‘section 47110(d)’’ and inserting ‘‘section 47119(a)’’; (2) section 46318(a)(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. 2667 note)’’.

(i) AIRPORT CAPACITY BENCHMARK REPORT.—Section 47101 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 Administration advisory circulars, to consider customer convenience, 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 supporting the quality of life of the people of the United States, and critical in support of the Nation’s defense and national security, continues to grow over an increasing 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 contributes approximately $741,000,000 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 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 act immediately to revitalize this essential component of the Nation’s transportation infrastructure; (2) one fundamental requirement for the success of this System is strong leadership and sufficient resources; (3) the Joint Planning and Development Office of the Federal Aviation Administration and the Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission ensuring that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must immediately integrate 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 system as quickly as possible to ensure that industry and 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 Title 12—Century of Aviatiion Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2842) is amended— (A) by redesigning 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 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: ‘‘(j) establishing and articulating global 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;’’;

(3) the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agencies 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 duties of the agency relating to the Next Generation Air Transportation System and the Next Generation Air Transportation System Senior Policy Committee 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); and (ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and the Next Generation Air Transportation System Senior Policy Committee 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 availability of resources to carry out the activities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior officials 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 personnel, authority and staff resources to carry out the agency’s Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subparagraph (B);”

“(E) Not later than 6 months after the date of enactment of this subsection, the head of each Federal agency that has responsibilities as set forth in the integrated plan under subparagraph (B) shall—

“(1) develop and publish an annual report to 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

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

“(F) 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;”

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

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

“(c)(1) SUBMISSION TO CONGRESS.—Not later than 100—Century of Aviation Reauthorization

“(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 prior fiscal year and relevant information as to why any milestone was not met; and

“(ii) the impact of not meeting the milestone on 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 and the activities under the plan for the previous fiscal year and in the President’s budget request.”

“(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance—broadcast services (in this section referred to as ‘‘ADS-B’’) technology into the national airspace system.

“(e) CONTINGENCY PLANNING.—The Associate Administrator of the Next Generation Air Transportation System shall develop and publish annually the document known as the ‘NextGen Implementation Plan’, or any successor document, that provides a detailed description of how the design, development, and implementation of the Next Generation Air Transportation System will be responsible for the milestones set by the NextGeneration Air Transportation System Initiative.”

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) by the Administrator with an entity to acquire ADS-B services;

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

“(3) 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.”

“(c) COMMISSION 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 (a) and any changes in that plan;”

“(d) 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 sublet by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;
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 remain under the control of the Government in the event of material non-performance; and

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

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until such time as the Government determines that such services can be transferred to another vendor or to the Government in the event of material non-performance, 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 if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation a report on the implementation of the process described in subsection (a) that—

(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.

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRAFFIC SYSTEM.

(a) IN GENERAL.—The Comptroller General shall conduct 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 implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current 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 Administration (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 budget impacts.

(5) 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.—The Comptroller General shall determine the priority of topics to be reviewed in the report and submit such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Senate respectively on the results of the review conducted under this subsection.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITIONS AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress 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 System”).

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

(1) En Route Automation Modernization (ERAM).


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

(4) System Wide Information Management (SWIM).


(b) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, requirements, 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.

PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and 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 THIRD PARTIES.

(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 include, at a minimum, in the review an assessment of whether the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration 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 developed by third parties; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a manner that supports the demands of the national airspace system without the use of third party resources.
(c) Report.—Not later than one year 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. 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 agreement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) Covered.—At a minimum, the review to be conducted pursuant to 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 Administrator;

(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 Traffic Management system can be mitigated from a highly automated air traffic management system and the implications for ongoing development programs 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

(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; and

(2) 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.

SEC. 210. NGT TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall—

(a) study.—Not later than one year 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).

(b) 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; and

(2) 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.

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) navigational information to air traffic control facilities or aircraft;”.

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

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

SEC. 214. CLARIFICATION TO ACQUISITION FORMULATION.

Section 40113(c) is amended—

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

(2) by striking paragraph (4); and

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

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITY.

Section 40135(e) is amended—

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

(2) by striking the period at the end of the first sentence and inserting “for 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 consistent with section 106(i)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears.”;

(3) in paragraph (3) by striking “credited” and all that follows through the period at the end and inserting “credited as an offsetting collection to the account from which the expenses were incurred in providing 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 facilities.

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

(1) the number of supervisory positions of operation 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) Determination.—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 one year 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 any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATION.

(a) Establishment of Monitoring System.—Not later than 90 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 station services.

(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.

SEC. 218. NGT RESEARCH AND DEVELOPMENT CENTER 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 2009 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 subsection (a) shall—

(1) leverage the center 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 REDISIGN.

(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 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’ Plan.

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

(4) Considerable runway plans for the period of fiscal years 2009 to 2012 will not provide estimated capacity benefits without additional funds.

(5) 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 $14,500,000 for fiscal year 2009 and $20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(6) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 4610(a) of this title, $10,000,000 shall be made available for each of fiscal years 2009, 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.—Section 44703(d) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—Section 4709(a) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—"(A) The Administrator, in order to maximize the use of information on the airworthiness of an aircraft, engine, propeller, or appliance, may release data in the possession of the Administrator relating to a type certificate or a supplemental type certificate as used with respect to a document, engine, propeller, or appliance as type design 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) DETERMINATION OF CERTIFICATES.—Section 44704(e)(1) is amended by striking "Beginning 7 years after the date of enactment of this section," and inserting "Beginning January 1, 2014.".

SEC. 302. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding a new title 7 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

"(i) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 14 of title 14, Code of Federal Regulations, and performs work on aircraft components or parts that have been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding 2 years;

"(ii) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 46102 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 an aircraft carrier or component.

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

"44730. Inspection of foreign repair stations.".

SEC. 303. 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 submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan shall—

(A) 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 (i) and (ii);

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

(B) address the increased runway safety risk associated with the increased volume of air traffic;

(c) REQUIREMENTS.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(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.

SEC. 304. 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) LIMITATION.—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 requirements 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 undertaken pursuant to 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 determine whether any such agency, including 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.

(2) IMPLEMENTATION OF NATIONAL 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 477 (as amended by section 303 of this Act) is further amended by adding at the end the following:

"§477.1. 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 establish the position of Cabin Occupational Safety and Health Inspector.

"(2) to require an air carrier to take action to address any issues identified in subsection (c) and others issues that may cause illness or injury to a flight attendant working in the cabin.

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

"(1) Recognition of hazards.

"(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) DURATION.—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) REGULATIONS ISSUED UNDER THIS SUBSECTION.—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) OVERTIME.—

"(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 ATTENDE NT DEFINED.—In this section, the term ‘flight attendant’ has the meaning given that term by section 4728.

"(j) 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.

"(k) C LERICAL AMENDMENT.—The analysis for chapter 477 is amended by adding at the end the following:

‘‘4731. 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 for the implementation of the pilot program.

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) REPORT.—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 one year 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 in accordance with such part 121, 139, or 145 of title 14, Code of Federal Regulations, 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.

"(b) DETERMINATION.—Before the effective date of the regulations to be issued under subsection (a), the Administrator shall develop a plan to—

"(1) 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), maintenance services and maintenance related repairs on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

"(2) 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

"(3) 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.

(b) CLERICAL AMENDMENT.—The analysis for chapter 477 is amended by adding at the end the following:

‘‘4731. Occupational safety and health standards for flight attendants on board aircraft.’’

SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING.—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 Administrator 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) CONCLUSION 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 traffic control service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent 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).

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 Administrator, 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 described in paragraph (1), the Secretary shall—

(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 (a); and

(C) develop a list of the technologies and subsystems necessary for the safe and routine operations of commercial unmanned aircraft systems in the national airspace system.

(3) DEDICATION OF RESOURCES.—The Secretary shall ensure that the resources necessary to implement the recommendations of the plan described in paragraph (1) are dedicated to the Safer Operations and Protection of the Public from Unmanned Aircraft Systems Act of 2015.

(b) AUTHORITY.—The Secretary shall have the authority necessary to implement the recommendations of the plan described in paragraph (1), including, but not limited to—

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

(2) prescribe regulations and procedures to ensure that operators using commercial unmanned aircraft systems meet acceptable standards of operation and safety.

(c) 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 Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT 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 determine if certain unmanned aircraft systems may operate safely in the national airspace system before the publication of a final rule and rulemaking required by section 321 or the guidance required by section 323.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall—

(1) which types of unmanned aircraft systems, as they may reasonably be expected to be developed in the future, may operate safely in the national airspace system; and

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

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

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall—

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

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

(3) facilitate the capability of public agencies to develop and use test ranges, subject to the availability of funding, to safely and efficiently test unmanned aircraft systems.

(b) DETERMINATION.—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 46202 of title 49, United States Code.

(c) 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 Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 324. DEFINITIONS.

For purposes of this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term ‘‘certificate of authorization’’ means a certificate of authorization issued by the Secretary of Transportation under this subtitle.

(2) DETECT, SENSE, AND AVOIDABILITY.—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 46202 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 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. 325. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

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

(b) DUTIES.—The Office shall—

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

(2) develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(c) CHIEF.—The Chief of the Office shall—

(1) be appointed by the Secretary;

(2) perform the duties of the Office as delegated by the Secretary;

(3) design the organizational structure of the Office;

(4) ensure the efficiency and effectiveness of the Office; and

(5) serve as the Secretary’s principal advisor.

(d) CERTIFICATION.—The Chief of the Office shall be certified as a Whistleblower Investigator.

(e) RESPONSIBILITIES.—The Chief of the Office shall—

(1) 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;

(2) investigate, or cause to be investigated, any activity relating to a violation of an order, regulation, or standard of the Agency;

(3) require the Secretary to take all necessary action to comply with an order, regulation, or standard of the Agency; and

(4) report to the Secretary any violation of an order, regulation, or standard of the Agency.

(f) CONFIDENTIALITY.—The Chief of the Office shall—

(1) maintain the confidentiality of any information the Chief receives from the Secretary;

(2) maintain the confidentiality of any information the Chief receives from any employee; and

(3) require the Secretary to take all necessary action to comply with an order, regulation, or standard of the Agency.

(g) AUTHORITY.—The Chief of the Office shall—

(1) 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;

(2) require the Secretary to take all necessary action to comply with an order, regulation, or standard of the Agency;

(3) maintain the confidentiality of any information the Chief receives from the Secretary;

(4) maintain the confidentiality of any information the Chief receives from any employee; and

(5) require the Secretary to take all necessary action to comply with an order, regulation, or standard of the Agency.

(h) REPORTS.—The Chief of the Office shall—

(1) require the Secretary to take all necessary action to comply with an order, regulation, or standard of the Agency;

(2) maintain the confidentiality of any information the Chief receives from the Secretary;

(3) maintain the confidentiality of any information the Chief receives from any employee; and

(4) require the Secretary to take all necessary action to comply with an order, regulation, or standard of the Agency.
conducted an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, 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.

"(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain copies of all investigations or corrective actions taken in response to the recommendation.

"(5) INCIDENT REPORTS.—If the Director determines 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 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 law, the Director shall report the violation expeditiously to the Inspector General.

"(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a 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) further investigations and corrective actions recommended in response to the submissions; and

"(D) summaries of the responses of the Administrator to such recommendations.

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 49101 of title 49, United States Code, direct 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 and its safety responsibilities, Congress amended section 49101(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 vision statement in which it stated that it has a "vision" of "being responsive to our customers and accountable to the public" and, in 2003, issued a customer service initiative that required aviation inspectors 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 satisfaction 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 satisfaction, some managers of the Agency have directed 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 Administrator of the Federal Aviation Administration shall modify the Agency's customer service initiative, mission, and vision statements, and other statements of policy of the Agency—

(1) to clarify any reference to air carriers or other entities regulated by the Agency as "customers";

(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 inspect 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 47111 of title 49, United States Code, is amended by adding at the end the following:

"(b) Post-Employment Restrictions for Flight Standards Inspectors.

"(1) Prohibition.—A person holding an operating certificate issued by the Administrator, any person over which the Administrator has jurisdiction, any representative of the certificate holder in any matter before the Federal Aviation Administration does not employ, or make a contractual arrangement with, an individual who is employed by the Administrator as a flight standards inspector to—

"(A) serve as, or be responsible for, the flight standards inspector when that inspector is conducting the monthly review; and

"(B) be responsible to inspect, or oversee inspection of, 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 any matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Administrator or any of its officers or employees in connection with a particular matter, whether or not on behalf of the certificate holder in that matter, and, without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector for the certificate holder.

(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 knowingly employ, or make a contractual arrangement with, an individual who is employed by the Administrator as a principal supervisory inspector of the Agency with respect to an air carrier.

(b) TRANSITIONAL PROVISION.—An individual may continue to serve as an principal supervisory inspector under paragraph (1) for the end of the following:

(1) a single air carrier for a continuous period of 2 years; or

(2) a team of employees of the Agency on a monthly basis to ensure that—

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

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

SEC. 335. 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 Circular 00-56A, dated September 8, 2006, including any subsequent revisions therein.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers implement comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before accepting a final report of a violation, that the violation, or another violation occurring 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) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

"(1) 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 it possible for 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, the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not.

(C) when the action on 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 one 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 Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. MONTHLY AIR CARRIER REPORTS.

(a) General.—Section 41706 is amended by adding at the end the following:

(4) in subsection (a) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (5) the following:

(II) the scheduled arrival time at the diverted airport; and

(III) the wheels-on time at the diverted airport.

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

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

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

(A) For a diverted flight—

(i) the flight number of the diverted flight;

(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 airport;

(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; 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 airport and 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 reporting pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking "24" and inserting "36".

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

(2) by inserting after paragraph (2) the following:

(III) the wheels-on time at the scheduled airport;

(iv) the airport to which the flight was diverted;

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

(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; 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 airport and 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.

(2) by striking "and" at the end of subparagraph (B); 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 incor-

porating 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 car-

rier to provide air service to an eligible place if it would be in the public interest to do so; and

(F) multiple communities cooperate to submit a regional or multistate application to improve air service."

(c) EXTENSION OF AUTHORIZATION.—Section 41718(b) is amended by striking "2012".

(d) DISTRIBUTION OF EXCESS FUNDS.—

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

"(3) EXCESS FUNDS.—Pursuant to the amendment made by subsection (a), the funds, if any, credited to the account established under section 45803 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under subsection (a) shall be 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 pursuant to subsection (a)."

(2) CONFIRMING AMENDMENT.—Section 41742(b) is amended—

(A) in the first sentence by striking "mon-
ey 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. 403. EAS CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by adding "and" at the end of subpara-

graph (B); and

(2) by inserting after paragraph (1) the follow-

ing:

(B) in subparagraph (A) by striking "mon-

ey credited" and all that follows before "shall be used" and inserting "amounts made available under subsection (a)(4)(B)";

and

(b) DISTRIBUTION OF EXCESS FUNDS.—

(1) IN GENERAL.—Pursuant to the amendment made by subsection (a), the funds, if any, credited to the account established under section 45803 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under subsection (a) shall be 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 pursuant to subsection (a).

(2) CONFIRMING AMENDMENT.—Section 41742(b) is amended by striking "2012".

SEC. 404. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41733(c)(5) is amended—

(1) by striking "and" at the end of subpara-

graph (D); and

(2) by adding after paragraph (E) the fol-

lowing:

(F) multiple communities cooperate to submit a regional or multistate application to improve air service."

(b) EXTENSION OF AUTHORIZATION.—Section 41734(e)(2) is amended by striking "2009" and inserting "2012".

SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

"CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS"

(b) 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 air-

port 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 to the Secretary under subsection (a) for—

“(A) each large airport and medium hub airport at which the carrier provides covered air transportation; and

“(B) each large airport and medium hub airport at which the carrier has flights for which it has primary responsibility for emergency control.

“(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain—

“(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) allow the airport operator, to the maximum extent practicable, will provide for the disembarkation 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 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 emergency and provide for the health and safety of passengers.

“(2) CIVIL PENALTIES.—The Secretary may assess civil penalties under section 42301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

“(g) SAFETY AUDITS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan that are 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 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 make 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 complaints 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 air transportation

“(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary 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—

“(1) 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—

“(i) 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 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.

“(ii) if the passenger agreement for the flight contains a term that the passenger(s) will be exposed to insecticides in the aircraft cabin during the flight in that country,

“(iii) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.

“(b) CLEARED AMENDMENTS.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

‘‘423. Air Passenger Service Improvement Programs ’’.

“(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 section.

§ 406. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(b)(3) is amended by striking ‘‘April 1, 2009’’ and inserting ‘‘September 30, 2012’’.

§ 409. CONTRACT TOWER PROGRAM.

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

“(1) by striking ‘‘(1) The Secretary’’ and inserting the following:

“(1) CONTRACT TOWER PROGRAM.—

“(2) CONCEPTION AND EXTENSION.—The Secretary:

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

“(h) 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 available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount in the fund that is not so required during a fiscal year to carry out the program continued under this paragraph (3).’’; and

“(3) by striking ‘‘(2) The Secretary’’ and inserting the following:

“(2) GENERAL AUTHORITY.—The Secretary,

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

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

“(A) by striking ‘‘and’’; and

“(B) by inserting ‘‘, $8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012 after ‘‘2007’. ’’.

“(E) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

“(A) by redesignating subparagraph (E) as subparagraph (F); and

“(B) by inserting after subparagraph (D) the following:

“(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount available under this subsection is not required during a fiscal year to carry out the program continued under this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under this paragraph (3).’’.

“(F) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ‘‘$3,500,000’’ and inserting ‘‘$3,200,000’’.

“(G) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

“(C) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.’’.

§ 410. 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 164 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 carry out the program, for long periods of time, and under very stressful conditions;

“(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families, for long periods of time, and under very stressful conditions;

“(4) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families, 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. The interests 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 an action reduced airfares 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 change, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 411. 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.
(b) APPLICABILITY.—Title 49, United States Code, as in effect on the date of enactment of this Act, is further amended by adding at the end the following:

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(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 initial 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 and every 3 months thereafter, the Administrator shall submit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year;

(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. 420. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the need for denied boarding compensation and issue a regulation to address such compensation as necessary.

SEC. 421. 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 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. 422. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of an air carrier exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of such rate result in an hourly 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 and such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport 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 may take such action as is necessary to ensure such reduction is implemented.

(3) Consideration.—In conducting the study under subsection (a), the Administrator shall—

(1) 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. 423. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT 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 right 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 necessary to support the authority of the Secretary to impose limitations on voice communications using a mobile communications device or equipment.

SEC. 424. 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

"(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 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 that do not include 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 not 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 reduce competition with respect to consumer or foreclosed competition by rival (nonalliance) air carriers at such airports.

« (4) Whether international alliances that are not granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that reduce competition with respect to consumer or foreclosed competition by rival (nonalliance) air carriers at such airports.

«(b) 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 air transportation.

«(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) 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 standards;

«(B) a Federal law enforcement officer acting in a law enforcement capacity;

«(C) a device having voice override capability.

«(3) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

«(4) SAFETY REGULATIONS.—This section shall not preclude the Secretary from requiring the air carrier to impose limitations on voice communications using a mobile communications device for safety reasons.

«(5) REGULATIONS.—The Secretary of Transportation shall prescribe such regulations as are necessary to carry out this section.”.

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

"41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

"(a) STUDY.—The Comptroller General shall conduct a study of the legal requirements and policies followed in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from 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 that do not include 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 not 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 reduce competition with respect to consumer 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) Whether the number of international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers, and thereby the public, receive the benefits of antitrust law.

(6) Whether the 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 thereby the Secretary may subject the antitrust merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to that 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 one year after the date of enactment of this Act, the Comptroller General shall submit to the Senate a report on the results of the study under subsection (a), including any recommendations the Comptroller General makes 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 should adopt, individually, or collectively, 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 one year 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 identified 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 antitrust 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 international alliance, including an exemption granted before 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) EXEMPTION.—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) STANDARDS FOR RENEWALS.—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

(4) DETERMINATION.—The following definitions apply:

(1) EXEMPTION.—The term "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.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND NATIONAL SECURITY 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:

(g) 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 the 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, in consultation with the Administrator, maintain 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 Secretary 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 tours 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 protection of park resources and values and park visitor use and enjoyment.

(D) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

(1) REPORT.—Each commercial air tour operator providing a commercial air tour to a national park shall report to the Director the integrated 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 request in order to facilitate administering the provisions of this section.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) General Requirements.—Section 47128(a) is amended—

(1) in the first sentence by striking "proscribe 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 Protection Act of 1970 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations, and other Federal environmental requirements".

(c) Environmental Analysis and Coordination Requirements.—Section 47128 is amended at the end of the section 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; and

"(2) supplement such analysis, as necessary, to meet applicable Federal requirements.".

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47528 is amended by striking "services of consultants in order to" and all that follows through the end of inserting "services of consultants.".

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

(2) to conduct special environmental studies related to an airport project funded with Federal funds;

(3) to conduct special studies or reviews to support approved noise compatibility measures described in paragraph (1) of title 14, Code of Federal Regulations; or

(4) to conduct special studies or reviews to support 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 47509 is amended by adding at the end the following:

"(e) Grants for Assessment of Flight Procedures.—

(1) In General.—In accordance with subsection (c), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility 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 to perform 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)."

SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) Cooperative Agreement.—Subchapter I of chapter 1 of part 161 of title 14, Code of Federal Regulations, is amended by adding at the end the following:

"§ 47511. CLEEN research, development, and implementation partnership.

(a) In General.—The Administrator shall enter into a Cooperative Agreement with the National Aeronautics and Space Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, to conduct a program for the development of noise reducing aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels.

(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 and Director shall jointly issue an environmental policy acts, Executive orders, agency regulations, and other Federal environmental requirements.".

"(3) To perform scheduled heavy maintenance, including the manufacture of parts, or other safety reasons while the aircraft is certified, or is not certified, or is not certified by the Administration, with respect to activities described in paragraphs (1) and (2)."

"(4) Performance Objectives.—The 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 40 percent end of life power stage limit, 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 divert the aircraft to an alternative air port on the program established under this section to the lessor.

(6) To prepare, park, or store the aircraft in the contiguous United States.

(7) To provide transport of persons and goods in the contiguous United States.

(8) To perform scheduled heavy maintenance, including the manufacture of parts, or other safety reasons while the aircraft is certified, or is not certified, or is not certified by the Administration, with respect to any of the activities described in paragraphs (1) through (7).

"(5) Determination of the extent to which new engine and aircraft technologies may be used to divert the aircraft to an alternative air port on the program established under this section to the lessor.

(6) To prepare, park, or store the aircraft in the contiguous United States.

(7) To provide transport of persons and goods in the contiguous United States.

(8) To perform scheduled heavy maintenance, including the manufacture of parts, or other safety reasons while the aircraft is certified, or is not certified, or is not certified by the Administration, with respect to any of the activities described in paragraphs (1) through (7)."

SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS WITH COMPLIANCE WITH STAGE 3 NOISE LEVELS.

(a) In General.—Subchapter I of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain air-craft 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 gross 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 contiguous United States, unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise level.

(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, under 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 convert the aircraft to an alternative power plant in the contiguous United States.

(6) To convert the aircraft to an alternative power plant in the contiguous United States.

(7) To provide transport of persons and goods in the contiguous United States.

(8) To convert the aircraft to an alternative power plant in the contiguous United States.

(9) To provide transport of persons and goods in the contiguous United States.

(10) To provide transport of persons and goods in the contiguous United States.

(11) To provide transport of persons and goods in the contiguous United States.

(b) 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 heading by striking "for violations sections 47529, 47530, or 47534" and inserting "47529, 47530, or 47534".

(B) striking "47529, 47530, or 47534" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by inserting "47534" after "47528, 47531".

(3) The analysis for chapter 475 is amended—

"(1) $20,000,000 for fiscal year 2009.

"(2) $25,000,000 for fiscal year 2010.

"(3) $33,000,000 for fiscal year 2011.

"(4) $50,000,000 for fiscal year 2012.

"(5) $60,000,000 for fiscal year 2013.

"(B) by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

"(2) $50,000,000 for fiscal year 2012.

"(3) $60,000,000 for fiscal year 2013.

May 21, 2009
(a) by striking the item relating to section 47331 and inserting the following:

"47331. Penalties."

and

(b) by inserting after the item relating to section 47331 the following:

"47334. Prohibition on operating certain aircraft weighing 75,000 pounds or less not comply with stage 3 environmental mitigation demonstration projects at public-use airports.

SEC. 507. 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) ELIGIBILITY.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 4717(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 at a public-use airport 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 an experimental 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

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subsection 1 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 may 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:

(E) 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 re-search organization located in the United States.

(C) an entity of a State or local government.

(D) a Federal laboratory.

(E) an entity of a State or local government.

(F) an entity of a State or local government.

(G) an entity of a State or local government.

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(V) an entity of a State or local government.

(W) an entity of a State or local government.

(X) an entity of a State or local government.

(Y) an entity of a State or local government.

(Z) an entity of a State or local government.

(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 improvements 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 Senator’s mission for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Administrator of Transportation shall, in collaboration with the Secretary of Transportation, carry out demonstration projects that—

(1) are innovative, practical, and pilot projects at or near multiple public-use airports; and

(2) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurable, significant amounts.

(b) SELECTION CRITERIA.—In selecting among applicants for participation in the demonstration projects, the Secretary shall give priority consideration to applicants proposing to carry out an experimental demonstration project 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

(2) be implemented by an eligible consortium.

(c) MAXIMUM AMOUNT.—Not more than a total of 2,500,000 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 Committee 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 improvements 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 Senator’s mission for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIRCRAFT TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures that are in the construction and major renovation of air traffic control facilities of the Administrator 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. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS OPERATIONS.

(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 perform an evaluation 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; and

(4) other information as the Administrator of the FAA and the EPA shall deem necessary.

SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.

The Administrator of the Federal Aviation Administration shall complete the air quality studies and analysis started pursuant to section 815 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2592), including the collection of samples of the air onboard passenger aircraft by flight attendance and the testing and analysis of such samples for contaminants.

SEC. 512. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proposed 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 2201, commonly known as the Chicago Convention’’), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of aviation 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 greenhouses through the ICAO. 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 139 of title 46, 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. 514. GAO STUDY ON COMPLIANCE WITH FAA REAUTHORIZATION ACT.

(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 one year after the date of the issuance of the Comptroller General’s report the Administrator shall submit to Congress a report on the results of the study.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

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

(2) by striking paragraph (2) and inserting the following:

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (c), their last mutual agreement on and after July 10, 2005, under section 40122(a) of title 49, United States Code, shall be null and void under section 5596 of such title occurring before the date of enactment of this Act.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of the Federal Aviation Administration’s record of decision dated August 2, 2002.

(c) APPLICABILITY OF BACK PAY REQUIREMENTS.—Section 40122(g)(2) is amended—

(1) by striking "and" at the end of subparagraph (G); and

(2) by striking the period at the end of subparagraph (H) and inserting "; and if either of the parties fails 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.

(2) by striking the period at the end of subsection (g)(2)(C) with 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 back pay subject to the availability of amounts appropriated to carry out this subsection.

(d) LIMITATION ON ACTIONS.—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 such changes committed an unjustified or improper adverse action under section 5596 of such title occurring before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the distribution of such 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.
unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 596 of such title; and

SEC. 603. MSPB REMEDIAL AUTHORITY FOR FAA SYSTEMS SPECIALISTS.

Section 40122(g)(3) of title 49, United States Code, is amended by adding at the end the following: ‘‘Notwithstanding any other provision of law, prior to April 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.’’

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’’). (b) 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 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 Administration 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 receiving 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 Transportation 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 Federal Aviation Administration, and the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to determine the number of safety critical positions needed for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(2) CONTENTS.—The study shall include—

(A) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(B) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office of the Comptroller General regarding the designee programs as a result of such recommendations;

(C) an identification of such recommendations that is needed to implement such recommendations, improve the Administration’s management control of the designee programs, and enhance the Administration’s performance standards; and

(D) an assessment of the Administration’s organizational 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.

(c) RECOMMENDATIONS AND ESTIMATES.—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.

(d) 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. 605. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months 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 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 Designee Programs’’ (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability 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 of the Comptroller General regarding the designee programs as a result of such recommendations;

(3) an analysis of competencies required of FAA systems specialists for successful implementation of the designee programs; and

(4) an assessment of the number of employees that have been removed from the designee programs and the total cost of those employees.

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(e) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) $150,000,000 for fiscal year 2010;

(2) $150,000,000 for fiscal year 2011; and

(3) $255,000,000 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 106(e) of title 49, United States Code, the Administrator of the Federal Aviation Administration, and the Administration transitions to the Next Generation Air Transportation System; and
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 of 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 programs. (1) the cost effectiveness of such an alternative training approach; and (2) the effect that such an alternative training program 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) CONVERSION.—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, at rates prescribed under subchapter 1 of chapter 57 of title 5, United States Code. (c) CHAIRPERSON.—The Administrator shall designate, from among the individual members appointed to the Task Force, 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 Administrator of the Federal Corporation, the Task Force may request the head of any department or agency of the United States to detail personnel to the Task Force in carrying out its duties under this section. (3) OTHER STAFF AND SUPPORT.—Upon request of the Administrator of the Federal Corporation, the Task Force may request the head of any department or agency of the United States to detail personnel to the Task Force 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 tower centers, terminal radar approach 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 or circumstances 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 detect 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 hazards are identified in a facility of the Administration; and (G) resources allocated to facility maintenance and renovation by the Administration. (2) FACILITY INDICES.—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 the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, 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 (g), 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. (k) APPlicABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force. (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 43322(c)(1) is amended— (1) by striking “March 31, 2009” and inserting “September 30, 2010” and (2) by striking “May 31, 2009” and inserting “December 31, 2019”. (b) Successor Program.—Section 43322(c) 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 (1), 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—“(I) the amount of any claims paid out on such policies from September 22, 2001 through 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 43303(b) is amended by striking “May 31, 2009” and inserting “December 31, 2012”.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 43304 is amended in the second sentence by striking “the ‘Carrier’ and inserting “any insurance carrier”.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 43308(c)(1) is amended in the second sentence by striking “itself” and inserting “agent, or a claims adjuster who is independent of the underwriting agent.”.
TITLE VIII—MISCELLANEOUS
SEC. 801. AIR CARRIER CITIZENSHIP.
Section 40102(a)(15) is amended by adding at the end the following:
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SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 154 of chapter 158 of title 49, United States Code, is amended by adding at the end the following:

“(1) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

(A) Authority to provide insurance.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident in the performance of the Board's duties outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

(B) Limitation on implementation of realignments 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 required under subsection (f).

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) Submission.—Not later than 6 months 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 the criteria and recommendations developed by the working group under this section.

(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 at a location 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 committees referred to in subsection (c)(1) a report containing recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS 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 required under subsection (f).

(h) FAA DEFINED.—In this section, the term “FAA” means the Federal Aviation Administration.

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;

(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; and

(3) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases.

(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 tracking procedures; and

(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.

(c) REPORT.—Not later than one year 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. 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”), which is included in the National Plan of Integrated Airport Systems pursuant to section 47108 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

(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 air operator of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical use.

(c) UNASSIGNED AIRPORT REVENUE TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town’s request for closure of the airport.

(d) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain a fair market value for the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a non-airport development project that the Administrator shall use for the development or improvement of such airport.

(e) 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 conduct an intervention and motivation study program for flight crewmembers involved in air carrier operations in the United States under part 121 of title 49, 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 2009 through 2012. Such sums shall remain available until expended.
to the Committee on Transportation and Infrastructur 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.

(3) CREWMEMBERS.

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 reserves, without money consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain 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, the Air Area, State of Alaska for the construction or redevelopment of airport property.
(b) noise levels relating to helicopter operations and ways to abate the noise levels; and
(C) any other issue relating to helicopter operations.
(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 special law enforcement missions, 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 air space system.

(e) REPORT.—Not later than 6 months 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. 819. CABIN TEMPERATURE STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator 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 onboard such aircraft during standard operations or during an excessive heat delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall:

(1) survey onboard cabin and cockpit temperatures 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 develop the reporting of excessive temperature onboard passenger aircraft by cockpit and cabin crew members; and
(3) review the impact of implementing such onboard temperature standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using 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.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of establishing civil penalties for—

1. failing to provide initial and annual recurring training for flight attendants and gate attendants;
2. failing to ensure that the training of flight and gate attendants is adequate;
3. failing to require the use of new technologies and procedures to reduce the number of flights offered, and in doing so considering the level of overbooking;
4. imposing any other restriction that is not intended to interfere with the Federal Aviation Administration’s authority to ensure the safe and efficient use of the national air space system.

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

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 2009”.

SEC. 902. DEFINITIONS.

As used in this title, the following definitions 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 one year after the date of enactment of this Act, the participating agencies shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary projections.

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 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 2009 through 2012 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 120 days 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 establishment 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 five-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 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 Commerce, Science, and Transportation of the Senate at the time of the President's budget submission 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 the 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 (1) by striking “establish a” and inserting “establish the”; and

(2) in paragraph (7) by striking the period at the end and inserting “; and”;

(3) by inserting the following: “; 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 would compromise the safety of the unmanned aircraft that would endanger other aircraft in the national airspace system.”

(b) SYMPOSIUM, 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 “; 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 pursuit of pilot licenses; 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 2009 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 continued in subsection (a) that specifies the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 180 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 Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2009 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 arrangement with the National Research Council for a review of the FAA’s energy- and environment-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 energy- and environment-related research programs of NASA, NOAA, and other relevant 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 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 are authorized to be appropriated $700,000 for fiscal year 2009 to carry out this section.
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 2009.”

**(SEC. 1002. EXTENSION AND MODIFICATION OF TAXES ON AVIATION FUEL AND AIRPORT AND AIRWAY TRUST FUND.)**

(a) **Rate of Tax on Aviation-Grade Kerosene and Aviation Gasoline.**—

(1) **Aviation-Grade Kerosene.**—Paragraph (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 (i), by striking “at the end of clause (i)” and inserting “at the end of clause (ii)” and inserting “and”, and by adding at the end the following new clause:

“(4) in the case of aviation-grade kerosene, 35.9 cents per gallon.”

(2) **Aviation Gasoline.**—Clause (1) of section 4081(a)(2)(A) of such Code is amended by striking “19.3 cents” and inserting “21.1 cents”.

(b) **Fuel Removed Directly Into Fuel Tank of Airplane Used in Noncommercial Aviation.**—Paragraphs (1) and (2) of section 4081(a)(2) of such Code are amended to read as follows:

“(1) **Tax on Aviation-Grade Kerosene.**—Subparagraph (A) of subsection (l) of section 6427 of such Code is amended by striking “kerosene” and inserting “aviation-grade kerosene”.

“(2) **Tax on Aviation Gasoline.**—Subparagraph (B) of such subsection is amended by striking “kerosene” and inserting “aviation-grade kerosene”.

(c) **Designation of Institute as a Center of Excellence.**—

The Administrator shall establish a Center for Excellence in Aviation Employment. 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.

(d) **Duties.**—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other aviation traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices-based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA to develop and maintain a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition program results in attracting and retaining a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation 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 projecting and projecting workforce needs and demands and assessing the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the workforce, including the effects of wage and skill trends on general aviation maintenance organizations; and

(5) establish a best practices model in aviation maintenance technician school environment.

(e) **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.

**RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT**

(a) **Establishment of Research Program.**—Using amounts made available under section 4039(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, or through grain alcohol and other measures authorized under section 106(c)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) **Education by Educational and Research Institutions.**—In conducting the program, the Secretary shall provide for participation by educational and research institutions having experience in the design and development of technology for alternative jet fuels.

(c) **Establishment 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.
Page 7, after line 17, insert the following:

"(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 following subparagraph (A) and inserting “October 1, 2012”, and

(ii) by inserting “or the FAA Reauthorization Act of 2009” 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) any aviation gasoline or 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 9502(b) 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 striking after subparagraph (D) the following: “(E) section 4081 to the extent attributable to aviation-grade 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.

(ii) 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, to the Secretary of the Treasury.

(C) 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.

(D) 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 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.

(E) Exception for Exempt Uses.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for exempt uses, for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Amendment No. 1 Offered by Mr. Oberstar (Mr. Jackson of Illinois). It is now in order to consider Amendment No. 1 printed in part C of House Report 111—126.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Oberstar. Page 6, strike line 18. Page 6, line 19, strike “(2)”, and insert “(2)”.

Page 6, line 20, strike “(3)”, and insert “(3)”. Page 6, line 21, strike “(4)”, and insert “(4)”. Page 7, line 7, strike “2009” and insert “2010”. Page 7, line 12, strike “2009” and insert “2010”. Page 7, line 16, strike “March 31” and insert “September 30”.

Page 7, after line 17, insert the following: (d) Discussion 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.

Page 7, strike line 22. Page 7, line 23, strike “(2)”, and insert “(3)”. Page 7, line 24, strike “(3)”, and insert “(2)”. Page 7, line 25, strike “(4)”, and insert “(4)”. Page 8, line 6, strike “2009” and insert “2010”. Page 8, line 12, strike “2009” and insert “2010”.

Page 9, line 9, strike “2009” and insert “2010”.

Page 10, after line 4, insert the following:

(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 following subparagraph (A) and inserting “October 1, 2012”, and

(ii) by inserting “or the FAA Reauthorization Act of 2009” 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) any aviation gasoline or 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 9502(b) 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 striking after subparagraph (D) the following: “(E) section 4081 to the extent attributable to 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.—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 amounts into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equal to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.

(B) Exempt Uses.—Aviation fuel shall be considered 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.

(E) Exception for Exempt Uses.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for exempt uses, for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Amendment No. 1 Offered by Mr. Oberstar (Mr. Jackson of Illinois). It is now in order to consider Amendment No. 1 printed in part C of House Report 111—126.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Oberstar. Page 6, strike line 18. Page 6, line 19, strike “(2)”, and insert “(2)”. Page 6, line 20, strike “(3)”, and insert “(3)”. Page 6, line 21, strike “(4)”, and insert “(4)”. Page 7, line 7, strike “2009” and insert “2010”. Page 7, line 12, strike “2009” and insert “2010”. Page 7, line 16, strike “March 31” and insert “September 30”. Page 7, after line 17, insert the following: (d) Discussion 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.
(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).

Page 30, line 13, strike “May 1, 2009” and insert “September 1, 2009”

Page 42, strike all that follows through line 5 on page 44 (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

Page 44, line 15, strike “1632” and insert “1630”

Page 44, strike line 17 and all that follows through line 14 on page 45 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 138. AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) Purpose.—It is the purpose of the airport concessions disadvantaged business enterprise program to ensure that minority- and women-owned businesses seek to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(b) Findings.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport concessions 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 business of women and minority business owners, and minority-owned businesses based in African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women-owned business enterprises in a 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;

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

(b) Regulations.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to be issued by the Secretary of Labor.

(c) Personal Net Worth Cap.—

(1) Regulations.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to be issued by the Secretary of Labor.

(2) Annual Adjustment.—Following the initial adjustment under paragraph (1), the Secretary shall, on June 30 of each year thereafter, the personal net worth cap at $750,000 in 1989.

(2) Annual Adjustment.—Following the initial adjustment under paragraph (1), the Secretary shall, on June 30 of each year thereafter, the personal net worth cap at $750,000 in 1989.

(3) 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) Good faith efforts and initiatives, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

(4) 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 section, and annually thereafter, the Secretary shall issue a final rule to establish the program under paragraph (1).

(a) MANDATORY TRANSPORTATION PROGRAM.—Section 47113 (as amended by this Act) is further amended—

Page 45, after line 14, insert the following (with the correct sequential provision designations (replacing the numbers currently shown for such designations)) and conform the tables of contents accordingly:

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

(a) MANDATORY TRAINING PROGRAM.—Section 47113 (as amended by this Act) is further amended—

(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 (2) concerning whether or not 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 individuals under this section or section 47107(e).

(4) AUTHORIZATION OF APPROPRIATIONS.—Out of any funds 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 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 this subsection.

Page 47, line 23 through page 48, line 1, strike “fiscal years 2004 through 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,” and insert “fiscal years 2004 through 2009.”

Page 48, line 1, strike “inserting,” and insert “inserting.”

Page 48, line 2, strike “2008” and insert “2010.”

Page 53, line 6, strike “March 31” and insert “September 30.”

Page 53, lines 15 through 17, strike “for fiscal years ending before October 1, 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,” and insert “October 1, 2009.”

Page 76, line 12, strike “and” and insert “or.”

Page 76, line 12, insert “the following: (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

Page 76, line 13, strike “and” and insert “(D)”.

Page 88, line 11, strike “2009” and insert “2010.”

Page 94, line 22, strike “2009” and insert “2010.”

Page 96, line 7, strike “2009” and insert “2010.”

Page 96, line 13, strike “$14,500,000 for fiscal year 2009” and “2009.”

Page 96, line 19, strike “2009.”

Page 99, line 16, insert: “(a) IN GENERAL.—before “Not later than”

Page 99, line 25, strike “and” and insert “(B)”.

Page 100, line 9, strike the first period and all that follows through the final period and insert “.”

Page 100, after line 9, insert the following:

“(b) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair 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 Cooperation 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 paragraph 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 protection it considers appropriate for civil aviation safety.”.

Page 115, after line 7, insert the following (with the correct sequential provision designations (replacing the numbers currently shown for such designations)) and conform the table of contents accordingly:

SEC. 312. 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 flightcrew members, medical personnel, and passengers onboard 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:

(i) Flight risk evaluation procedures, including performance-based flight dispatch procedures.

(ii) Pilot training standards, including—

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

(B) training of flight crew and personnel in areas, such as communications procedures and appropriate technology use;

(ii) crew resource management;

(iii) flight risk evaluation;

(iv) preventing controlled flight into terrain;

(v) recovery from inadvertent flight into instrument meteorological conditions;

(vi) operational control of the pilot in command; and

(vii) use of flight simulation training devices and line oriented flight training.

(c) SAFETY-RELATED 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 practicable; and

(D) safety equipment that should be worn or used by flightcrew members and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

(d) Such other matters as the Administrator considers appropriate.

(e) 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.

(2) Operational control.

(3) Flight risk evaluation program.

(4) Operational control.

(f) Certification of the certificate holder providing helicopter air ambulance services.

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

(2) 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

(3) 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 uses 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 helicopter air ambulance services were providing helicopter air ambulance services.

(3) The number of flight requests for a helicopter air ambulance service 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 helicopter operators operated by the certificate holder while providing helicopter air ambulance services.

(6) The time of day of each flight flown by helicopter operators 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 clause (a) shall relate to such reporting period as the Administrator determines appropriate.

(c) Required Data.—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) in a manner that protects 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 a report containing a summary on Commerce, Science, and Transportation and Infrastructure of the data collected under subsection (a).

SEC. 314. 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:

(A) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(i) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(ii) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(iii) coordination of air ambulance services, with each other, and local emergency medical services systems, referring entities, and receiving hospitals;

(iv) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities and hospitals;

(v) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(B) 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—

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

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

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

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

(i) licensing;

(ii) certificates of need;

(iii) public convenience and necessity requirements;

(iv) assignment of geographic coverage areas;

(v) accreditation requirements;

(vi) compliance with dispatch procedures;

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

(D) 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—

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

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

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

(ii) on the quality of patient care and outcomes; and

(iii) on competition and safety; and

(d) Required Information.—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 shall include—

(A) findings recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

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

(e) Adoption of Recommended Policy Changes.—In the report under part 135 certificate holder means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.
"(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

(1) the Inspector General of the Department of Transportation, or other appropriate investigative body; or

(2) corrective actions.

(3) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information submitted under subparagraph (A)(i) unless—

(i) the individual consents to the disclosure in writing;

(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

(4) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency who initiates or participates in investigations conducted under this subsection shall share the responses with the appropriate committees of Congress.

(5) DISCLOSURE TO INSPECTOR GENERAL.—The Secretary shall disclose all information (including information submitted under subparagraph (A)(i)) unless—

(ii) the individual consents to the disclosure in writing;

(iii) in the course of an investigation, the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

(6) EFFECTIVE DATE.—The provisions of this subsection shall apply retroactively to any violation of this section occurring on or after the date of the enactment of this Act.

(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or failing to take, a personnel action in violation of this section is prohibited. The Director may subject an employee of the Agency who initiate or participate in investigations and specific requests to the Secretary and Administrator to such recommendations; and refer to the preceding 12-month period;

(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 further investigations, corrective actions recommended, and referrals in response to such investigations; and

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

(D) an evaluation of personnel resources necessary to effectively support the mandate of the Office.

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

(A) 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 further investigations, corrective actions recommended, and referrals in response to such investigations; and

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

(D) an evaluation of personnel resources necessary to effectively support the mandate of the Office.

(9) TRANSITIONAL PROVISIONS.—The provisions of this section shall be construed as prohibiting an action taken by an employee of the Agency who initiate or participate in investigations under this subsection.

(10) EFFECTIVE DATE.—The provisions of this section shall apply retroactively to any violation of this section occurring on or after the date of the enactment of this Act.

(11) PROTECTION OF PROHIBITED PERSONNEL ACTIONS.—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 this section to a disciplinary action up to and including termination.

(12) CIRCUMSTANCES WHERE A VIOLATION IS NOT PREVENTED.—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 this section to a disciplinary action up to and including termination.
Page 196, line 23 and all that follows through line 6 on page 197 and insert the following (with the correct sequential provision designations replacing the numbers currently shown for such designations) and conform the table of contents accordingly:

**SECTION 511. 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 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 of the Federal Aviation Administration shall submit to the Congress a report on the results of the research and development work carried out under this section.

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

Page 197, line 9, strike “(proposed)”.

Page 198, after line 25, insert the following (with the correct sequential provision designations replacing the numbers currently shown for such designations) and conform the table of contents accordingly:

**SECTION 515. 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) SUMMARY REPORTS.—Not later than one year after the last day of the 3-month period beginning on August 28, 1999, and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

Page 200, after line 6, insert the following (with the correct sequential provision designations replacing the numbers currently shown for such designations) and conform the table of contents accordingly:

**SECTION 602. MENTAL SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.**

Section 40122(g)(2)(A) is amended to read as follows:

“(2) The city of St. George shall agree that in acquiring any interest in property that the United States deeded 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.

**SECTION 827. 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, includes an operating terminal radar approach control.

**SECTION 828. 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 for that airport.

Page 261, line 24, strike ''2009'' and insert ''2010''.

Page 266, line 19, strike ''2009'' and insert ''2010''.

Page 267, line 18, strike ''2009'' and insert ''2010''.

Page 270, line 14, strike ''2009'' and insert ''2010''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Chairman.

Because the fiscal year 2009 Omnibus Appropriations Act was already enacted in March, P.L. 111-8, this amendment strikes the 2009 funding authorization in the base bill. Therefore, with adoption of the manager's amendment, total funding provided for Federal Aviation Administration programs in H.R. 193 is approximately $55.3 billion, including $13.5 billion for the airport improvement program, $10.1 billion for facilities and equipment, $794 million for research and development, and $30.3 billion for operations.

The manager's amendment also addressed the Airports Disadvantaged Business Enterprise System, and noise.

On the safety provision, it includes a requirement that FAA initiate a rulemaking to improve the safety of flight crew members, of medical personnel, passengers, and helicopters providing air ambulance services. The FAA must issue a final rule on these issues within 16 months after date of enactment of the act.

The manager's amendment requires the Comptroller General to study helicopter and fixed-wing air ambulance service, including the state of the industry to request and dispatch practices and economic and medical issues and report back to the Committee on Transportation and Infrastructure within 1 year.

DOT is required to review the study, to issue a report to the committee indicating policy changes it intends to make as a result of the study. It strengthens the aviation safety whistleblower protection office.

The manager's amendment includes very specific language with reference to the foreign repair station issue citing the agreement, the bilateral aviation agreement, which I've already cited. I don't need to cite it again. The amendment makes clear that the language in this bill is in keeping not only with the language of, but the spirit of, the U.S./EU aviation agreement.

The amendment applies the Disadvantaged Business Enterprise program and the Airport Concessions Disadvantaged Business Enterprise program to airports collecting passenger facility revenue. It provides more protection from noise for airport neighbors. Under existing law, the FAA is not permitted to fund soundproofing of residences to reduce airport noise unless the airport undertakes an extensive analysis, a Part 150 Study. The amendment proposes for soundproofing without a Part 150 Study if the airport takes certain actions, such as preparing noise contours and implementing land-use zoning restrictions.

I reserve the balance of my time.

Mr. PETRI. Thank you, Mr. Chairman. I rise in opposition to the amendment offered by the gentleman from Minnesota.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. PETRI. Thank you. While there are clearly many useful provisions in the manager's amendment which we do support, there are, unfortunately, several which we do not. Another amendment, one of the important areas has been mentioned on a number of occasions already on this floor as we've gone forward, and that's the foreign repair station inspection language.

The manager's amendment continues to require twice annual inspections of repair stations in Europe. What does this mean? It means that the European Union will and does oppose this provision and has suggested that the provision will nullify the need for the bilateral aviation agreement. It certainly violates the spirit of the United States-European Union Bilateral Aviation Safety Agreement.

Under that agreement in section 15, countries are always allowed to inspect the other country's territory based on safety concerns. So there is flexibility and this is within the letter of the law of the treaty, as the chairman has pointed out. But it's certainly not within the spirit of the treaty. Our government has to concede jurisdiction over safety of American equipment and people and planes. And if there is a legitimate reason to inspect, we reserve the right to do it under that treaty. But not just automatic inspections whether there is any reason or not, which is what the amendment provides for.

This section 15 provides for inspection, but it does not envision twice-annual inspections absent a legitimate reason. And that's the logic of the language of the treaty. If we don't abide by the spirit of the treaty, the EU has—and I believe will—walk away from the bilateral agreement and we will have to renegotiate another agreement which may end up giving us less, rather than more, flexibility to inspect when we determine based on information or concerns that have come forward that a particular inspection of a particular facility is warranted, which we have the right to do at any time under this treaty.

The Europeans do not have the personnel to conduct—well, I don't think our government has the personnel currently to inspect all of the stations that would be required to be inspected. And so we would revoke the certificates for repair stations that are not inspected and the Europeans would not be able to do that in our country. The result would be that a lot of work—around both parties to the agreement—would be moved around, at least; and the net loss, so far as between the United States and Europe is concerned, would, it's my understanding, fall on American stations because currently a lot of European equipment is in fact maintained here in the United States. That's where the threat to the jobs comes from.

Page 270, line 14, strike ''2009'' and insert ''2010''.

The provisions in the amendment having to do with inspection of stations is opposed by the airline industry; the associations that have looked at it; the United States Chamber of Commerce; airline manufacturers; as I mentioned, the European Union; and some 50 of our colleagues, who signed a letter in opposition. I think probably by now everyone is concerned about the jobs in their district at repair stations and dislocation of work at these stations particularly the smaller ones, that was circulated by our colleague Mr. BARROW.

There are a number of other concerns about the amendment, particularly some concerns about the clarity of the whistleblower amendments and how those would actually be put into effect. Also, a concern about realignment and consolidation language which ties the FAA's hands.

The major concern we have, as I said, is especially in these tense times, where a small match could ignite a big fire in terms of trade relations. We are really playing with fire in the language that's contained in the manager's amendment having to do with inspection on a mandatory basis twice a year of all of these repair stations. I reserve the balance of my time.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished Chair of the Aviation Subcommittee, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Thank you, Chairman OBERSTAR. I rise in support of the manager's amendment. Let me address a couple of issues that my friend, Mr. PETRI, and Mr. MICA spoke about as far as the agreement that we have and the foreign repair stations—the mandate that we inspect those repair stations at least twice a year.

Number one, the FAA not only has a right, but they have a responsibility to the flying public in the United States and the flying public abroad to inspect all repair stations when there is a problem or a complaint or an issue that is brought up, but they have a responsibility to inspect those repair stations and make sure that all of the repair stations both here in the United States and abroad are meeting the FAA regulations.

I wonder if the groups and organizations who wrote letters in opposition
to this read the Department of Transportation Inspector General’s report where, and I quote, “The DOT inspector general stated that foreign inspectors oftentimes do not provide the FAA with sufficient information to determine the items inspected, problems discovered, and corrective actions taken.”

The report goes on to say, “In the files that the Department of Transportation inspector general reviewed, the inspector documentation provided to the FAA were incomplete or incomprehensible 88 percent of the time, hampering the FAA’s ability to verify the inspections conducted on its behalf adhered to FAA safety standards.”

So let me just say that for those who are concerned about this requirement of having two physical inspections of foreign repair stations, this is the same language that was in the bill that was passed by this House by a vote of 267 Members in favor of the legislation. It is the exact same language—to have two inspections per year of foreign repair stations.

The final point that I would make is we, again, in this legislation provide additional funding to the FAA to hire additional inspectors to carry out these inspections.

Mr. PETRI. I would like to speak for a brief moment on a comment my colleague just made, and that is there is a bit of an impression being left that if we don’t have these two inspections a year of these foreign European repair stations, they won’t be inspected. They are inspected. In fact, in a number of the standards that are imposed on these facilities by the European Union and the governments and jurisdictions in which they exist are stricter than our own standards are.

We do reserve the right now to inspect those stations if there is a problem. But to go ahead and require two inspections a year of stations that are already inspected by standards that we have concluded after experts have looked into it are perfectly adequate is really setting up a dynamic which will end up being disruptive to the industry and to good cooperative relations with our European allies.

I reserve the balance of my time.

Mr. OBERSTAR. I reserve the right to close.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

Mr. OBERSTAR. It’s my amendment.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

PARLIAMENTARY INQUIRY

Mr. OBERSTAR. Parliamentary inquiry. Is the right to close reserved to the gentleman in this legislation?

The Acting CHAIR. A manager in opposition to the amendment has the right to close. Mr. PETRI is a manager in opposition.

Mr. OBERSTAR. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank Chairman OBERSTAR again. Mr. PETRI, I would just finally say again that we have the Department of Transportation inspector general report. We understand that there are a number of inspections that take place by other agencies outside of the FAA.

But I might again read to you from the Department of Transportation inspector general. “In the files that the DOT IG reviewed, the inspection documentation provided to the FAA was incomplete or incomprehensible 88 percent of the time, hampering the FAA’s ability to verify that inspections conducted on its behalf adhered to FAA safety standards.”

What we are simply saying is that we want the FAA to go to foreign repair stations and physically inspect them twice a year. And we are saying to our friends in Europe if they want to inspect repair stations that they are using here in the United States twice a year, or more than twice a year, they are more than welcome to do that.

We believe we have the right—not only the right, but an obligation to the flying public to require these inspections.

I would also finally note we’re talking about agreements that were negotiated by the administration with our friends in Europe, and the past administration did not consult the Aviation Subcommittee or the Transportation Committee or the Congress when they negotiated these agreements.

So we believe this is a reasonable thing to do. It was in the last bill that passed the Congress in September, 2007; 267 Members voted in favor of that bill with this provision in it. And we believe that it is the right thing to do and a reasonable thing to do, and it’s an obligation we have to ensure the safety of the flying public.

Mr. PETRI. I understand that since the gentleman from Minnesota is amending the bill and I’m a member of the committee, I have the right to close.

The Acting CHAIR. The gentleman does have the right to close.

The gentleman from Minnesota has approximately 2 minutes remaining.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ALTMIERE).

Mr. ALTMIERE. I rise to highlight my provision in the manager’s amendment of the FAA which direc­ted the GAO to conduct a nationwide study of helicopter medical services.

On April 22, the Aviation Subcommittee held a hearing on oversight of medical helicopters, which confirmed my concerns about this industry. A recent and disturbing increase in safety-related incidents involving helicopter medical services impacts real patients who have been harmed or put at risk in areas where there is fierce and unregulated competition among medical helicopters.

The language that I provided Chairman OBERSTAR provides for a study to illuminate the troubles in the helicopter medical services industry and prevent unnecessary deaths and injuries among our country’s most vulnerable medical patients.

I look forward to working with the Department of Transportation following this study to implement these issues literally of life and death.

Mr. OBERSTAR. Mr. Chairman, I will close to say that although we have beaten this repair station horse to death with 36-second cameo comments about threats of job losses, the point is safety. We must never negotiate away the right of the United States FAA, the gold standard for safety in the world, to assure that aircraft on which our fellow citizens travel are maintained properly and in accord with FAA standards and with certified facilities and properly certified maintenance personnel. And our right to inspect them should not be inhibited.

The previous administration should never have negotiated away any such right or presumed to limit our ability. We are acting in this language in this bill under the authority of the U.S.-EU Aviation Agreement. It specifically says that. And for us to come in and inspect only when there is a problem is the graveyard mentality that got the FAA out of problems and fatalities in the eighties. We’re not going to repeat that in the future.

Mr. PETRI. The concern about this amendment is that we do have the ability to inspect if there’s a reason now to inspect. It’s very unlikely if this were to become law we would immediately have in place the inspectors necessary to inspect all of these European stations twice a year. As a result, the certification of many of them would be pulled. It would force retaliation by the Europeans on our own stations.

If it was a sincere amendment, it would provide that we not go into effect until the government had an opportunity to inspect all of these stations twice. And it does not do that. We know how effective government is. It will take them years to man up and find all of these European stations. And so we oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LEE OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 111-___.

Mr. LEE of New York. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LEE of New York:
Page 258, after line 22, insert the following (with correct sequential designations and conform the table of contents of the bill accordingly):
SEC. 826. 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 of 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 to the FAA for 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.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from New York (Mr. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. LEE of New York. Thank you, Mr. Chairman. I want to start by thanking my colleagues from western New York, Ms. SLAUGHTER and Mr. HIGGINS, for signing on to this amendment and the support they have given to the families of the victims of the tragedy. For this amendment to require a Government Accountability Office study of commercial airline pilot training and certification programs.

On February 12, 2009, 50 lives were lost when Continental Flight 3407 crashed into a house in Clarence, New York, 5 miles from the Buffalo Niagara International Airport. What was to be a joyous reuniting of family and friends became a time of unspeakable grief and sorrow. It is a tragedy our community continues to grapple with today.

Last week, the National Transportation Safety Board held public hearings on the crash. The investigation has focused on the issue that the crew’s level of hands-on training and experience with the plane’s safety system may have contributed to the crash. Given these findings, we must conduct a comprehensive review of the procedures governing the certification and training of pilots. This will determine whether our pilots are receiving the training and experience they need to operate their aircraft under times of extreme difficulty and stress. We have an obligation to ensure that they are properly prepared to prevent and respond to and recover from the emergencies and circumstances they may encounter in flight.

This amendment will provide Congress with the information and analysis we need to determine whether pilot training and certification regulations are sufficient, or whether and how they should be strengthened. The devastation felt in the aftermath of this tragedy can never be undone. But we owe it to the families of the victims and to all air passengers to learn from this experience and to gather information that we can use to change the system and improve flight safety.

Thank Congresswoman SLAUGHTER for his leadership and for bringing this amendment to the floor. This is a good, commonsense amendment. I urge its adoption.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from New York (Mr. LEE) has 2 minutes remaining.

Mr. LEE of New York. I would like to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from New York for yielding and rise in support of his amendment. It’s an important step to prevent similar accidents in the future. It is something that we need to do, and I very much appreciate his offering the amendment at this time.

Mr. BOCCIERI. Mr. Chair, the resolution seeks a GAO study on all commercial airline pilot training and certification programs. In the wake of the new revelations surrounding the events that led up to the Continental Connection Flight 13407 tragedy, FAA minimum pilot standards are long overdue for an overhaul.

It is my hope Congress will take a comprehensive look at these standards and make necessary changes. This study will help us determine what shortcomings currently exist.
The Colgan Air crash in Buffalo underscored the danger of not having fully trained pilots in the cockpit.

The flying public has a reasonable expectations that pilots will have all the critical training necessary to protect their lives in the air and make decisions based on conditions; while investigations are ongoing—it is becoming clear Colgan did not meet those expectations in the Buffalo crash.

(1) Commercial pilot training and certification programs at United States air carriers, including regional and commuter 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;

(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.

Mr. RICHARDSON. Ms. RICHARDSON. I yield back the balance of my time.

Mr. LEE of New York. I yield back the balance of my time.

The Acting CHAIR. The CHAIR. The question is on the amendment offered by Ms. Richardson from New York (Mr. LEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 111–126.

Ms. RICHARDSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. RICHARDSON:

Page 142, at the end of the matter following, insert the following:

42304. Notification of flight status by text message or email.

(4) What stall warning systems are included in-flight simulator training compared to classroom instruction;

(5) What stall warning systems are included in-flight simulator training compared to classroom instruction;

(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.

The Chair recognizes the gentlewoman from California, Ms. RICHARDSON. Mr. Chairman, I have offered an amendment today which would give the FAA administrator 180 days to issue regulations to make it giving consumers an option for text message and/or e-mail notification from carriers in the event of a delay or canceled flight. The amendment would, consistent with the existing regulations, apply to 18 major carriers and small commuter carriers of the domestic passenger service revenue and in that way those carriers could, in fact, provide a commonsense option for all passengers.

The reason for the amendment is that a limited number of carriers offer this service, and those who do often only provide the service to those who are willing to participate in membership clubs or incentives to join. With well-known hours of delays and canceled flights combined with the widespread capabilities for the use of cell phones and BlackBerrys nationwide, it’s time to provide a 21st century solution to the American flying public.

American and worldwide travelers are calling for solutions that would enable critical information people need to ensure proper planning in the case of a delay or cancellation.

There is overwhelming evidence that delays and cancellations continue to be a common nuisance.

About 24 percent of all flights, that is almost 1 out of 4, were delayed or cancelled in 2008.

In a 2006 example that garnered media attention, passengers showed down American Airlines’ operations in Dallas-Fort Worth and passengers were stranded for nine hours or more.

Major chokepoints for travelers have been large, hub airports. Even when Chicago, New York, Atlanta or San Francisco is not your final destination, thousands of passengers delayed and canceled flights are routed through those hubs for a connection.

Although, with a decline in air traffic due to our economic condition, progress is still slow in many of our major airports such as JFK or LaGuardia in New York, or Chicago’s O’Hare. And even worse, some international flights, particularly international flights, actually saw an increase in delay times by 6 percent from 2007 to 2008.

There are many reasons that a delay could occur and unfortunately most passengers are not aware, for example, of poor weather conditions in other cities that indirectly affect their flight. In one example, a direct flight last year from Denver to Alabama was delayed 8 hours because the airline did not have a plane available. The plane was grounded in Aspen, Colorado due to snow and could not make the trip to Denver.

This is a common example of an airline having prior notice of an upcoming delay. The airline could have sent each passenger who requested it an email or text message, and those passengers could then plan a different route or contact their family with the news.

This past March, snow slammed the East Coast unexpectedly. In the New York region alone, the storm caused 350 cancelled flights at Newark Airport, 115 at JFK, and 450 at LaGuardia.

One woman, Ms. Marreta Rashad, did not find out her flight home to Houston was canceled until she had already made the long trek to LaGuardia. “I’m not unhappy about the snow,” she said. “I’m unhappy about the fact they don’t notify you.”

Customer service matters. Why? It is in the economic interests of this nation for the competitive service air carriers to protect their customers and providing them with the tools to make informed traveling decisions. The summer travel season is coming and it is important for every American business, large and small, that seeks travel around the country to keep our tourism sector strong.

It is important to note that this amendment does not call for the aviation carriers to provide the service at no cost; similar to if someone makes a 4–1–1 information call on their cell phone, passengers need to pay for an additional telecommunications or electronic plan requires. But, passengers should have the piece of mind to know that if they choose, they will be armed with the latest information.

I want to thank Chairman OBERSTAR and Chairman COSTELLO for their feedback on this amendment. I urge all my colleagues to support this commonsense amendment.

Mr. COSTELLO. Will the gentlewoman yield?

Ms. RICHARDSON. I yield to the gentleman from Illinois.

Mr. COSTELLO. Let me say that you have made a very strong case, and we accept your amendment.

Ms. RICHARDSON. I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise with concerns about the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes in opposition.

Mr. PETRI. I think we can all agree that notifying passengers of their flight’s status is quite important. But I would like to express a number of concerns about the amendment. It’s an important area, and we would like to work on it, but we want it to be an effective amendment that would not have unintended consequences. So it is in that spirit that I express concerns about the amendment.

We worry that the amendment will have negative, as I said, unintended consequences on our carriers. Although it only applies to carriers that earn at least 1 percent of domestic passenger service revenue, this amendment will still affect many regional carriers that do not have the capability of carrying out the mandates of the amendment. The vast majority of regional carriers do not issue tickets. This is done by their mainline air partner. Thus, these regional carriers do not even have their passengers’ contact information, making the requirement impossible to adhere to by them. They would have to be relying on their mainline partner.

The Regional Airline Association believes that this amendment, as currently written, would require a fundamental restructuring of the contracts and partnership language between the regionals and the mainline carriers that could affect the relationships in a number of ways.

I hope that my colleagues will join me in working as we go forward to refine this amendment so that it
achieves its intended notification to passengers without economically damaging consequences on the balance of power between the small regions and the mainline partners that they have.

Mr. OBERSTAR. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Could the gentleman explain whether his position is just raising questions or is he in opposition to the amendment?

Mr. PETRI. We're just raising questions. We agree the amendment is an important one, and it addresses a real need. We just want it not to have the unintended consequence of benefiting the mainline ticket processing operations at the expense of the small regional carriers which, if it was a mandate, it might have the effect of doing. It is not the intention of it, but it would be an unintended consequence because these people would need to get the information to comply from someone else, and that person, foreseeably, could affect the contract relationship.

Mr. OBERSTAR. If the gentleman would further yield, it's a legitimate concern, and we will address that concern—I assure the gentleman—as we move forward to hopefully conference with the Senate. I would like the distinguished ranking member to give us some further elaboration of these issues. We will address those.

Mr. PETRI. With the assurance of the chairman, at this time we would be happy to see the amendment move forward, knowing that it will be refined as we go forward.

I yield back the balance of my time.

Ms. RICHARDSON. I yield back the balance of my time.

Mr. BURGESS. Thank you.

Mr. OBERSTAR. Pursuant to a motion by Mr. BURGESS: The Acting CHAIR. The Clerk will be instructed to forward the amendment.

The Acting CHAIR. Pursuant to a motion by Mr. BURGESS:

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111–126.

Mr. BURGESS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BURGESS:

Page 259, after line 22, insert the following (with the correct sequential designations and conform the table of contents of the bill accordingly):

SEC. 226. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Thank you.

Today Congress will vote on H.R. 915, which will reauthorize the funding and Safety Oversight Program of the Federal Aviation Administration for 4 years. This will cost the American taxpayers $70 billion. Yet again, another agency has been given a historic amount of money, and this time spent for the FAA. Where will this money come from? The money will not come from large commercial airlines. These fees will not be generated alone by labor and efforts of big businesses. These fees will come from the average American already struggling to make ends meet. For instance, this bill will increase the Passenger Facility Charge on airline flights from $4.50 to $7. So every American flying will now have to pay $2.50 more for each trip. In these tough and trying economic times, every dollar counts. So how can we justify making our constituents and airline consumers pay more money to fly and visit their relatives?

This bill will also create new fees for registering an aircraft. A new fee for the issuance of aircraft certificates, a new fee for special registrations, a new fee for recording security interests, and a new fee for legal opinions for aircraft registration or recordation. There is even a new fee for replacing or issuing airman certificates. It begs the question, what won’t we be imposing a new fee upon?

At least with this bill, a vote for it will affect everyone. Everyday travelers, tourists, small businesses and large businesses will still have their pocketbooks affected. I refer specifically to the language in this bill regarding the antitrust immunity sunset, which would terminate airline code-sharing alliance agreements between airlines and the United States Government.

Most major U.S. airlines are members of one of three partnerships. They entered into these alliance agreements to share benefits, tourists, small businesses, and large businesses. I would like the distinguished ranking member to give us some further elaboration of these issues. We will address those.

Mr. OBERSTAR. Will the gentleman yield?

Mr. BURGESS. No. Let me continue.

This dangerous situation came to light when one of my constituents, Anne Whiteman, raised concerns about the Federal Aviation Administration’s practice of accepting complaints from whistleblowers who were facing retaliation or discipline. The FAA has been caught in a Catch 22 situation. If a whistleblower makes a complaint, they are protected by law and cannot be retaliated against. However, if they do not make a complaint, they are not protected and can be fired if they speak out. The FAA has even issued a memo to their employees that explicitly states that whistleblowers who choose not to file complaints are not protected. This is unacceptable.

Individuals in the world of the Federal Aviation Administration should be able to speak up and speak out when safety is being compromised. Whether it is the FAA, the Department of Justice, or the Department of Transportation as well as the Federal Aviation Administration management at DFW TRACON, there is evidence of how certain whistleblowers courageously reported abuses of the public trust in an attempt to change FAA’s safety and management culture. If you are contemplating a hearing during the 111th Congress focusing on federal whistleblowers, I believe the addition of any one of the brave Americans involved in this particular situation would provide a valuable perspective.
merely so they could falsely improve their quality ranking.

As per DOT procedure, this report by the DOT’s OIG was referred to the 82 special counsel, and on November 14, 2008, they issued their report also finding Anne White- man’s facts to be reasonable. OSC found that the DOT OIG failed to systematically mischaracterize operational errors as pilot errors. The OSC found this systematic behavior directly resulted from a general lack of oversight at the FAA and also made recommendations to mitigate and avoid this type of situation in the future. I have included a copy of the OSC final report and the OIG Report of Investigation for the record.

Thank you for your consideration of this request. As always, it is a pleasure working with you. Even though we do not always see eye-to-eye on every issue, I know both you and I share a desire to ensure that those entrusted with the public’s safety are held accountable.

Sincerely, 

MICHAEL C BURGESS, Member of Congress.

I wanted this Congress to look into how certain courageous whistleblowers report their observations to the FAA, and the public trust and how the FAA’s safety and management culture responds.

Now, I am well aware that we have stopgap funding for the FAA. Perhaps as a result of this, the FAA has not had the time, the energy, or the resources to do proper oversight and investigations. Perhaps they have not had a chance to look into each and every whistleblower action. If this is the case, then the solution is not to create new laws, thus new actions for the FAA to undergo. The solution is not to give them unheard of amounts of money by taxing consumers.

Instead, let us give the FAA the resources they need to do the proper oversight and investigations and ensure that the safety of our citizens is our first and foremost concern. My amendment will recognize the role whistleblowers play in creating a safe flying environment, and I hope Members will join me in supporting their important role.

Mr. PETRI. Will the gentleman yield?

Mr. BURGESS. I yield to the gentleman from Wisconsin.

Mr. PETRI. The amendment affirms the sense of Congress that whistleblowers at the FAA should be fully protected by law, and we support the amendment.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OBERSTAR. I ask unanimous consent in order to support the amendment, although I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. It was unclear to me what the gentleman was proposing. His amendment deals with whistleblowers, but his conversation rambled all over the lot on other provisions of the bill. I would simply like to ask the gentleman if he was ever going to get to his amendment. And eventually he did.

We accept the whistleblower amendment. However, the gentleman is misguided about the passenger facility charge. We do not require airports to impose passenger facility charges. Mr. Chairman. It is a local option. They either do or they do not as airport needs require them. It is the airport’s own decision to expand airport runway capacity, taxiway capacity, parking apron capacity on the air side of airports and need, in addition to the airport improvement funds, additional revenues to do that, they will have to justify. Thus, to the community, to those who use that airport, they have to justify their proposal to increase the passenger facility charge, show how it is going to be used, show how the revenues will contribute to improvement of aviation service and do it all in a public process.

I’m puzzled as to the gentleman’s concerns about that provision and many others.

I yield to the gentleman from Illinois, the Chair of the subcommittee. Mr. COSTELLO. I thank you for yielding, Mr. Chairman.

The point that I would make about the passenger facility charges is exactly the point that Chairman OBERSTAR just made. It is up to the local airport authority. And if, in fact, there is a passenger facility charge collected, it stays there at the local airport.

Mr. PAYNE. Mr. Chair, I rise in strong support of the Burgess amendment to ensure whistleblower protection for FAA employees, and I commend Dr. Burgess for offering this amendment. I have been deeply disturbed at the situation at Newark Liberty International Airport in my congressional district of Newark, New Jersey. The safety concerns raised by a number of our air traffic controllers, the professionals we rely on to get us safely to and from our destinations, have been virtually ignored.

We have a situation where wrong turns caused by pilots’ confusion over the FAA’s new procedures resulted in near-collisions. Yet, when the air traffic controllers have expressed alarm, the response of FAA management has been to retaliate against the employees who are trying to guard the safety of the flying public. Let me also add that I am disappointed that New Jersey communities, especially those in Essex and Union counties in my congressional district, are being forced to bear an unfair share of the noise burden under the airspace redesign plan. I hope that the new FAA administrator will address both the whistleblower protection issue and the need to reexamine the airspace redesign plan.

Mr. OBERSTAR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. Burgess).

The question was taken, and the Acting Chair announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of Rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. OBERSTAR. Pursuant to the Clerk’s note in the table of contents accordingly: Page 260, after line 11, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 284. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation 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 renewable 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, the Administrator may consult with the heads of appropriate agencies as needed.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, as necessary, and test deployment of alternate solutions, as necessary.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I ask for unanimous consent to modify the amendment with the modification at the desk.

The Acting CHAIR. The Clerk will read as follows:

Amendment No. 5 Offered by Mr. CUELLAR, as modified:

Page 258, after line 11, insert the following with the correct sequential provision designations (replacing the numbers currently shown for such designations): and conform the table of contents accordingly:

SEC. 284. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation 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 renewable 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 relocation of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the authority of the Administrator to issue hazard determinations.

Mr. CUÉLLAR (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the modification.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Pursuant to the provisions of House Resolution 464, the gentleman from Texas (Mr. CUÉLLAR) is recognized for 5 minutes.

Mr. CUÉLLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank first, of course, our chairman, Mr. OBERSTAR, for his leadership on this bill.

My amendment will assess the effect of the FAA’s radars and alternative technology development especially on wind farm development and when appropriate direct the administrator to develop a process for the relocation of those radars if a suitable alternative site is identified. This bipartisan amendment was born out of conversation with the FAA and the Transportation and Infrastructure’s Aviation Subcommittee in this section shall be construed to affect the authority of the administrator to issue hazard determinations.

Mr. CUÉLLAR. Mr. Chairman, I want to be clear that nothing in this amendment shall be construed to constrain the issuance of a determination of no hazard to air navigation for wind construction projects while the study is underway. I have included clarifying language in my modified amendment, and I intend to work with Chairman OBERSTAR and the Senate in the conference to ensure that the legislative intent of this amendment stays there so we don’t halt the issuance of permits for wind technology.

Mr. COSTELLO. I ask the gentleman to yield.

Mr. CUÉLLAR. Yes, sir.

Mr. COSTELLO. The gentleman has made a strong case. We accept the amendment, and I want to work with Chairman OBERSTAR and the Senate in the conference to ensure that the legislative intent of this amendment stays there so we don’t halt the issuance of permits for wind technology.

Mr. CUÉLLAR. I would like to yield 1 minute to Mr. MCCAUl.

The Acting CHAIR. The gentleman from Texas is recognized for 1 minute.

Mr. MCCAUl. I thank the gentleman from Texas, my good friend, Mr. CUÉLLAR.

Mr. Chairman, I rise in support of this amendment that I’m proud to co-sponsor. I urge its adoption. As we all know, the development of alternative energy is of supreme importance to this country both as an economic and a national security issue. I believe in the all-of-the-above energy policy that includes more energy domestically.

Unfortunately, in our home State of Texas, the construction of wind farms has been delayed because such farms interfere with radars used by the FAA. The amendment is simple. It requires the FAA to study and report to the Congress on the impact radar replacement can have on the development of renewable energy facilities. If they can identify a suitable alternative location to achieve national security and public safety goals from an alternative location while still accommodating the development of renewable energy, then Congress should know this so we can then take appropriate action.

Mr. CUÉLLAR. I just want to thank Mr. OBERSTAR and Mr. COSTELLO for their time and Mr. MCCAUl, Mr. ORTIZ, and Mr. RODRIGUEZ, who also cosponsored this amendment.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

If not, the question is on the amendment, as modified, offered by the gentleman from Texas (Mr. CUÉLLAR).

The amendment, as modified, was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUl

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111–128.

Mr. MCCAUl. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUl:

Page 239, after line 9, insert the following (with the corresponding provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, 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.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. MCCAUl) and a Member opposed each will control 5 minutes.

Mr. OBERSTAR. The language is not intended to apply to any specific Member.

Mr. MCCAUl. This amendment is intended to be applied retroactively. It would only apply to then Members—Mr. OBERSTAR. The language is not intended to apply, my question is, to any specific Member?

Mr. MCCAUl. That’s correct.

Mr. OBERSTAR. It was a few years ago, quite a few years ago, 1996 to be exact, that the Republican majority foisted upon the Washington Airport Commission the requirement to redesignate the name of the airport serving the Nation’s capital. They started out this amendment by the
gentleman from Georgia, Mr. Barr, to name it “Reagan National Airport.” We pointed out that is renaming the airport. It is named for the first President of the United States.

That language was changed to call it the “Washington-Reagan National Air-
port.” Not only did the amendment require the Washington National Airport Aut-
ority to change the name of the airport, but it was made very clear to me that if they did not do that, and if they did not change the signs at their ex-
press direction, funding would be withheld from Washington National Airport.
That was mean. That was vicious. It was done because there was the power to do it. And it was the wrong thing to do.

Now we should not be naming facilities for sitting Members of the House or of the other body. The plain lan-
guage of the amendment is right, and that is the practice that we have fol-
lowed. And I accept that. But I would just point out, as I did in that debate in 1996, that when the question of nam-
ing the new airport in Loudoun County came up, Senator Dole offered the amendment to give the Washington Na-
tional Airport Authority the authority to designate a name for that airport.
He did not say what name it should be. The airport authority named it.

I was of a mind to include such lan-
guage in this bill, but I withheld doing it, to reestablish the power of the Washington National Airport Author-
ity to name the airport, should they choose to do so. It is their authority. It is not ours. And the then-majority ran roughshod. And I said to the gentleman from Georgia, you would scream to high heaven if the Congress tried to do this to an airport in your community, in your district. You would scream to high heaven if we told you what name to give it and to change the signs around the airport at your expense.

But you are doing it out of harshness to the Nation’s capital.

That’s the wrong attitude, and the gentleman’s amendment is in the right spirit.

But I just want to say for some of the interventions that I’ve heard on this floor that I’ve had it a little bit with posturing. This is not posturing. This is right. This is fair. We ought to do it, and we accept the amendment, but just know that there is a painful history and a wrong history about naming fa-
icilities.

I yield back the balance of my time.

Mr. McCaul, Mr. Chairman, I share in the sentiment with Chairman Costello. I think it’s the height of ar-
rrogance for us to name, at taxpayer ex-
penditure, buildings after sitting Members of Congress, people in the Congress, currently serving, and that’s what the American people resent about this in-
situation. And I appreciate the biparti-
sanship you bring to this.

I would also say that President Reagan was not in office at the time of the naming, and I thought it was very fitting to have named it after Presi-
dent Reagan, as it would be if a Mem-
ber of Congress retires from this insti-
tution and the Congress decides to name a building after a retired Member of Congress.

But it is entirely inappropriate for a Member of Congress to use taxpayer dollars to name a building after him-
self or herself to glorify themselves.

So, with that, I thank the chairman for his bipartisanship on this issue.

Mr. Murphy of Connecticut.

The Acting CHAIR. The question is on the amendment offered by the gen-
tleman from Texas (Mr. McCaul).

The question was taken; and the Act-
ing Chair announced that the ayes ap-
ppeared to have it.

Mr. McCaul, Mr. Chairman, I de-
mand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-
ceedings on the amendment offered by the gentleman from Texas will be post-
poned.

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111–126.

Mr. Murphy of Connecticut.

Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as fol-
lows:

Amendment No. 7 offered by Mr. Murphy of Connecticut:

Page 183, after line 21, insert the following:

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(g) 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:
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(4) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In-
approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease in its fair market value caused by the project for which the property is to be acquired, or by the likelihood that the property will be redeveloped for purposes other than that due to physical deterioration within the reasonable control of the owner.”.
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The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Connecticut (Mr. Murphy) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. Murphy of Connecticut. I yield myself such time as I may consume.

I’d like to thank Chairman Oberstar and Chairman Costello and the mi-

nority members on the committee for allowing this amendment to come be-

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Every year, the FAA works with local communities and local airports to address and try to remediate noise and safety issues. In my district, that’s happening with respect to the Waterbury-Oxford Airport, which has changed over time: a lot more jet traf-
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The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CASSIDY:
Page 159, line 8, strike "and".
Page 159, line 12, strike the period at the end and insert "and".
Page 159, after line 12, insert the following: (5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Louisiana (Mr. CASSIDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CASSIDY. Mr. Chairman, like many Members of the House, I represent a city with a small hub airport. While multiple airlines provide service at small hub airports, most flight routes have only one airline option. Many of my constituents perceive that this lack of competition creates a higher rate of flight delays. I share their concern and offer this amendment to require the Department of Transportation to study the issue.

Specifically, the Department would analyze whether the lack of competitive flight options on some routes affects the frequency of delays and cancellations. The Department is already required to report on flight delays and cancellations, and my amendment would strengthen this report.

Mr. Chairman, the availability of competitive options on flight routes is affected by a number of factors which may include industry consolidation and lack of competition on certain routes, as well as the size of the community served.

This amendment would give us greater understanding about the cause of flight delays at small and medium hub airports so that we may continue to improve air service for those communities. I urge adoption of the amendment.

Mr. PETRI. Would the gentleman yield?

Mr. CASSIDY. I would yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague for yielding to me.

The amendment he has offered supplements a Department of Transportation Inspector General study on flight delays and cancellations in the base bill by adding to the Inspector General’s review a requirement to assess the effect limited air carrier service options have on the frequency of delays and cancellations on such routes.

This is a useful amendment and important to many service airports in our country, and I support the amendment and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to claim time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. We accept the amendment. If the gentleman is prepared to conclude his remarks and yield back, we can proceed. I yield back.

Mr. CASSIDY. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY). The amendment was agreed to.

The Acting CHAIR. The gentleman from Louisiana (Mr. CASSIDY). I yield back.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Ohio (Ms. KILROY) and a Member opposed each will control 5 minutes.

The Acting CHAIR. The gentleman from Ohio.

Ms. KILROY. Mr. Chairman, I yield myself 2 minutes.

I rise today in support of my amendment to raise the profile of dangerous incidents involving smoke in the cockpits of aircraft. Smoke in cockpits is a factor in an unscheduled emergency or emergency landing in North America. This dangerous in-flight occurrence has already claimed over 1,230 lives.

In 2007, a top NASCAR official and his pilot were killed after their plane crashed within minutes of radioing an emergency because of smoke cascading into the cockpit. The crash also killed a mother, her 6-month-old infant and a 4-year-old next-door neighbor when the plane struck into the heart of their Florida neighborhood.

The National Transportation Safety Board has addressed the issue and considers smoke inside the cockpit and cabins to be a “serious issue.” The NTSB has made recommendations to the Federal Aviation Administration for decades and the FAA has agreed. The FAA does not consider smoke interfering with the pilot’s vision as an “unsafe condition,” despite more than 70 major events in the last 4 decades and NTSB recommendations.

The amendment would gather the data that could prove the need for better equipment and save thousands of lives in the future.

Today, I look forward to voting for this important reauthorization of the FAA. I want to thank Chairman OBERSTAR and Chairman COSTELLO for their excellent work on this bill, including protections and rights guaranteed to the 2 million airline passengers that fly in the country every single day.

The Committee on Transportation and Infrastructure and the Aviation Subcommittee have taken historic steps to improve flying experiences for passengers, as well as invest in modernizing critical safety systems like air traffic control.

Once a plane has taken off and is in control of the pilot, smoke in the cockpit can be deadly. There will be nothing our safety systems on the ground or air traffic controllers in the tower could do to help.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. I claim time in opposition, although I do not intend to oppose the gentlelady’s amendment.

The Acting CHAIR. For what purpose does the gentleman from Wisconsin rise?

Mr. PETRI. Well, I was going to rise in opposition, even though I don’t oppose the amendment. Either we would support the amendment and urge its speedy passage.

This amendment seeks to improve aviation safety by requiring the Government Accountability Office (GAO) to conduct a study on the oversight of FAA oversight programs intended to prevent or mitigate the dangerous effects of smoke in airline cockpits.

Cockpit smoke can occur due to a variety of reasons, some which are not always imminent threats.

While the FAA has approved several technologies to deal with cockpit smoke, such as specially designed pilot goggles, not every technology is appropriate for all types of aircraft or pilot skill levels. The study proposed by Ms. KILROY’s amendment will assist FAA in determining the most smoke mitigation technology for various operators and aircrafts.

I thank my colleague for her efforts to improve aviation safety and ask all Members to support this amendment.

The Acting CHAIR. Without objection, the gentleman from Illinois (Mr. COSTELLO) is recognized for 5 minutes.

There was no objection.

Mr. COSTELLO. Mr. Chairman, we commend the gentlewoman on her amendment. We accept it and yield back the balance of our time.

Ms. HIRONO. Mr. Chair, I rise today in support of the Kilroy amendment to H.R. 916, the FAA Reauthorization Act, which directs the GAO to study, within one year of enactment, the effectiveness of FAA oversight activities related to preventing or mitigating the effects of dense continuous smoke in the cockpit of commercial aircraft.

There are several incidents every week where an aircraft must land due to the presence of smoke in the cockpit. In the great majority of these cases, pilots are able to land safely and dispersing the smoke before a catastrophic accident results. There have, however, been several accidents over the years caused by the inability of pilots to see
due to the presence of unstoppable, dense, continuous smoke.

Interestingly, the aircraft of the Secretary of Transportation, the Secretary of Homeland Security, senior military leaders, and the Federal Aviation Administration have technology already that ensures that, even in cases of dense unstoppable binding smoke, pilots can see.

I was surprised to learn, however, that there is no FAA requirement that passenger airliners or military aircraft have an equivalent system to ensure that pilots can see in these conditions. The technology in question costs approximately $25,000 to $30,000 per aircraft—which equates to a penny or so per ticket over the life of the system.

As I understand it, the FAA’s minimum safety standard is that any failure of systems or components that result in catastrophic consequences must be “extremely improbable,” and that “extremely improbable” is defined by the FAA as not one catastrophic event in one billion flight hours.

According to Boeing data, American certified planes have not flown one billion flight hours worldwide in the last 50 years. There have, however, been numerous catastrophic fatal airliner accidents in which smoke in the cockpit has been a cause or a factor during that period.

Like with U.S. Airways Flight 1549, seconds count. Fortunately, in that case the pilot could see to land, even if under very difficult conditions. If the emergency had been continuous, unstoppable smoke in the cockpit and the pilot had been unable to see, it is unlikely we would have had such a happy outcome.

I raised this issue during a Transportation and Infrastructure Committee hearing on the bill in February. The FAA contends that existing systems and procedures are adequate. I am not convinced, and I welcome an investigation of this issue by the GAO.

Ms. KILROY. Mr. Chairman, I appreciate the support, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Chairman, as you know, I have long been concerned about aircraft noise over northern New Jersey. However, time and time again the Federal Aviation Administration has turned a deaf ear to the impact air noise has made on our quality of life.

Lately, there has been considerable discussion about increasing transparency in our government. However, it has been extremely difficult to obtain information from the FAA about proposed changes by the FAA to the Class B airspace in the New York and New Jersey metropolitan area.

Following several inquiries to the FAA, including a letter from the gentleman from New Jersey (Mr. GARRETT) and me to FAA Acting Administrator Lynne Osmus, the FAA has not been forthcoming with its plans about this proposed airspace change.

Together, with many of my colleagues in the region, I feel very strongly that the FAA must make its plans public and be held accountable for the effects. As the FAA continues to redesign the airspace in our region, it cannot push forward another proposal that may lead to even more noise for my constituents on the ground. They have a right to know what changes are being considered and certainly what changes are being implemented, as these changes will affect their lives and livelihoods.

I look forward to working with the chairman and the ranking member in the future to get information on these proposals and to ensure that all of our constituents are fully informed about the FAA’s future plans.

Mr. OBERSTAR. I thank the gentleman for yielding. I yield to the chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. OBERSTAR. Well, I think there is additional capacity. This is the world’s busiest airspace. The New York TRACON handles more aircraft movement than all of Europe combined. Finding places for those aircraft to approach and depart is extremely difficult. But there is capacity at Stuart Air Force Base, which is a joint use facility, and there is capacity at Atlantic City. And that would allow ocean approaches that would take noise away from the gentleman’s constituencies, and from those in New Jersey and from elsewhere.

Mr. FRELINGHUYSEN. We’ve always believed in an ocean route. Whether the people in the Atlantic would want to have what we’ve been having to bear, I would doubt it.

Mr. OBERSTAR. Well, I think there is additional capacity. This is the world’s busiest airspace. The New York TRACON handles more aircraft movement than all of Europe combined. Finding places for those aircraft to approach and depart is extremely difficult. But there is capacity at Stuart Air Force Base, which is a joint use facility, and there is capacity at Atlantic City. And that would allow ocean approaches that would take noise away from the gentleman’s constituencies, and from those in New Jersey and from elsewhere.

Mr. FRELINGHUYSEN. That’s a little farther south from where I live.

Mr. OBERSTAR. Mr. Chair, if we’ve ever courted to Atlantic City, would that divert noise from the gentleman’s constituencies?

Mr. FRELINGHUYSEN. We’ve always believed in an ocean route. Whether the people in the Atlantic would want to have what we’ve been having to bear, I would doubt it.

Mr. OBERSTAR. Well, I think there is additional capacity. This is the world’s busiest airspace. The New York TRACON handles more aircraft movement than all of Europe combined. Finding places for those aircraft to approach and depart is extremely difficult. But there is capacity at Stuart Air Force Base, which is a joint use facility, and there is capacity at Atlantic City. And that would allow ocean approaches that would take noise away from the gentleman’s constituencies, and from those in New Jersey and from elsewhere.

Mr. FRELINGHUYSEN. That’s a little farther south from where I live.

Mr. OBERSTAR. Mr. Chair, if we’ve ever courted to Atlantic City, would that divert noise from the gentleman’s constituencies?

Mr. FRELINGHUYSEN. That’s a little farther south from where I live.

Mr. OBERSTAR. That’s a little farther south from where I live.

Mr. FRELINGHUYSEN. That’s a little farther south from where I live.

Mr. OBERSTAR. That’s a little farther south from where I live.

Mr. FRELINGHUYSEN. That’s a little farther south from where I live.

Mr. OBERSTAR. That’s a little farther south from where I live.

Mr. FRELINGHUYSEN. That’s a little farther south from where I live.
The Acting CHAIR. The gentleman has 5 seconds.

Mr. PETRI. I would like to give my hardworking and conscientious colleague from New Jersey every assurance that I will work with him.

Mr. MICA. Mr. PETRI, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 11 OFFERED BY MRS. LOWEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part C of House Report 111–126.

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

(b) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding 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 enactment of this Act, 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.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, this amendment would institute a rulemaking process by the FAA to determine whether Westchester County Airport may reinstate its overnight aircraft restrictions.

Westchester County, in conjunction with its commercial carriers, has imposed limits on terminal capacity. Yet, with business and corporate jets comprising fifty percent of the estimated 167,000 take offs and landings at the airport this year, the agreed upon guidelines and voluntary restrictions have not been fully honored.

This amendment directs FAA to evaluate Westchester County’s request to reinstate its overnight curfew, potentially easing congestion in the heavily-trafficked New York airspace and providing the residents in both New York and Connecticut with needed relief from overnight operations. I urge my colleagues to support it.

Mr. OBERSTAR. Will the gentlewoman yield?

Mrs. LOWEY. I would be delighted to yield.

Mr. OBERSTAR. We are prepared to accept the gentlewoman’s amendment. It’s a reasonable and thoughtful approach, and it will work. And we will support the gentlewoman.

Mrs. LOWEY. Thank you so much, Mr. Chairman. I have always been impressed with your wisdom and your thoughtfulness, and I thank you very much for accepting this amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by my esteemed colleague from New York (Mrs. LOWEY).

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. In 1981, Westchester County enacted a curfew that banned all aircraft from operating between the hours of midnight and 7 a.m. This curfew was made against the advice of the FAA, and was immediately struck down by a Federal court. The Court also issued a permanent injunction in part because Westchester was unable to justify the curfew with any evidence of a noise problem. Furthermore, the Court found that the curfew was in violation of the commerce clause because it imposed an undue burden on New York metropolitan air transportation.

Simply put, this amendment would remove the permanent injunction on this unjustified curfew and arbitrarily restrict airspace access without requiring Westchester County to make its case. This matter has been dealt with in the appropriate place, the Federal courts. The airport has a process available to it for such a restriction, but has chosen not to comply.

The amendment sidesteps a process that applies to every other airport and would disrupt air travel in the New York area airspace. On those grounds, I urge my colleagues to join me in opposing the amendment.

The Acting CHAIRMAN. The gentlewoman from New York has 4½ minutes remaining.

Mrs. LOWEY. I’d like to thank the chairman for accepting this amendment. I would be delighted to work with Mr. PETRI and Mr. MICA, who also said that although he had concerns, he wouldn’t object to the amendment.

All this amendment does is direct it to be studied. It directs it to be studied. It’s not implementing the changes. I reserve the balance of my time.

Mr. PETRI. I yield to my colleague from Florida.

Mr. MICA. Mr. Chairman, and gentlelady from New York, I just want to express through the Chair, that we do have concerns. We’ve expressed concerns. We are willing to work with the gentlelady and accept her amendment at this time. But our reservations have been noted for the record.

Mr. PETRI. I yield back the balance of my time.

Mrs. LOWEY. I thank the chairman for accepting the amendment.

Mr. ENGEL. Mr. Chair, for over 25 years the overnight flight restrictions at Westchester County Airport have been voluntary. Unfortunately some airlines have disregarded the voluntary restrictions and have scheduled flights between midnight and 6:30 a.m. It is because of these few airlines disrespecting the residents of Westchester County and disrespecting the airlines who do comply with the voluntary curfew that this amendment is needed.

It would direct the FAA to follow the proper procedures to determine if the Westchester County Airport should receive the authority to make the overnight flight curfew mandatory.

While I recognize that the Westchester County Airport is vital to the economy of the region, I don’t believe that the residents should have to endure the noise of planes taking off and landing at 3 a.m.

Additionally, allowing more planes to take off and land at all hours of the night will increase not just noise pollution, but air and water too.

On another matter: the FAA concoted the New York, New Jersey, Philadelphia airspace redesign with zero input from the residents it harms the most, especially because it would put an additional 200–400 flights a day over my constituents in Rockland County. This New York, New Jersey, Philadelphia airspace redesign should be scrapped.

The hundreds of additional planes flying over Rockland will contribute to the already increasing pollution levels in the area. The noise level will also be substantially increased, yet the FAA has been unable to give me or the affected residents the information on how loud each plan will be, just 24-hour averages.

It is likely that first responders would have to be trained for the event of an airplane crash, causing added costs to local police, fire, and EMT departments that are already stretched thin. In addition, we have not gotten a clear signal whether the flight plans will route commercial aircraft over Indian Point, an extremely dangerous scenario. This airspace redesign proposal for New York, New Jersey, and Philadelphia should not be implemented.

Mrs. LOWEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ACKERMAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111–126.
Mr. ACKERMAN. I rise in support of the amendment which I have at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ACKERMAN:

Page 259, after line 22, insert the following (with the correct sequential provision designations (replacing the numbers currently shown for such designations)) and conform the table of contents accordingly:

SEC. 928. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) FINDING.—Congress finds that the Federal Aviation 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 150/5300-2B, entitled "Hazardous Wildlife Attractants on or Near Airports";

(2) Advisory Circular Number 150/5300-10, entitled "Airport Design"; and

(3) the publication entitled "Policies and Procedures Memorandum—Airports Division", dated Feb. 9, 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.

The Acting CHAIRMAN. Pursuant to House Resolution 464, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman. I offer this simple amendment on behalf of myself and the gentleman from New York (Mr. CROWLEY). This has to do with common sense. This is LaGuardia Airport's runway.

Now, our pilots are good. You might have seen a little news report that said they can even land on water. And indeed, that's what happened when one of our jets was struck by birds.

Garbage is an attractant to birds. The FAA rules and recommendations say don't put these things in the runway protection zone. Our amendment simply says to the FAA, you have to follow your own guidelines.

Put it anywhere else. There's a political concern here, and the political concern concerns the dumping. This will most likely be in mine or Mr. CROWLEY's district. It borders both of our districts right now.

This site is the least politically damaging to us because it's in a commercial area. Any other place that they will move it will cause us some political concerns. But those political concerns that we will have to suffer if they move this anywhere up and down the coast in either of our districts is not as important to the safety of the flying public.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIRMAN. Mr. GARY ACKERMAN and myself are calling foul right now. This should not happen. We're sending that message home to our folks back in New York.

Mr. MICA. I reserve the balance of my time.

Mr. ACKERMAN. I yield back the balance of my time.

Mr. MICA. Mr. Chairman, might I inquire as to the time remaining?

The Acting CHAIRMAN. The gentleman from Florida has 3½ minutes remaining.

Mr. MICA. I yield myself the balance of my time.

Well, this is the conclusion, really, on the debate of the FAA authorization. It ends with a question of whether we should close the dump or keep the dump open.

As I said, I have the greatest respect for Mr. ACKERMAN and also for Mr. CROWLEY, and I know what they're trying to do for their constituents. So I rise in very quiet opposition, but I do have to state the facts, that this is not a matter that really should be in the bill, but I'll try to assist our colleagues as they're trying to do the best they can for their constituents.

On the larger question of the bill, Mr. Chairman and my colleagues, I also rise in opposition to the bill, somewhat softly. Every Member can vote the way they'd like. I'm not telling or asking Republican Members to vote one way or another, but you do have to be the judge of what we're doing here today. It is important that we do reauthorize the Federal Aviation Administration, which affects the entire flight paths of the entire flight of American aviation. Every Member can vote the way they'd like. I'm not telling or asking Republican Members to vote one way or another, but you do have to be the judge of what we're doing here today. It is important that we do reauthorize the Federal Aviation Administration, which affects the entire flight paths of the entire flight of American aviation.
member. We've done our level best to make certain that we have the policy, the projects, and the funding to have the safest aviation system in the world. They can be very proud of their work.

Now, we do have some differences of opinion on some particular provisions. This was voted on before, and some circumstances have changed. We have a new President. He is trying to resolve a very contentious labor issue, I don't like putting that issue in. That's different than when we voted on it before. We did have a different President and a different situation. So here I am, a Republican, saying we need to support this amendment, and I don't know how many times I've said that and to not set a bad precedence for all labor issues to be drug before Congress in this manner.

Then, on the question of job creation and job killing, I don't know how many jobs are in the provisions for the inspection of foreign repair stations. That sounds good, but it reverts us back to a time when we used to do that in the United States. Twice a year, we would inspect every repair station. That sounds good, but I don't know how many jobs, many of these jobs, are good-paying jobs and internationally.

Twice a year, we would inspect every foreign repair station. That sounds good, but I don't know how many jobs, many of these jobs, are good-paying jobs and internationally.

The Acting CHAIR. The Acting CHAIR. The Acting CHAIR. The Acting CHAIR. The Acting CHAIR.

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postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 20, as follows:

(Roll No. 289)

AYES—417

Abraham
Abercrombie
Ackerman
Adler (NY)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldrill
Barrow
Barton (TX)
Bean
Becerra
Begala
Biggert
Bilirakis
Bingham
Bishop (NY)
Biggs
Blackburn
Blumenauer
Bono Mack
Bordallo
Boren
Bowser
Boucher
Boozman
Bradley (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Braun
Brower
Brown (NC)
Brown, Corrine
Brown-Waite
Buck
Bullen
Burke
Burr (NC)
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Canter
Cao
Capito
Capp
Carbone
Cardoza
Carney
Carson (IN)
Carte
Castañeda
Castle
Castor (FL)
Chaffetz
Chandler
Children
Christensen
Clarke
Cleaver
Clay
Clayborne
Coble
Coffman (CO)

Mercy (MA)
Mark.
Mass
Matheson
Matsui
Mccarthy (CA)
McClintock
McDermott
McGovern
McHenry
McKean
McMahan
McMorris
McNerney
Meek (FL)
Meeks (NY)
Moloney
Mica
Michaud
Mills (MS)
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Moehlman
Moore (AK)
Moore (WV)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Neal (GA)
Norton
Oberstar
Olver
Ortiz
Pallone
Pascrell
Paul
Pearce
Perillo

Peter
Peterson
Phelan
Pingree (ME)
Pitts
Polk (CO)
Pollak
Posey
Price (GA)
Price (NC)
Putnam
Quayle
Radanovich
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (TN)
Rogers (AL)
Rogers (KY)
Rogers (NY)
Rohrabacher
Rohrabacher
Roose
Ross
Ross
Roybal-Alanis
Royce
Ruppersberger
Ryan (OH)
Ryan (WV)
Salazar
Sanchez, Loretta
Sanchez, Zoe
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schlossberg
Schneider
Schrier
Schulz
Schuette
Schuette
Schweiker
Sherrill
Shuster

PARIS (MA)
Pascrell
Payne
Perriello
Putnam

ANNOUNCEMENT BY THE ACTING CHAIR.

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

(1707)

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. JACKSON of Illinois, Acting Chair of the Committee of the Whole on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, pursuant to House Resolution 464, he reported the bill back to the House with some amendments adopted by the Committee of the Whole. The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is the passage of the bill. The Clerk will report the motion to recommence.

The Clerk read as follows:

Mr. Campbell moves to recommit the bill H.R. 915 to the Committee on Transportation and Infrastructure with instructions to report back the same to the House forthwith with the following amendments:

At the end of title IV of the bill, add the following (with the correct sequential provisional section designations (replacing the numbers currently shown for such designations) and conform the table of contents accordingly:

SEC. 426. PROHIBITION OF FUNDING FOR OTHERWISE ELIGIBLE PLACE.

(a) FINDINGS.—Congress finds the following:

(1) When the Airline Deregulation Act of 1978 (Public Law 95-568) was enacted, 746 communities in the United States and its territories were listed on air carrier certificates issued under the Federal Aviation Act of 1958 (Public Law 85-792).

(2) In order to address concern that communities with lower traffic levels would lose service entirely, Congress created a program where, as needed, the Department of Transportation pays a subsidy to an air carrier to ensure that the specified level of service is provided.

(3) Most of the small communities eligible for the program do not require subsidized service.

(4) As of April 1, 2009, the Department of Transportation was subsidizing service at 196 communities in the contiguous 48 States, Hawaii, and Puerto Rico and 45 communities in Alaska.

(5) Air service to Johnstown, Pennsylvania, is subsidized by the United States taxpayer. Each year, 6 commercial flights take off from or land at the John Murtha Johnstown-Cambria County Airport to or from Washington Dulles International Airport.

(6) Service to John Murtha Johnstown-Cambria County Airport is subsidized at a rate of $1,394,000 a year through June 30, 2010.

(7) Since 1990, the John Murtha Johnstown-Cambria County Airport has undergone significant improvements resulting in airport improvements programs, including military, commercial, and infrastructure projects.
Mr. CAMPBELL. Mr. Speaker, as of April 1, 2009, the Department of Transportation subsidized air service to 108 communities in 48 the continental United States, Hawaii and Puerto Rico and 45 communities in Alaska. One of those subsidized airports is the John Murtha Johnstown-Cambria County Airport in Johnstown, Pennsylvania. This airport handles six commercial flights a week—six a week on place D.C., a location all of 3 hours’ drive from Johnstown, Pennsylvania. But for those six commercial flights a week, less than one a day to a place only 3 hours’ drive away, the Federal taxpayer has spent $150 million in improvements since 1990. Included in that $150 million is $20 million for a runway extension, making the runway large enough to accommodate any aircraft in North America, $800,000 in the most recent stimulus package for runway rehabilitation, $6 million for a radar surveillance system, $5 million for a new air traffic control tower, and over $1 million every year for improvements since 2004. That’s just for the capital improvements.

In addition, the Federal taxpayer spends $1,394,000 every year in subsidies to the single air carrier making, remember, less than one flight a day out of Johnstown. That, by the way, computes to nearly $5,000 in subsidy per flight, which takes less than 45 minutes since it’s only 3 hours’ drive away.

The defenders of this airport say that it has military designation; and in fact, it does. The defenders of this airport point out that there were 28 military deployments out of this airport over the last decade. That would be three deployments per year. So six flights a day, three deployments per year. We all know about the bridge to nowhere. Mr. Speaker, there was a bridge to nowhere, and this is surely the airport for no one.

To say that this is wasteful understates how bad it is. I wish we could get all our air service subside. But what we can do is pass this motion to recommit, which simply says that no money in this bill is going to be used to further subsidize or improve the John Murtha Johnstown-Cambria County Airport.

Mr. Speaker, we have debts and deficits as far as the eye can see. If we can’t stop wasting the taxpayers’ money on boondoggles as obvious as this one, why should the public trust us at all with our money? Please support this motion to recommit.

I yield back the balance of my time.

Mr. OBERSTAR. This is a surprising amendment. This is the first negative earmarking that I have witnessed in Congress. It is not less than an assault upon essential air service to rural America. To those on the other side, Mr. Speaker, who are laughing now, I wonder what their reaction will be when another amendment comes to deny funding for essential air service to an airport in their communities. They won’t be laughing.

This is essentially a harsh amendment. It’s aimed at an airport named for a sitting Member of Congress. The airport was not named by action of the Congress. It was not named by a Federal agency. It was named by the county commissioners of Cambria County. This airport serves 1,000 military personnel. It serves the Pennsylvania National Guard. It serves the U.S. Marine Corps Reserve and the U.S. Army Reserve, and these units have been deployed 28 times in the last 10 years in service of the United States abroad.

The amendment provides that no amounts authorized under paragraphs 1 and 2, meaning paragraphs 1 and 2 of the essential air service act now in law, may be used. That’s funding for airports in small communities and their residents who had commercial air service prior to deregulation in 1978—I’m the author of that provision in the Airline Deregulation Act of 1978—to ensure that small towns in rural areas would not be cut out of America’s national system of airports and airport service and air service. It has worked effectively. Congress has trimmed it back where it’s been necessary.

These contracts are awarded by the Department of Transportation for 2 years at a time, irrevocable, subject to termination at the end of the 2-year period, and reviewed again by the Department of Transportation. If the airport, the airline, the community are not using the funds effectively, DOT can and has terminated EAS service where that service does not meet the standards of their contract.

By act of Congress to say we’re going to terminate essential air service funding to a rural community in this America, 150 of us are at risk. If by legislation you can cut off this community, no to the people in rural America who want access to greater America, then we’re all at risk. This is wrong. This is mean-spirited. Vote it down.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.
The SPEAKER pro tempore (Mr. HOYER). Mr. Speaker, ladies and gentlemen of the House, we will not be doing work. The sup-

ers will be days that my expectation

July, with the Fourth of July break, of

know, that most Fridays in June and

July.

coming out of committees, and I also

have pretty much done it in a time

all of you believe that, as well, that we

over the last 5 months. I think it has

Members.

important witnesses, and all of our wit-

partments and other very busy and im-

other Members have talked to me

minutes; and I would hope that all of

ficult, but Members obviously don't get

we've tried this before and it's very dif-

portant thing for any of us

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. H OYER)

not VOTING—16

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The

by unanimous consent, Mr. H OYER

b

The question was taken; and the

Without

sary 277, noes 136,

b

by unanimous consent, Mr. H OYER

b

A recorded vote was ordered.

A recorded vote was ordered.

AYES—277

AYES—277

to me about this. And I agree with you. I

count myself in this, so I'm not pointing

fingers at anybody exclusively. But

frankly, all of us have gotten into a

syndrome that when the bells ring, we

watch how many have voted rather than

how much time is left. That obvi-

ously is not thoughtful to those who do

come here to vote within the time frame

available. And very importantly,

to the extent that the votes drag out,

we have our committees in session with

hearings that have taken a break.

Chairman Platts has talked to a number

of other Members has talked to me

about it. We leave secretaries of de-

partments and other very busy and im-

portant witnesses, and all of our wit-

nesses are treated without courtesy.

That is not a good thing for any of us
to do.

Mr. PETRI. Mr. Speaker, I demand a

recorded vote.

The vote was taken by electronic de-

vice, and there were—ayes 277, noes 136,

not voting 20, as follows:

{[Roll No. 291]}

AYES—277

Mr. P TET R I. Mr. Speaker, I demand a

recorded vote.
So the bill was passed.
The result of the vote was announced as above recorded.

"The title was amended so as to read: "A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2010 through 2012, to provide stable funding for the national aviation system, and for other purposes.""

Mr. DRIEHAUS. Mr. Speaker, I regret that I was unable to cast a series of votes today on the floor of the House of Representatives.

Mr. Speaker, I regret that I was unable to attend to a vote. Had I been present, my vote would have been "aye" on H.R. 915, FAA Reauthorization Act of 2009.

PERSONAL EXPLANATION

Mr. DRIEHAUS. Mr. Speaker, I regret that I was unable to cast a series of votes today on the floor of the House of Representatives.

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AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 915, FAA REAUTHORIZATION ACT OF 2009

CONGRATULATING THE PENN STATE LADIES RUGBY TEAM

IRAN'S LAUNCH OF A LONG-RANGE MISSILE

Mr. QUIGLEY. Madam Speaker, earlier this week, Iran tested a new long-range missile. This missile has a range of up to 1,200 miles and can reach our troops in the region, as well as many of our allies, including Israel. This was not done in the name of peace. Rather, this launch was a grab at power, an attempt to threaten Israel and our other allies in the region. Now, more than ever, we must stand by our friends.

Iran, on the other hand, can only rejoin the society of nations with an olive branch, not a ballistic missile. We must not allow our allies in Israel and across the Middle East to fall under the threat of a nuclear Iran, nor can we allow Iran to achieve a dominant position in the region through intimidation.

The safety and security of millions of people depend on a strong and determined stance by the American people and all of the community of nations.