

Chaffetz	Jones	Price (NC)	Gonzalez	Lofgren, Zoe	Sánchez, Linda
Chandler	Jordan	Quayle	Green, Al	Lowey	T.
Coble	Kaptur	Rahall	Green, Gene	Luján	Sanchez, Loretta
Coffman (CO)	Keating	Reed	Grijalva	Lynch	Sarbanes
Cole	Kelly	Rehberg	Gutierrez	Markey	Schakowsky
Conaway	Kind	Reichert	Hanabusa	Matsui	Schiff
Costa	King (IA)	Renacci	Hastings (FL)	McCollum	Schwartz
Costello	King (NY)	Reyes	Heinrich	Meeks	Scott (VA)
Courtney	Kingston	Ribble	Higgins	Miller, George	Serrano
Cravaack	Kinzinger (IL)	Richardson	Himes	Moore	Sherman
Crawford	Kissell	Rigell	Hinchee	Moran	Slaughter
Crenshaw	Kline	Rivera	Hinojosa	Murphy (CT)	Smith (WA)
Critz	Labrador	Roby	Hirono	Nadler	Speier
Cuellar	Lamborn	Roe (TN)	Holt	Napolitano	Stark
Culberson	Lance	Rogers (AL)	Honda	Neal	Sutton
Davis (IL)	Landry	Rogers (KY)	Hoyer	Oliver	Tierney
Davis (KY)	Langevin	Rogers (MI)	Insee	Pallone	Tonko
Dent	Lankford	Rohrabacher	Israel	Pascarell	Towns
DesJarlais	Larsen (WA)	Rokita	Jackson (IL)	Pastor (AZ)	Tsongas
Diaz-Balart	Latham	Rooney	Jackson Lee	Payne	Van Hollen
Dold	LaTourette	Ros-Lehtinen	(TX)	Pelosi	Velázquez
Donnelly (IN)	Latta	Roskam	Johnson (GA)	Polis	Visclosky
Dreier	Lewis (CA)	Ross (AR)	Johnson, E. B.	Quigley	Wasserman
Duffy	LoBiondo	Ross (FL)	Kildee	Rangel	Schultz
Duncan (SC)	Loeback	Royce	Kucinich	Rothman (NJ)	Waters
Duncan (TN)	Long	Runyan	Larson (CT)	Roybal-Allard	Waxman
Ellmers	Lucas	Ryan (WI)	Lee (CA)	Ruppersberger	Wilson (FL)
Emerson	Luetkemeyer	Scalise	Levin	Rush	Woolsey
Farenthold	Lummis	Schilling	Lewis (GA)	Ryan (OH)	Yarmuth
Farr	Lungren, Daniel	Schmidt	Lipinski		
Fincher	E.	Schock			
Fitzpatrick	Mack	Schrader			
Flake	Manzullo	Schweikert	Barton (TX)	Frelinghuysen	McDermott
Fleischmann	Marchant	Scott (SC)	Braley (IA)	Giffords	Richmond
Fleming	Marino	Scott, Austin	Campbell	Hanna	
Flores	Matheson	Scott, David	Denham	Maloney	
Forbes	McCarthy (CA)	Sensenbrenner			
Fortenberry	McCarthy (NY)	Sessions			
Fox	McCaul	Sewell			
Frank (MA)	McClintock	Shimkus			
Franks (AZ)	McCotter	Shuler			
Galleghy	McGovern	Shuster			
Gardner	McHenry	Simpson			
Garrett	McIntyre	Sires			
Gerlach	McKeon	Smith (NE)			
Gibbs	McKinley	Smith (NJ)			
Gibson	McMorris	Smith (TX)			
Gingrey (GA)	Rodgers	Southerland			
Gohmert	McNerney	Stearns			
Goodlatte	Meehan	Stivers			
Gosar	Mica	Stutzman			
Gowdy	Michaud	Sullivan			
Granger	Miller (FL)	Terry			
Graves (GA)	Miller (MI)	Thompson (CA)			
Graves (MO)	Miller (NC)	Thompson (MS)			
Griffin (AR)	Miller, Gary	Thompson (PA)			
Griffith (VA)	Mulvaney	Thornberry			
Grimm	Murphy (PA)	Tiberi			
Guinta	Myrick	Tipton			
Guthrie	Neugebauer	Turner			
Hall	Noem	Upton			
Harper	Nugent	Walberg			
Harris	Nunes	Walden			
Hartzer	Nunnelee	Walsh (IL)			
Hastings (WA)	Olson	Walz (MN)			
Hayworth	Owens	Watt			
Heck	Palazzo	Webster			
Heller	Paul	Weiner			
Hensarling	Paulsen	Welch			
Hерger	Pearce	West			
Herrera Beutler	Pence	Westmoreland			
Holden	Perlmutter	Whitfield			
Huelskamp	Peters	Wilson (SC)			
Huizenga (MI)	Peterson	Wittman			
Hultgren	Petri	Wolf			
Hunter	Pingree (ME)	Womack			
Hurt	Pitts	Woodall			
Issa	Platts	Wu			
Jenkins	Poe (TX)	Yoder			
Johnson (IL)	Pompeo	Young (AK)			
Johnson (OH)	Posey	Young (FL)			
Johnson, Sam	Price (GA)	Young (IN)			

## NAYS—130

Ackerman	Chu	DeGette
Andrews	Cicilline	DeLauro
Baldwin	Clarke (MI)	Deutch
Bass (CA)	Clarke (NY)	Dicks
Becerra	Clay	Dingell
Berkley	Cleaver	Doggett
Berman	Clyburn	Doyle
Bishop (NY)	Cohen	Edwards
Blumenauer	Connolly (VA)	Ellison
Brady (PA)	Conyers	Engel
Brown (FL)	Cooper	Eshoo
Capuano	Crowley	Fattah
Carahan	Cummings	Filner
Carson (IN)	Davis (CA)	Fudge
Castor (FL)	DeFazio	Garamendi

amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mrs. EMERSON 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.

General debate shall be confined to the bill and amendments specified in House Resolution 189 and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes. The gentleman from Texas (Mr. HALL), the gentlewoman from Maryland (Ms. EDWARDS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

□ 1500

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

Madam Chairman, the legislation before us now, as the Chair has indicated, is the FAA Reauthorization and Reform Act of 2011.

During the discussion on the rule which brought the measure to the floor, I had an opportunity to speak on the fairness of the rule, and again I'll cite: Having been here for a number of years and observed the process for three decades, I rarely find any time in which everyone has had a fair opportunity to offer amendments. Some 48 amendments were offered before the Rules Committee. Thirty-three were accepted. Nine were withdrawn. So there are only six that were not considered—some for germaneness reasons, some for being duplicative—and also, in fairness, for Members to have an opportunity to participate. So, again, I think the process that we have come forward with is very, very fair. The process has been fair and bipartisan in the committee.

In the last 4 years, as the ranking Republican, Republican leader of the committee, I can count on probably less than three fingers the number of votes that we had over the 4 years. We had many more votes than that in the committee. It was an open process and people had the opportunity to participate.

I also spoke in the rule of how we got ourselves in this predicament. I had

## NOT VOTING—10

Barton (TX)	Frelinghuysen	McDermott
Braley (IA)	Giffords	Richmond
Campbell	Hanna	
Denham	Maloney	

□ 1455

Mr. RUPPERSBERGER changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. HANNA. Madam Speaker, I was unavoidably absent for votes. Had I been present, I would have voted “yes” on rollcall votes 205 and 206.

## GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 658 and include extraneous materials in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from Florida?

There was no objection.

## FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 658.

□ 1458

## 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. 658) to

the honor and privilege of being the chair of the Aviation Subcommittee after the beginning of 9/11 and through the fateful time of 9/11 for 6 years. In 2003, we passed the last authorization for FAA. Now, in order to operate the Federal Government and each of its agencies and activities, the Congress must authorize the programs, the policies, the agencies, the funding formulas, and the projects that are eligible for Federal participation.

As I also stated, the other side of the aisle for 4 years had huge majorities, could pass anything that they wanted to. Very large majority in the House, large majority in the Senate. And the last 2 years, indeed, they controlled the White House, the House, and the Senate. They could pass anything they wanted.

In 2007, the bill that I helped author, a 4-year authorization, expired. They did 17 extensions in 4 years. It's no wonder people don't have jobs. It's no wonder that people in the aviation industry don't know which way the Federal Government is coming or going. It's no wonder that you have some disarray in one of our most important agencies, the FAA. They had 4 years; we've had less than 4 months. We're bringing the bill out.

We've had a fair process in the committee, and we've had opportunity for people to offer amendments and will spend most of today and maybe part of tomorrow going through those amendments in, I think, an adequate time for debate. The bill does make some reductions in spending and it does take us back to the 2008 level of spending.

Now, the first thing you will hear from the other side is, Oh, the Republicans are cutting and slashing important FAA programs and safety and security and everything under the sun will be at risk. I can tell you that that's not the case. I can tell you that you can do more with less, and we can prioritize. In fact, in this bill, to make certain that safety is our primary concern—and it must be our primary concern—we have put specific provisions in here that if there are cuts or reductions—and heaven knows the FAA and the Department of Transportation certainly can have reductions in bureaucratic staffing. My dad used to say when he was alive, "Son, it's not how much you spend; it's how you spend it." And it's just like that with personnel.

People say, well, we're not going to have enough air traffic controllers. We just had the incident out at Reagan. We had an air traffic controller with some 20 years' experience, 17 years at DCA, came to work I guess at 10 o'clock. There was somebody there until almost 10:30. So I understand he was there an hour and 28 minutes and either fell asleep or wasn't doing his duty. So, in Washington, what do they do? We've got to double up. We've got to have more employees.

Listen to this statistic. Since before 2001, we have a 21 percent decrease. If

we go to 2001 to today, we have a 21 percent decrease in air traffic movements. Why? Because the industry has consolidated. We don't have as many flights. The economy is down. At the same time, we have an increase in 20 percent of staffing. If you look at airports around the country, you will see some with huge reductions in air traffic and still the same number of air traffic controllers. In this bill, we give some flexibility so you can hopefully move people around.

Now, I know there are labor agreements and it's hard to get people to move, and some people might not like the warm climes and beauty of Florida where the population has expanded—and Arizona and wherever else we need them—but, for heaven's sake, do we need to double up? Do we need to double up when there's no air traffic at these airports between midnight and 5 a.m.? That's the Washington big spending, big government. Let's add more.

So I can tell you that there's plenty of room for doing things responsibly, doing things with safety in mind. Now let's try a new approach with the best interests of the taxpayer.

They've spent some \$5.3 billion in about 24 months more than we take in. We're on the verge of having our financial security of this Nation at risk and also threatening even the defense security of this Nation.

Again, 17 times they did these little hiccup extensions, costing millions of dollars. Just ask the FAA administrator; the recalculation, all the things that had to be done; the inability to move forward with safety programs, for that matter.

So I just want to make the point that we can accomplish what we've set out: a reduction in spending and, actually, better performance and better safety. I could give more examples. I don't have a lot of time.

We used to chase developmental programs, and the government would try to develop technology for air traffic control, and they take forever. And the private sector would develop technologies. They do it sooner, faster, better, with more capability, while we're still spending billions of dollars recklessly. And we reduced, actually, the amount of money in those developmental programs, and we actually have put out there the technology faster, better. So there are many areas, and I can't spend all my time talking about them.

This is a job creation bill. 9.2 percent of the gross domestic activity in this Nation depends on this industry. We count on this. As I said, in less than 4 months, the other body, the Senate, has already passed the bill. We're ready to go to conference. We've asked for one extension to accomplish this. And this bill has excellent provisions.

Finally, you will hear them moan and groan about some labor provision that someone described that we're taking away democratic rights and all of this for union members. It couldn't be

further from the truth. We have had 70-some years of rules organizing for labor where we've always had a majority of those who were affected have to vote in a union. Now they want to change it to whoever shows up. They have multiple elections. And that's what they're asking for.

The little caveat here—and I hope everyone is listening, Madam Chair. What they didn't do is to decertify to get out of the union. They left the old rule in place. There has to be a majority of everyone who's affected.

They'll tell you that they didn't let women vote and all this a long time ago, try to mix up the topic at hand and confuse people, but you can't think of a more unfair rule than a packed National Mediation Board has enacted. Unfair, easy to enter in, cut the provisions for entering in, and then put a barrier up to get out.

Again, I think this is an excellent program. It gives us opportunities to look at contract towers and then air traffic control, NextGen, the next generation of air traffic control. We can do better. We can get technology in place. We'll probably have to use fewer people. And we'll always know where the planes are if we can move this legislation forward that, again, has been on the shelf for some 4 years.

There are excellent provisions in this legislation. I feel confident that it deserves the support of the House, and we'll have fair and open debate on amendments.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, March 29, 2011.

Hon. JOHN MICA,  
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 658, the FAA Reauthorization and Reform Act of 2011.

H.R. 658 was favorably reported by the Committee on Transportation and Infrastructure on March 10, 2011 and sequentially referred to the Committee on Science, Space, and Technology. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that Title X of the legislation reported by your Committee will be removed from the legislation and provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the Floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Further, I request your support in the appointment of conferees from the Committee on Science, Space, and Technology during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of the bill on the House floor.

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

Sincerely,

RALPH M. HALL,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 29, 2011.

Hon. RALPH M. HALL,  
*Chairman, Committee on Science, Space, and Technology, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the "FAA Reauthorization and Reform Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Science, Space, and Technology has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

As you wrote in your letter, we have agreed to strike Title X from the Transportation and Infrastructure Committee reported H.R. 658. Provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the House Floor.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,  
Washington, DC, March 23, 2011.

Hon. JOHN MICA,  
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MICA: I am writing concerning H.R. 658, the "FAA Reauthorization and Reform Act of 2011," which is scheduled for floor consideration next week. As a result of your having consulted with us on provisions in H.R. 658 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego action on this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 658 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 658, and would ask that a copy of our exchange of letters on this matter be

included in the CONGRESSIONAL RECORD during floor consideration.

Sincerely,

LAMAR SMITH,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 23, 2011.

Hon. LAMAR SMITH,  
*Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the "FAA Reauthorization and Reform Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on the Judiciary has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the CONGRESSIONAL RECORD during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
*Chairman.*

I reserve the balance of my time.

□ 1510

Mr. RAHALL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it was just last week two airliners landed at Washington National Airport without landing clearances because apparently the single person in charge of the control tower fell asleep. While investigations are ongoing, we certainly have seen accidents in the past where controller staffing and fatigue were implicated, such as the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

So I was surprised when some of my Republican colleagues used this most recent incident at Washington National Airport as an opportunity to argue that the FAA should "do more with less." Do more with less: that's how the Republicans think the FAA will operate under this bill. When we're talking about investing in air traffic control modernization or regulating safety or hiring a sufficient number of safety inspectors, there's no such thing as "doing more with less."

Under this bill, the FAA will have to do less with less, and you would have to be asleep at the controls not to see that.

The FAA is primarily a safety agency, and virtually all of its activities are safety related. As last week's incident should make clear, now is not the time to arbitrarily cut almost \$4 billion from the FAA programs and argue that the agency can do more with less on safety. A long-term FAA reauthor-

ization bill must move the aviation system into the 21st century, create jobs, strengthen our economy, and provide the resources necessary to enhance safety. This legislation, unfortunately, does not meet those goals. It will require significant changes before it can be enacted into law, and therefore I cannot support it.

One thing we should all be honest about right now: this is not a jobs bill. The bill cuts FAA funding by billions of dollars, back to 2008 levels. You cannot cut funding so dramatically without destroying tens of thousands of jobs: Federal jobs, State jobs, local jobs, public and private sector jobs.

In addition to costing jobs, the bill's funding cuts would cause delays to air traffic control modernization, meaning more delayed flights, a reduction of FAA's safety workforce and delays to FAA safety rules.

Now, aside from the funding levels, there are two particular issues that preclude my support for this bill. The first is that the bill sunsets the Essential Air Service program for the lower 48 States in 2013, leaving behind about 110 communities across the country. Yet at the same time, the bill extends airport improvements to the Marshall Islands, Micronesia, and Palau. We do not even own them. They are independent countries.

Now, I do understand the reasons for providing airport improvement funds to these island nations. We do have a compact with them. But in seeking to keep faith with our agreements with those countries, the majority is more than willing to break the promise to rural America right here at home that was made under the Airline Deregulation Act and the FAA reauthorization bills that followed.

EAS is a vital lifeline between rural communities and the global network of commerce. Small and rural communities have grown up around EAS, which directly supports local jobs. It creates a flow of goods and commerce into and out of small-town America. It brings families together. It links four communities in my home State of West Virginia with other cities and towns around the country and around the world.

Essential Air Service is an investment; it's not a handout. It is an investment in jobs and economic growth for small towns. The majority is turning its back on small towns and rural America.

I will continue to work with my colleagues in a bipartisan fashion to honor the promise that Congress has made to the people in rural America. I recognize the job-protecting benefits of the EAS program and the value of critical Federal investment for rural communities.

Now, before I conclude, there's another section that has no business whatsoever being in this bill, and that is a provision that seeks to overturn a rule finalized by the National Mediation Board on fair union representation in elections. The rule did away

with an unjust and undemocratic requirement under which a supermajority of airline and railroad workers had to vote in favor of union representation before a union could be certified to represent them at the bargaining table. Non-votes were counted as “no” votes, even though there was no reason to conclude workers were against union representation because they were sick or on furlough and did not vote.

The new rule, which this bill would overturn, says that the mediation board must count the votes among those employees who voted and must determine the will of the workers according to the “yes” and “no” votes actually cast. Now, just as congressional elections turn on a majority of those who voted, union representation elections should reflect the will of the voters.

This is a poison pill provision. A provision to overturn that rule simply has no business being in this legislation. It has nothing to do with safety. It has nothing to do with improving our air transportation system. And it has absolutely nothing to do with making air service more efficient. Rather, it is a lightning rod of controversy, part of a concerted assault, as we’ve seen too often this year, on collective bargaining. Republicans and Democrats alike have opposed it. It barely survived in the committee markup by a single vote. This unprovoked and unnecessary provision has no place in such critically needed legislation to keep the FAA moving forward and the flying public safe.

When it comes to doing more with less, my friends on the other side of the aisle are correct about a few things, I have to admit, when it comes to the pending legislation:

More than 70,000 jobs lost with less funding for the AIP program. More risks to the traveling public with less safety personnel and initiatives. More assaults on collective bargaining rights for American workers. More controversial poison pill provisions with less focus on job creation and safety enhancements.

Yep, that’s doing more with less.

With warning lights flashing and alarm bells ringing, we cannot afford to go to sleep at the controls at such an important time for our aviation system.

I reserve the balance of my time.

Mr. MICA. Reminding everyone that we’re borrowing 42 cents out of every dollar, I am pleased to yield 4 minutes to the chair of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my chairman.

The legislation before us, H.R. 658, reauthorizes the safety and research programs, operations, airport grants, and funding for the Federal Aviation Administration for budget years 2011 through 2014. It’s a 4-year reauthorization, with no earmarks, that will result in savings and in greater efficiencies.

The bill funds the FAA at the fiscal year 2008 funding levels and will save \$4 billion compared to the current levels. These funding levels recognize the state of the Federal budget, but should not affect vital safety functions.

The FAA Administrator is directed to achieve required cost savings without cutting safety critical activities. The bill requires the FAA to find and eliminate wasteful processes, duplicative programs, and unnecessary practices.

□ 1520

Given current economic times, there is a need to put our limited resources where they are most needed and use them efficiently. Although we cannot do all that we may have wanted to, when facing budget cuts, difficult decisions have to be made. We have worked to preserve the ability of the FAA to conduct its safety functions—its most important mission and our number one priority.

The bill will phase out the Essential Air Service Program by 2013, resulting in \$400 million in savings. The Essential Air Service Program was originally created in 1970 as a temporary program in the wake of airline deregulation. It was intended to allow airports to adapt to the change in the aviation industry and to plan accordingly. However, over the years, this program has resulted in taxpayers having to pay millions of dollars in subsidies to provide air service to communities even as passenger enplanements have declined as other modes of transportation have become available.

With regard to NextGen, H.R. 658 streamlines processes and provides sufficient funding, with FAA pursestring tightening, to fund NextGen projects planned in the next 4 years. H.R. 658 sets strict goals and benchmarks, and includes other measures to accelerate NextGen in order to keep the momentum going. NextGen is critical to the U.S.’s ability to compete in the global aviation system by providing safer and more efficient and environmentally friendly operations.

The bill allows for the expansion of the cost-effective Contract Tower Program, which has the potential to save, roughly, \$400 million over 4 years. In addition, the legislation provides a clear and efficient process for the FAA to rapidly achieve benefits associated with the consolidation of old, obsolete and unnecessary FAA facilities, with enormous potential savings.

I would like to commend Chairman MICA for his efforts in developing this bill and moving it through the committee.

Also, while we may have differences on a few provisions, there is much in this bill that has bipartisan support. I look forward to continuing to work with my aviation partner, Representative JERRY COSTELLO, and with our ranking member, Representative NICK RAHALL, in getting agreement with the Senate so that we can finally send a bill to the President.

I urge my colleagues to support H.R. 658.

Mr. RAHALL. Madam Chair, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO), our leading Democrat on the Aviation Subcommittee who has been in the trenches, on the runways, and in the towers of this legislation for many years. He has been with the take-offs and the landings of so many extensions.

Mr. COSTELLO. I thank the ranking member for yielding to me and for his kind remarks.

Madam Chair, we all agree that we need a long-term FAA Reauthorization Act. The FAA and the aviation community need stability and direction that a multi-year authorization will provide. However, it’s not this bill.

It is important for Members to know that H.R. 658 is a different FAA reauthorization bill from the bipartisan legislation that my colleagues and I worked together on and that passed the House three times during the 110th and 111th Congresses. That legislation would have created jobs, improved aviation safety, and provided the FAA with the resources necessary to modernize airport and air traffic control infrastructure. However, while some aspects of H.R. 658 were in prior House-passed bills and reflect some of my priorities, there are many troubling omissions and newly added provisions in the bill that are unacceptable.

I think we all agree that we must make every effort to be fiscally responsible and cut Federal spending where it makes sense given the size of the deficit. At the same time, we also have a responsibility to the American people to keep our aviation system safe and secure, to make needed improvements to our infrastructure, to strengthen the economy, to create jobs, and to remain competitive. However, I share the concerns of those in the industry that this legislation includes funding cuts that will affect safety and put the flying public at risk, devastate the FAA’s Next Generation Air Transportation System air traffic control modernization effort, and ignore the need to strengthen our economy by creating jobs.

On the jobs issue, let me make it clear. Mr. RAHALL said it and I’ll say it again: This bill does not create jobs. Instead, it cuts, roughly, \$2 billion over the next 4 years in the FAA’s Airport Improvement Program. The AIP provides funding to airports across the country for infrastructure projects, such as runways and air traffic control towers, and these projects create well-paying construction jobs. A \$2 billion decrease in funding in this bill means about 70,000 jobs will be lost. I will repeat that: 70,000 jobs will be lost because of the \$2 billion cut in AIP funds. In fact, it leaves so little AIP discretionary funding available that even the most important projects, such as completing runway safety areas by the congressionally mandated deadline, cannot be funded.

Second, my Republican colleagues argue that H.R. 658 directs the FAA to prioritize and to protect safety-related activities within the bill's reduced funding levels. That sounds great, but all the evidence suggests that it can't be done.

In February, the House Aviation Subcommittee held an FAA reauthorization hearing to listen to the aviation industry's stakeholders. The unified message from the industry was loud and clear: Congress cannot roll back FAA funding to 2008 levels without harming safety programs or hampering the industry. President Bush's former FAA administrator, Marion Blakey, stated, "The prospect is really devastating to jobs and to our future if we really have to roll back to 2008 levels and stop NextGen in its tracks."

A jobs bill? I don't think so—and neither does the person who ran the FAA under the Bush administration.

The FAA is primarily a safety agency, and virtually all of its activities are safety-related. This Congress and the American people need to know that, if we arbitrarily cut \$1 billion a year out of the FAA's budget, it absolutely will affect safety. The agency will not do more with less. It will be forced to do less with less, and cuts to these funding levels will have serious consequences.

According to the FAA, the funding reductions in this bill will cause the agency to furlough the aviation safety workforce by hundreds of employees. Fewer safety inspectors, engineers, and support personnel will adversely impact air traffic services, aviation safety certifications and the implementation of NextGen, which will end up costing the taxpayers more in the long run and cause our aviation industry to be less competitive globally.

In addition, a reduction in the workforce will likely mean the delay of important safety regulations, such as those mandated by Congress in the new aviation safety law that was enacted last year in a bipartisan vote in response to the Colgan Flight 3407 tragedy in Buffalo, New York. Further, this legislation will force important safety-related airport improvement projects to be delayed or abandoned, such as wildlife hazard assessment. These types of assessments would help airports mitigate hazards like the one that brought down U.S. Airways Flight 1549 in 2009 in which Captain Sullenberger and First Officer Skiles were forced to land in the Hudson River because a flock of geese damaged the plane's engines.

As Mr. RAHALL indicated, just last week, two planes landed safely, without clearance, at Washington National Airport because, reportedly, a single person in charge at the control tower apparently fell asleep. While investigations are ongoing, we have certainly seen accidents in the past where air traffic control staffing and fatigue were a factor, such as in the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

I applaud Secretary LaHood's decision to reevaluate staffing needs throughout the country. Congress will also need to closely examine air traffic control staffing and fatigue going forward; but this incident should make it clear: Now is not the time to arbitrarily cut almost \$4 billion from FAA programs and argue that the agency can do more with less without compromising safety.

I know Mr. RAHALL and others have talked about a provision in the legislation that I believe, too, is a "poison pill." I will not go into all of the details as we will have an amendment later; but let me just say that the LaTourette-Costello amendment, I hope, will be supported by the Members of this body. It is a "poison pill" provision, section 903 in this legislation, that is certain to hold the legislation up in the Senate. There is no way that I see the Senate will act on that provision, and the White House, of course, has already issued a statement saying that the President will receive recommendations from his advisers to veto the bill.

□ 1530

If we are serious about passing a long-term FAA bill, this provision must come out. If it remains in the bill, it will be rejected by the Senate and the White House.

Madam Chair, I will again say—and I have said many times before—I will work with my colleagues across the aisle to produce a fair bill that cannot only pass the House but also pass the Senate and be signed into law by the President. H.R. 658 in its current form will not pass the Senate or be signed into law by the President and will require significant changes before it's enacted.

Finally, Madam Chair, let me address a couple of comments that my friend the chairman of the full committee led off with in his remarks. He indicated that the Democrats when we were in charge for all of these years and we weren't able to pass legislation, we had to have 17 extensions. I would remind my friend that both in 2007, 2009, and in 2010 we passed bipartisan legislation to reauthorize the FAA. It was our friends in the Senate, in fairness, that held the legislation up. It took them 3 years to pass an FAA reauthorization bill, and in fact, as my friend from Florida will remember, it was the two Senators from Tennessee that held the bill up in the Senate, and it was two issues that were held up in the Senate, and those issues involved both PFCs and DCA, the number of slots at Washington Reagan National airport.

Madam Chair, I urge my colleagues to vote "no" on H.R. 658, the FAA Reauthorization and Reform Act, and hope that after we reject this bill we can go back and get a bill that accomplishes what we set out to do in the legislation, the bipartisan legislation that we passed last year.

Mr. MICA. Madam Chair, can I inquire as to the amount of time remaining on each side?

The CHAIR. The gentleman from Florida has 5½ minutes remaining. The gentleman from West Virginia has 4 minutes remaining.

Mr. MICA. Madam Chair, I would ask unanimous consent to yield 2½ minutes of my time to the gentleman from Pennsylvania and allow him to control it for the purpose of a colloquy.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania will control the time, 2½ minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, as you know the EAS program was established to ensure that smaller communities across the country, including those in my congressional district, retain a link to the national air transportation system. I also understand that we have a severely constrained Federal budget, and I agree with the chairman that we must do more with less and we need to ensure that Federal programs actually make sense.

As a member of the committee, I look forward to working with the chairman to get this long overdue FAA bill to the President's desk for signature, and I look forward to working with the chairman to make the needed changes to the EAS program.

I would now yield 30 seconds to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Essential Air Service assists over 140 communities throughout the United States. EAS, Essential Air Service, works.

Let me talk about two airports, real quick. Williamsport, Pennsylvania. It was on EAS. It needed it to get their deployments up, and frankly, what's happened, it's been successful. It's now off of EAS. The program works. These folks are now operating without that.

Dubois, Pennsylvania. Their deployments are growing at this point, and they are on the right track. The EAS is serving the correct purpose of what it has. If EAS stops and ends, here is what ends in Dubois, Pennsylvania: private sector jobs totaling \$9 million in payroll and \$28.8 million in economic activity.

I just do my best to encourage the support of the Essential Air Service. I do think it's very important for rural America.

Mr. SHUSTER. I agree with the gentleman.

I yield 30 seconds to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. This bill will ensure the much-needed long-term stability and development of our Nation's aviation infrastructure. However, I am incredibly concerned about the provision in this bill that would phase out Essential Air Service. EAS is critical to large States like my own. Rural regions rely on EAS for vital air transportation. In North Dakota, airports like Jamestown

and Devil's Lake would not be able to provide critical air service without this support.

I've spoken with Chairman MICA, and I understand the need for the process to keep moving forward with this bill. This bill contains many good provisions that I support. I also know how vital rural access to essential aviation is. So I would ask the gentlemen from Florida and Pennsylvania if they'd commit to working with me and other Members to support the EAS program.

Mr. SHUSTER. I thank the gentleman from North Dakota.

I yield 30 seconds to the gentlelady from South Dakota (Mrs. NOEM).

Mrs. NOEM. I thank the gentleman for yielding.

Madam Chair, we have spent the last 3 months debating the need to get spending under control, and it's a good thing. That's why my constituents sent me here, and that's what I plan to continue to do.

But we also need to remember that we need to look to get spending under control and help our economy and create jobs. A large part of that is providing certainty for the American people, and like many of my colleagues, I represent the rural parts of America. Many of them are concerned with the uncertainty that removing this program, Essential Air Service, too quickly would bring. Many of the communities in rural America, including those in South Dakota, that rely on this program use it as an economic development tool. They understand that they won't be using EAS forever.

But I'm concerned, Madam Chair, that we may not be providing them with the time that they need to plan under this bill. This issue deserves additional consideration. I hope that as we move forward with conference conversations with our Senate colleagues that this is given much more careful consideration, and I look forward to working on it with them.

Mr. SHUSTER. I thank the gentlelady from South Dakota.

I look forward to working with the chairman, the gentlelady from South Dakota, and the gentlemen from Pennsylvania and North Dakota as the bill moves forward on EAS.

Mr. RAHALL. Madam Chair, I would defer to the Committee on Ways and Means.

Mr. BLUMENAUER. I would claim the time for Ways and Means.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Chair, I yield myself such time as I may consume.

I have appreciated the debate here on the floor talking about the essential services that are included in the FAA reauthorization, but sadly, some of the consequences are for significant cuts in vital services—I hear some of my friends talking about Essential Air Service. It impacts my State. We're looking at significant reduction in airport construction, and as we've heard,

it would stop NextGen, as the former administrator under the Bush administration was quoted as saying, "in its tracks." But Madam Chairman, it doesn't need to be this way. We can, in fact, respect the concerns about not adding to the deficit without short-changing these essential programs.

Our friends in the Senate, have provided one of those rare occasions where the other body has shown us the way. They have passed in the last year, with 93 votes last year and 87–8 votes already in this session, a reauthorization that actually adds revenues, but not general taxes, but there's been an agreement that has reached overwhelming consensus. You don't get 87 votes out of the other body for raising revenue unless there's broad acceptance with the industry, with those who are regulated and those who are concerned about preserving these essential services. There's an agreement within a broad swath of the industry to increase the fuel tax, a user fee for the people who benefit.

Another critical area that the bill is silent on, and in fact we haven't adjusted for 10 years, is the ceiling on the passenger facility charge. This isn't even a tax that Congress imposes. It is simply an authorization for what local authorities can decide makes sense for their vital programs.

Madam Chair, we don't have to choose between tens of thousands of jobs lost, putting the traveling public at risk, delaying essential efficiency improvements, and cuts to vital programs or increasing the deficit. We can simply move forward with simple, commonsense, broadly agreed upon proposals to adjust revenues to have the flexibility, to make the investment that's going to make a difference for years to come, and make the difficult job of the chair and the ranking member and the two subcommittees, to make that difficult job much easier.

□ 1540

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I am pleased to yield 3 minutes to the very distinguished gentleman from Tennessee (Mr. DUNCAN), the chair of the Highways Subcommittee of the Transportation and Infrastructure Committee.

Mr. DUNCAN of Tennessee. I thank the gentleman from Florida for yielding me this time.

I rise in support of this bill and commend Chairman MICA and Chairman PETRI because, as a former chair of the Aviation Subcommittee, I know how difficult it is to bring all the competing interests together to produce a bill such as this.

However, I would like to raise one issue that I still have some concerns about. It has been brought to my attention by a former outstanding Member of this body, Jim Coyne, a former Congressman from Pennsylvania who has been the long-time head of the National Air Transportation Association,

that some airports are engaging in activities that compete with privately owned fixed-base operators. I did not file an amendment because the chairman has graciously agreed to hold a formal roundtable discussion about this matter and begin working to make sure that this does not become commonplace.

I hope that this is not a trend that will continue because privately owned businesses should not have to compete with the government or quasi-governmental agencies, such as airport authorities, which do not pay taxes and are not subject to all of the rules and regulations that private businesses are.

Each time there has been a White House Conference on Small Business—and they have held one on average every 5 years since 1955—either the number one concern or one of the top three concerns at all these White House Conferences on Small Business has been freedom from government competition.

Madam Chair, since the Eisenhower administration in 1955, it has been U.S. policy—or was supposed to have been—that "government should not start or carry on any commercial activity to provide a service or product for its own use if such a product or service can be procured from private enterprise through ordinary business channels." So that is my concern, and we are going to continue working on that.

I also want to mention a very commonsense amendment that will be filed later by Mr. SHUSTER on behalf of myself and Mr. MEEHAN, my two colleagues from Pennsylvania. This amendment that we will be filing does two very simple things: it states that the FAA should not use a one-size-fits-all approach when considering new regulations. It also requires the FAA to take into consideration the cost it is imposing on the private sector when issuing new regulations.

This amendment simply codifies much of an executive order issued by President Obama on January 18 of this year. Quoting from the President's executive order, it said our regulatory system "must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative."

In addition, FAA Administrator Randy Babbitt has stated that a one-size-fits-all approach to rulemaking can make aviation less safe. There are different segments of the aviation industry that face very different challenges. I believe that by tailoring the regulations toward these different segments of the industry, we can make aviation safer by helping address the different challenges that different types of businesses face.

Finally, I would like to say that I agree with the chairman about overstaffing with regard to our aviation regulation. I am amazed, Madam Chair, at how many Members and private citizens have expressed concerns about TSA overstaffing and have mentioned the lines of thousands standing around. The number of screeners has gone up, as I understand it, from 16,000 prior to 9/11 to 61,000 now. That is simply far, far too many; and that needs to be looked into. And I know the chairman intends to do that. I urge my colleagues to support this legislation.

Mr. BLUMENAUER. Madam Chair, may I inquire as to the amount of time remaining for Ways and Means.

The CHAIR. The gentleman from Oregon has 2 minutes remaining.

Mr. BLUMENAUER. Madam Chair, I would ask unanimous consent that these 2 minutes be assigned to the gentleman from West Virginia (Mr. RAHALL).

The CHAIR. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. RAHALL. Madam Chair, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), the lead Democrat on our Highways and Transit Subcommittee.

Mr. DEFAZIO. Unfortunately, this legislation, under the guise of being fiscally prudent, is going to delay vital safety and capacity needs and enhancements to our aviation system, condemning future air travelers to even more congestion, more delays, more wasted fuel. It's going to cut an already inadequate inspection force—again, threatening safety. And then there are other provisions that are problematic.

The gentleman from Arizona may ask for a vote on an amendment to change the very fair and competitive slot language for National Airport in the bill into an unfair earmarked anti-competitive amendment that would give potentially 70 percent of long distance flights out of National Airport to two airlines, about 50 percent to one airline. And he calls it competition. Now I don't know what planet he's from, but that's not competition where I come from, an underserved west coast market that has very few opportunities for my people to access National Airport.

And then, finally, a labor provision that was thrown in rather gratuitously that says that anyone who chooses not to vote in an election will be counted as a "no." The interesting thing is, if we had that same standard for elections to the United States House of Representatives, not one single Member now sitting would have won their election because it's not just the people who are registered to vote. It's anybody who is eligible to vote. And if they don't vote or don't register to vote, they count as a "no." I mean, some people might be happy, there would be no House of Representatives.

But at least the sitting Members would not be here. They want to apply that standard to representation for labor unions. That's incredibly unfair, shortsighted, and would overrule the National Labor Relations Board.

Finally, Essential Air Service. We are supposed to have a system of universal air transport. It is critical to many small and developing communities, rural communities like I represent, to have a continuation of Essential Air Service.

Mr. MICA. Madam Chairman, I understand that the Ways and Means Committee is in markup. I would like to ask unanimous consent to claim their time, I believe that is 5 minutes on our side, that the Transportation and Infrastructure majority be permitted to claim that time.

The CHAIR. Without objection, the gentleman from Florida will control the 5 minutes allotted to the Ways and Means Committee.

There was no objection.

Mr. MICA. Madam Chairman, I am so pleased to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), one of the senior members of the T&I Committee and a leader on the Judiciary Committee.

Mr. COBLE. I thank the chairman for yielding.

I rise in support of this bill, which is financially sound and with no tax or fee increases. Simply put, the measure is long overdue, and the aviation sector needs certainty. We need to finish the task at hand. The manager's amendment considered later today includes language that will provide clarity for musicians who travel with small instruments. And I'm not talking, Madam Chair, about stand-up basses or harps.

Current policy varies from airline to airline as to what instruments are permitted onboard. The amendment strikes a delicate balance to ensure musicians can attain certainty and safety is ensured. I am appreciative to the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) and to all staff who worked with me on this provision, and I thank them for its inclusion.

I also support an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) that will help FAA regulations conform to reasonableness and reality. This amendment requires the FAA to recognize distinctions between sectors of the aviation industry and tailor regulations to each sector's facts. It also conforms FAA rule-making to a number of good-government principles, such as cost-benefit analysis, use of the best available information, and consideration of regulatory impacts on the economy.

Finally, later today there will likely be vigorous debate on recent action by the National Mediation Board on labor elections. Under previous guidelines, a majority of the eligible electorate must vote in favor of unionization. Under the new rules, this majority is defined by those who actually vote in elections. This

action overturns precedent that has been in place for the past 70 years that worked well. This issue is about fairness to all parties and, in my opinion, the appropriate way forward is past policy, not those in place today.

□ 1550

Mr. RAHALL. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of our Committee on Transportation and Infrastructure.

Mr. NADLER. Madam Chairman, this bill drastically cuts funding for FAA programs, threatening the development of the NextGen air traffic control system and requiring the furlough of hundreds of safety-related employees.

The bill also would change the National Mediation Board's election rules. Airline and railroad workers would no longer vote for union representation by a majority of those voting but by a majority of all those eligible to vote. It would be extremely undemocratic to thus count votes not cast as "no" votes. No election in any free country does so. And I urge my colleagues to support the LaTourette-Costello amendment to strike this provision.

I also oppose provisions in the manager's amendment providing liability immunity for the airlines and limitations on discovery. Section 336 would block access to safety-related data through discovery and would block use of such information in court. It is virtually unheard of for Congress to simply declare that broad categories of information cannot be obtained by a party to a lawsuit or even used as evidence in a legal proceeding.

Section 337 provides immunity to airlines and their agents for any type of damage resulting from an event contemplated by a safety management system. These systems are designed to analyze virtually every kind of risk, so granting this immunity would make it virtually impossible to hold an airline or individual accountable for negligence causing almost any accident. This liability shield would deprive injured victims of their rights and would also preempt State tort law.

We haven't held any hearings on this in the Transportation Committee or in the Judiciary Committee, which, frankly, has jurisdiction and the proper expertise with which to analyze such grants of immunity, and we haven't heard any evidence to justify these dangerous restrictions.

I find it hard to believe that anybody thinks that airlines should be allowed to act with negligence and be free from liability should you or I or any other American be injured or maimed or killed as a result of the negligence.

For all these reasons, I must oppose the bill.

However, I do want to thank Chairman MICA and Congressman COBLE for including language in the manager's amendment to strengthen the provisions guaranteeing the right to carry or check musical instruments onto an

airline. This is an issue I've worked on for many years, and I am very pleased to see it finally moving forward.

I hope that we can continue to find areas of agreement, since passage of a long-term FAA authorization bill is long overdue. I look forward to working with my colleagues in that spirit. But until the funding levels are increased, the safety and worker provisions are in place, the poison pill provisions about union votes are removed, I cannot support this bill.

Mr. MICA. Might I inquire as to how much time remains?

The CHAIR. The gentleman from Florida has 3½ minutes remaining. The gentleman from West Virginia has 2 minutes remaining.

Mr. MICA. I would like to reserve my time that I acquired on behalf of the Ways and Means Committee to close and, I believe, if it's appropriate, have the Science Committee, which I think is yielded 5 minutes on each side, go forward prior to my close.

Mr. HALL. I yield myself such time as I may consume.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HALL. Madam Chair, I rise in strong support of H.R. 658, legislation reauthorizing the Federal Aviation Administration through fiscal year 2014.

Title X of H.R. 658 reauthorizes the agency's research and development programs. It was drafted by the Committee on Science, Space, and Technology as H.R. 970, the Federal Aviation Research and Development Reauthorization Act of 2011. On March 17, the committee met, amended and approved H.R. 970. The rule accompanying H.R. 658 fully incorporates the language from our amended bill into title X, which we support.

With regard to funding, title X adheres to the same principles of the larger bill, providing authorization levels for the Research, Engineering and Development account at the fiscal year 2008 level for the fiscal years 2012 through 2014. For fiscal year 2011, the authorization is a hybrid of current spending under the continuing resolution and the FY 2008 level.

Further, our bill authorizes spending for research and development activities that are funded through the agency's Facilities and Equipment and Airports accounts. None of our members relish cutting R&D funding, but members on our side of the aisle were passionate in their belief, as I am, that we must reduce Federal spending, and the FAA, like every other Federal agency, must bear some burden and some measure of burden.

Research and development plays a critical role at FAA, providing the agency with the tools and technologies it needs to carry out a diverse set of missions. The largest R&D program currently underway supports development of a whole host of technologies required to ensure successful deployment of the Next Generation Air Transportation System.

R&D also is fundamental to FAA's role in the safety of air travel, giving the agency the insight and data required to develop tools and policies guiding the introduction, use and the maintenance of new materials and systems incorporated in the modern jet aircraft.

These technologies are necessary if we're to continue improving the national airspace system's safety, efficiency and security, especially considering the critical role now played by aviation in our Nation's economy and public safety.

In addition, title X directs FAA to undertake research in a number of areas, including the safe operation of unmanned aircraft systems in the national airspace, research on runways and engineered material restraining systems, research on developing unleaded fuel for the use in general aviation piston engine aircraft and on the development and certification of jet fuel from alternative sources, and research on the effects of aviation on the environment.

There are many other activities too numerous to mention here, but I did want to provide examples to Members of the broad sweep of FAA-sponsored R&D.

Finally, I understand Chairman MICA's amendment offered to the bill seeks to modify certain provisions while also adding a few. A specific provision amends existing law found in title 51 of the United States Code regarding the Office of Commercial Space Transportation. I support the goal of this language with the understanding that the inclusion of this language does not alter the jurisdiction of my committee on this issue and that the chairman of the Transportation and Infrastructure Committee will work with us to ensure this provision or similar provisions are preserved, they are preserved as we continue to move through the legislative process on H.R. 658, including any negotiations or conference with the other body.

Madam Chair, in closing, I want to urge all Members to support this bill.

I reserve the balance of my time.

Ms. EDWARDS. Madam Chair, I yield myself such time as I may consume.

The CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. The need for a long-term Federal Aviation Administration, FAA, reauthorization act is clear; but H.R. 658 reauthorizes the FAA for 4 years, and the arbitrary spending cuts that our Republican colleagues have imposed on the agency in H.R. 658 will devastate FAA's ability to improve flying safety and to modernize the Nation's air traffic control system. For this reason, unfortunately, I cannot support the bill.

H.R. 658 proposes a 23 percent—an unbelievable 23 percent—cut to FAA's research, engineering and development accounts from the funding levels enacted by Congress for fiscal year 2010. These cuts are not related in any way

to a lack of need for the research. In fact, the committee, in multiple hearings, acknowledged the need for the research. The Congress heard expert testimony from witnesses who have stressed the importance of investing in both research and development and in the NextGen modernization initiative, and have warned of the negative impact that cuts will have on the Nation's air traffic control system and the flying public.

To cut FAA's R&D efforts so drastically while we're trying to recover from a recession and while oil prices every day climb higher risks stifling this industry and the millions of jobs it supports.

But I also want to be clear that the research and development work that is done at FAA helps to protect the safety of all the flying public. These cuts to aviation safety-related research have a high probability of reducing the safety of our air transportation system. These effects may not be felt today or tomorrow, but they will be felt, and they will have serious consequences for the flying public.

Madam Chair, Democratic members of the committee attempted to prevent the cuts to three key safety research initiatives at our committee's markup of H.R. 970. These amendments, if adopted, would have increased the 4-year authorization amount by a total of \$16 million, or less than 3 percent of the \$600 million authorization in the bill—a small amount for such a huge payoff.

□ 1600

As noted in the committee markup, these costs really pale in comparison to even a single major aircraft accident both in terms of money and the horrible loss of life. Unfortunately, our Republican colleagues voted to reject each of these key safety amendments and research amendments that go to safety. And the choice couldn't be more clear. Our colleagues chose to make the flying public less safe in order to meet a very arbitrary goal for cutting Federal spending.

I share our colleagues' concern about the Nation's deficit, but we reject any notion that addressing the Nation's deficit requires us to make our Nation's transportation system less safe.

As we move forward in the negotiations with the Senate over a final FAA reauthorization, I remain committed to ensuring the safety of our Nation's air transportation system and hope that our Republican colleagues will join in this effort.

In conclusion, I would like to speak to a measure in the provision of the underlying bill that has me greatly troubled, and that has to do with union elections. It is staggering to me that we have decided that we are going to count not voting as a "no" vote.

I just took a look at the winning numbers for our leadership. Our Speaker was elected in 2010 with 142,700 votes. His opponents and those who weren't



registered totaled 482,170 votes. If we had used this same theory, this same strategy for our own elections and for the election of Speaker BOEHNER, he would have lost that election by 339,000 votes. And that goes for each of us. And perhaps the public wants that. Maybe we should all be counting nonvoting as “no” votes, and then we could completely change this House of Representatives. But that is not the way we run elections, and that is not the way we should run union elections. So it is unfortunate that the majority has decided to put this poison pill into the underlying legislation that makes it unsupportable on this side of the aisle.

With that, I would ask unanimous consent to yield the balance of my time to the ranking member on Transportation and Infrastructure, the gentleman from West Virginia (Mr. RAHALL).

The Acting CHAIR (Mr. BASS of New Hampshire). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS. And how much time remains?

The Acting CHAIR. There is 30 seconds remaining for the gentlewoman from Maryland.

Mr. HALL. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. PALAZZO) such time as he may consume.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. PALAZZO. Mr. Chairman, I rise to join Mr. HALL, chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization of safety programs at the FAA, and do so in a fiscally responsible manner.

The Space and Aeronautics Subcommittee, which I chair, held an oversight hearing on February 16 that focused on FAA’s research and development activities. Witnesses from FAA, industry, an external advisory panel to FAA, and the DOT Inspector General spoke in general agreement about the importance of FAA’s research and development portfolio, with the non-agency witnesses also offering constructive suggestions for improvement.

Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our Nation’s air traffic control system, increasing its capacity, safety, security, and efficiency. But this ambitious program will not succeed without a well structured, well managed research and development program that will deliver appropriate technologies when and where they are required.

To offer a few examples, currently there is NextGen-related research focused on increasing our weather pre-

diction capability, research to better understand human factors in a highly automated environment, wake turbulence prediction, and research on aircraft technologies.

What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford business as usual by routinely increasing Federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

Mr. Chair, I rise to join with Mr. HALL, Chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization and safety programs at the FAA, and to do so in a fiscally responsible manner.

The Space and Aeronautics Subcommittee, which I chair, held an oversight hearing on February 16 that focused on FAA’s research and development activities. Witnesses from FAA, industry, an external advisory panel to FAA, and the DOT Inspector General spoke in general agreement about the importance of FAA’s research and development portfolio, with the non-agency witnesses also offering constructive suggestions for improvement.

Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our nation’s air traffic control system, increasing its capacity, safety, security, and efficiency, but this ambitious program will not succeed without a well-structured, well-managed research and development program that will deliver appropriate technologies when and where they’re required. To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability; research to better understand human factors in a highly automated environment; wake turbulence prediction; and research on aircraft technologies. Ultimately, tens of billions of dollars are at stake both by government and industry if we’re to enable the full realization of NextGen, and ensure its success the agency needs a strong R&D program.

Title X of H.R. 658 also supports FAA’s traditional safety research, and it directs the agency—in coordination with NASA—to assess the environmental impact of aviation. To be clear, the environmental research will help FAA better measure the effects of aviation, and where warranted, to develop technologies to mitigate them. For example, using biomass-based feedstock to develop jet fuel. But just as importantly, an environmental assessment will also give industry a baseline against which progress on impacts can be measured, which is a metric we do not have today.

There are some Members who may argue that this bill is counterproductive because it reduces FAA’s authorization levels, asserting, for instance, that it imperils public safety by eliminating safety-related research. To those who raise such claims, I respectfully disagree. In this bill, we’re not eliminating any program. What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford ‘business as usual’ by routinely increasing federal spending year after year. This bill is a

responsible approach to pushing the FAA forward, but doing so wisely.

The Acting CHAIR. All time has expired for the Committee on Science, Space, and Technology.

Mr. RAHALL. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 3½ minutes.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me applaud the work of this committee, and particularly Mr. RAHALL and Mr. COSTELLO, whom we work very closely with. I serve as a ranking member on the Transportation Security Committee, and I can’t imagine a more perfect fit than the question of safety and security for our traveling public, and I thank the chairman of the full committee and others associated with this legislation, however disappointed I am in having to come to the floor and raise questions about our next steps. And I am particularly devastated about the cuts in the FAA’s Next Generation Air Traffic System, the NextGen.

Whenever you think of air traffic controllers, I want you to think of them as first responders, of which I will discuss in an amendment that I have regarding the issue of ensuring the kind of staffing needs necessary to engage in security. But further, since I have one of the largest airports in the country, Bush Intercontinental Airport, of which we were proud to name, I am disappointed that the FAA Improvement Program has been cut and, therefore, construction improving runways, taxiways, terminals. There’s one thing about getting up and getting in the air and having that beautiful feeling. But what about coming down and not being able to work?

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. RAHALL. I yield an additional 15 seconds.

Ms. JACKSON LEE of Texas. And let me say I am disappointed that we would have a Shuster amendment that would really put a dent in the pilot fatigue rulemaking. That is very important. And then of course the issue dealing with the Costello-LaTourette amendment, which I support. How can you win by 70,000, then you count the people who didn’t vote, and you lose by 150,000? Let’s be fair. Let’s have a bill that responds to the needs of all.

Mr. RAHALL. I yield myself the balance of my time.

Mr. Chairman, I really appreciate the sincere efforts of the chairman of my committee Mr. MICA, the subcommittee chairman Mr. PETRI, and our ranking Democrat on the subcommittee, Mr. COSTELLO.

There have been serious efforts to work in a bipartisan way, but I fully realize that on the majority’s side a lot of these decisions, a lot of these funding levels are not necessarily made by

the chairman of the full committee and the chairman of the subcommittee, but rather by other forces that are out there on the majority's side. I also recognize that a lot of these decisions are made at levels higher than the chairman's, at levels higher than even that at which airplanes fly. So this is not all necessarily the chairman's fault.

I think it would be fair to warn the body that the administration has issued their position on this legislation. And they say that if the funding were appropriated at the levels proposed in the bill, the safe and efficient movement of air traffic, on the ground and in the air, would be degraded today and in the future.

And, more importantly, the administration has reiterated its opposition to the poison pill labor provisions in this bill, and has said if the President is presented with a bill that would not safeguard the ability of railroad and airline workers to decide whether or not they would be represented by a union based upon a majority of the ballots cast in election, or that would degrade safe and efficient air travel, his senior advisers would recommend that he veto the bill.

Mr. Chairman, I urge that the House do not accept this bill. We have even further degrading amendments to safety that will come later in the amendment process that I want to reference very quickly at this point, including one that would allow more flyovers at sports events.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. RAHALL. I appreciate it. Thank you, Mr. Chairman.

This would go against a ban instituted after 9/11 that prohibited flyovers at sports events for safety reasons. So that comes later on in the amendment process. I think it just shows the threats that we are posing to the safety of the air traveling public if this bill were to pass as it is. I urge its opposition.

Mr. MICA. Mr. Chairman, as we close debate on the long overdue FAA reauthorization, first I have to thank my copartner in this, the gentleman from West Virginia (Mr. RAHALL). He is a gentleman. It is great to work with him. I have to thank also Mr. PETRI, the chair of the Aviation Subcommittee, he and Mr. COSTELLO, two gentlemen who have worked hard to bring the bill to this point. It has been a struggle for 4 years, and now, to get here. But I am pleased that we are at this point. There are differences of opinion about the bill.

I have to take a moment to thank staff on both sides. They are great, and have been working together to get us to this point. And we will debate the amendments and the differences, and then we will hopefully pass this and get people working and get our aviation policies secure for the Nation.

□ 1610

I have to thank Mr. HALL, the chairman of the Science and Technology Committee, for his provisions to make certain that research in aviation is done. Mr. CAMP brought a proposal here from Ways and Means that doesn't raise taxes, that doesn't increase fees. There are no passenger facility increases. So those kinds of things.

We brought a bill. It does have \$59 billion over 4 years—this isn't small potatoes—and it can, if properly expended and wisely applied, can do well for the Nation, ensuring safety in programs that are so important and moving jobs that are so critical. 9.3 percent of our economy depends on this legislation.

The colloquy between Mr. SHUSTER and the gentlelady from South Dakota (Mrs. NOEM) and the gentleman from North Dakota (Mr. BERG) and the gentleman from Pennsylvania (Mr. THOMPSON) on Essential Air Service, I understand their concerns and their great advocacy for their constituents and making certain that service is there. We do have a sunset provision. We will work with them and we will do our best. But I agreed to work with them, and I reconfirm that here.

Finally, letters of support. You heard the other side state that nobody supports this. I have a list of 45 major associations, every major organization in the aviation industry, and I will submit that for the record. On the question of AIA support, I have a letter of support from Marion Blakey, showing their support of this legislation.

In conclusion, we are doing here something that needs to be done. This is very important. It has been left aside. Seventeen extensions. When the other side, of course, had huge majorities, they could have done this almost by unanimous consent with the President.

Now, the President threatened to veto this. I am not going to say, "Make my day," but I want to say that this is a fair provision, fair to everyone in labor, fair to everyone who wants to join a labor union, to keep 70 years of law that has been on the books and not change it because you have jerry-rigged the membership of the National Mediation Board. So let's be fair, fair going in and fair coming out. This provision that we have in the bill creates fairness.

BROAD SUPPORT FOR H.R. 658—FAA REAUTHORIZATION AND REFORM ACT OF 2011

Aerospace Industries Association (AIA); General Aviation Manufacturers Association (GAMA); Air Transport Association (ATA); Experimental Aircraft Association (EAA); International Association of Fire Chiefs; Air Medical Operators Association (AMO); Association of Air Medical Services (AAMS); Aeronautical Repair Station Association (ARSA); U.S. Chamber of Commerce; Cargo Airline Association (CAA); National Business Aviation Association (NBAA); National Air Transport Association (NATA); National Air Carrier Association (NACA); Association of Unmanned Vehicle Systems International (AUVSI); Alliance for Worker Freedom;

AdvaMed; Airforwarders Association; Association of Home Appliance Manufacturers; AT&T; Boston Scientific; Consumer Electronics Association; Consumer Electronics Retailers Coalition; CTIA—The Wireless Association.

Dangerous Goods Advisory Council; DHL; Express Association of America; FedEx Corporation; Garmin; Hewlett-Packard; International Air Transport Association (IATA); Information Technology Industry Council; Johnson Controls; Motorola Mobility; Motorola Solutions; National Association of Manufacturers; National Electrical Manufacturers Association; National Retail Federation; Power Tool Institute; PRBA—The Rechargeable Battery Association; Retail Industry Leaders Association; Samsung SDI; Security Industry Association; Sony; UPS; The International Air Cargo Association.

AEROSPACE INDUSTRIES ASSOCIATION,  
Arlington, VA, February 16, 2011.

Hon. JOHN L. MICA,  
Chairman, Committee on Transportation and Infrastructure, House of Representatives.

Hon. NICK J. RAHALL,  
Ranking Member, Committee on Transportation and Infrastructure, House of Representatives.

CHAIRMAN MICA, AND RANKING MEMBER RAHALL; I write today to express the Aerospace Industries Association's (AIA) support for the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as introduced by the House Transportation and Infrastructure Aviation Subcommittee February 11, 2011.

During my February 9 testimony, I outlined a number of initiatives the FAA may undertake to reduce duplicative efforts, measure the effectiveness of existing processes, and capitalize on the experience and efficiency of the private sector. These efficiencies are paramount to ensuring the FAA's ability to maintain the highest level of safety, provide oversight responsibilities without delaying manufacturers' ability to compete internationally, and aggressively advance the Next Generation Air Transportation System (NextGen).

AIA is pleased with the Committee's decision to address key policies such as environmental streamlining, third party performance based navigation procedure design, and the establishment of NextGen performance metrics. Further, the Committee's acknowledgement of the benefits of bilateral aviation safety agreements and a risk based inspection regime when applied to repair station oversight cannot be overstated. These carefully negotiated agreements increase FAA's efficiency, enhance FAA's international safety oversight and help protect U.S. jobs.

FAA is the global gold standard for aviation safety and standards. U.S. civil aviation manufacturers are the world leaders in advanced aerospace technology, innovative satellite-based procedures and airspace design. The policies outlined in H.R. 658 permit the FAA to not only pursue efficiencies for the flying public but also protect the investment of the American taxpayer.

If AIA can provide any technical assistance or answer any questions, please do not hesitate to call me directly.

Sincerely,

MARION C. BLAKEY.

GENERAL AVIATION  
MANUFACTURERS ASSOCIATION,  
Washington, DC.

STATEMENT OF PETE BUNCE ON INTRODUCTION OF H.R. 658, THE FAA REAUTHORIZATION AND REFORM ACT OF 2011

We welcome the leadership of Chairmen Mica and Petri in developing and introducing this legislation and look forward to

working with them and ranking members Rahall and Costello on its passage. There have been far too many delays in reauthorizing the programs of the FAA and we hope that timely action will continue. H.R. 658 contains many provisions important to general aviation manufacturers including:

- (1) strengthening the ability of FAA to implement the procedures, policies, and technology necessary for the success of NextGen;
- (2) enhancing repair station safety oversight through a risk-based approach and leveraging safety resources efficiently;
- (3) supporting a critical safety agreement between the U.S. and Europe;
- (4) reviewing and reforming existing FAA certification processes to streamline and make more efficient the current system without compromising safety; and
- (5) establishing an FAA-industry group to ensure consistent interpretation of regulations and effective communication about potential changes.

We look forward to continuing to work with all members of Congress to ensure that the funding levels in the bill will support critical NextGen investments and the certification resources necessary to create jobs in this country and maintain our global competitiveness.

CHAMBER OF COMMERCE  
OF THE UNITED STATES OF AMERICA,  
*Washington, DC, March 31, 2011.*

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges Congress to reauthorize federal aviation programs. H.R. 658, the "Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011" is an important step toward achieving this goal. The Chamber strongly supports several provisions of H.R. 658 and provisions expected to be included in the manager's amendment. However, the Chamber strongly opposes amendments that have been filed regarding lithium-ion batteries and repeal a National Mediation Board rule and supports an amendment to improve the FAA rulemaking process.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. The U.S. aviation system must transform to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. Moreover, investment in America's transportation system is important to U.S. productivity and economic competitiveness in the long run, and investment in transportation infrastructure supports jobs in the near term.

The Chamber supports several policy related provisions of H.R. 658 and the manager's amendment that would:

Strengthen the ability of FAA to implement the policies, procedures and technologies needed to fully implement the Next Generation Air Traffic Control system (NextGen).

Assist the aviation community with aircraft equipage necessary to move NextGen forward. Without ensuring that air infrastructure—advanced technologies installed in aircraft, commonly referred to as equipage—is aligned with ground infrastructure, the benefits of NextGen cannot be realized fully and the return on the investment in the air transportation system will be delayed. Because of the significant costs associated with aircraft equipage, assistance is needed. According to the Air Transport Association, the equipage cost for ADS-B could total be-

tween \$3.5 and \$5 billion. For the aviation community to benefit from these technologies, the FAA must implement more efficient routings and changed procedures and provide federal funding assistance to achieve implementation of such a requirement.

Preserve the effective and efficient Block Aircraft Registration Request (BARR) program, which allows business aircraft operators with privacy or security concerns for their operations to request that Aircraft Situation Display to Industry (ASDI) data provided to the Federal Aviation Administration be blocked from public dissemination. These requests are routinely honored, and FAA has provided no data to demonstrate that changes to the BARR program are necessary.

With respect to funding levels, the Chamber strongly supports provisions of the bill that would provide a robust General Fund contribution to aviation programs. Historically, the general fund has been used to pay for a significant portion of the FAA's costs, which provides important public interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national passenger and freight air transportation system.

However, the Chamber is concerned with overall reduced funding levels in H.R. 658. Of particular concern are cuts to the Airport Improvement Program. The Airport Improvement Program is an important source of funding for capital projects and contributes to safe, secure, and efficient airport facilities. The proposed funding levels fall short of the amounts needed to maintain, modernize and expand critical aviation infrastructure. In addition, decreased funding for this program would reduce jobs supported by these projects. We urge Congress to address this important issue during the conference.

The Chamber is concerned with several amendments that may be considered during floor debate of H.R. 658 related to:

FAA Rulemaking: The Chamber strongly supports an amendment filed by Rep. Shuster that would require FAA to consider different industry segments in its rulemaking proceedings and to perform comprehensive cost-benefit analyses. FAA practice in certain rulemakings has been to overlook significant operational differences within the industry and promulgate rules that impose substantial costs without producing commensurate benefits.

National Mediation Board: The Chamber strongly opposes an amendment filed by Rep. LaTourette that would remove Section 903 of H.R. 658. This section of the bill would repeal recent revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act. The National Mediation Board's revisions, which were made at the request of the AFL-CIO, overturned more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule jettisoned by the Board. Further, while the Board has made it much easier to form a union it has not addressed the double standard that makes it nearly impossible for employees to decertify an unwanted union. In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized. Simply put, the Board's regulatory process on this process was egregiously

flawed. Congress should not permit an agency to set policy in such a manner.

Lithium Ion batteries: The Chamber strongly opposes an amendment by Rep. Filner, which would prevent harmonization of federal regulations with international standards concerning the shipment of lithium ion batteries. Provisions of the manager's amendment would help ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization. Such harmonization would enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S.

The Chamber urges Congress to approve a multi-year aviation bill, and H.R. 658 is an important step towards achieving this goal. The Chamber will consider including votes on or in relation to the Filner, LaTourette and Shuster amendments in our annual How They Voted Scorecard.

Sincerely,

R. BRUCE JOSTEN,  
EXECUTIVE VICE PRESIDENT,  
*Government Affairs.*

Mr. THOMPSON of Pennsylvania. Mr. Chair, the Essential Air Service Program (EAS) assists 140 rural communities across the country that otherwise would not have scheduled air service.

As a long-time proponent of the program, I believe Congress has an obligation to provide a level playing field for rural Americans when it comes to transportation and the economic opportunities that the national transportation system provides.

Opponents of the program claim that it is wasteful or that it does not work. Well, I disagree with them on several accounts.

Pennsylvania along with the rest of the country had suffered from severe downsizing of connecting airports, followed by the unfortunate impacts of the current recession. Despite these factors, the Commonwealth is beginning to see increased economic output as a result of the Marcellus Shale natural gas play. The Marcellus has the potential to revitalize industry and ancillary businesses throughout the region, resulting in amplified air service. In other regions of the country the economic climate is also beginning to pick up.

A prime success story of the EAS program has been the Williamsport-Lycoming County Airport, which first entered into the program in 2008. Today, the airport is no longer participating in the program because of increased economic output in the region and the availability of flights that make sense for business travelers. This is largely a direct result in the community investment in the EAS program, which has lifted them out of the program. Today, their direct flight to Houston, Texas lends ancillary support to the emerging natural gas industry in Pennsylvania.

Another pending success story in Pennsylvania's 5th congressional district is the Dubois Regional Airport. Dubois Regional has greatly benefitted from the EAS program and as a direct result of the air service, the airport is responsible for contributing to the local workforce with 132 jobs and a payroll of over \$9 million, which creates a total economic benefit of over \$28 million to the region and state.

Mr. Chair, these stories are not unusual. These stories are replicated throughout the communities the EAS Program serves.

Let me put it this way; there is not an airport in America that does not receive some sort of federal assistance for operations or capital improvements. Why should this be any different for our rural communities?

The program is not perfect. I believe we need to insert into the law incentives which allow for more community involvement. But, Mr. Chair, I cannot in good faith support a sunset of the program as included in H.R. 658.

As the legislative process moves forward, I will join with those members who share my belief that this program works in weighing in with the conferees, to ensure the language which sunsets the program is not included in the final product of the FAA authorization.

Mr. PASCRELL. Mr. Chair, I come to the floor to speak about basic notions of fairness and democracy.

As a former member of the House Transportation Committee, let me acknowledge that I understand the importance of a strong and robust FAA Reauthorization Bill. Historically, it has been our shared goal of modernizing our system, expanding capacity, and putting people to work. Unfortunately, by nickel and diming the system, the bill on the floor today falls short of achieving these important goals.

Furthermore, today's bill contains a poison pill for those Americans working hard on our airways and railways that would change the method of counting votes in a union election.

Last year, the National Mediation Board rightly decided that union elections for workers in the airline and rail industries would be counted just as we count every other vote, whether for President, Congress or even when voting on legislation here in the House of Representatives.

It's simple: if you show up and vote "yes," it's a yes. If you show up and vote "no," it's a no.

But this legislation would repeal the ruling of the NMB and count ghost votes, because if you do not show up, you're considered a "no."

We cannot continue to attack hard working employees across this country for political purposes. I urge my colleagues to support the LaTourette/Costello Amendment to strike this misguided section of the bill and preserve fairness in union elections.

I am also happy that my friend, Mr. LOBIONDO's amendment for the NextGen Center of Excellence was agreed to. I have been with my colleague from south Jersey to the FAA Tech Center and know that it does a fantastic job. Supporting these employees also means providing the best training possible, which in turn will make our skies safer and the flow of commerce better.

Finally, I would like to stand with the families of the victims of Flight 3407, and oppose the amendment from my friend Mr. SHUSTER. We need to stand behind the law we passed last year to improve safety standards, and continue to demand one strong level of safety for the entire aviation industry.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 658 as it currently stands. While I support a long-term reauthorization of the Federal Aviation Administration, this bill is the wrong approach to doing so. I was extremely disappointed in the decision of my Republican colleagues to slash funding levels for the FAA by \$4 billion over the next four years. These proposed cuts would jeopardize the Next Generation Air Transportation System air traffic

control modernization efforts and devastate safety-sensitive programs.

Worse yet, H.R. 658 slashes the FAA's Airport Improvement Program (AIP) by \$2 billion through 2014. The AIP program is essential for airports to handle current traffic levels as well as build infrastructure to address future demand. Not only does it help airports build and improve runways, taxiways, and terminals, but it also helps airports mitigate noise levels, and improve safety and security at their facilities. Please allow me to give you an example of how this program has helped the people of Michigan's 15th congressional district, and why it deserves proper levels of funding. My district contains Detroit Metropolitan Wayne County Airport (DTW), which serves over 35 million passengers annually and is one of the newest, most operationally-capable, customer-friendly and efficient airports in North America with more than 1,200 non-stop flights per day to over 160 destinations worldwide. Since 2009, DTW airport has received over \$21 million in federal grants from the FAA through the AIP program. These grants helped DTW rehabilitate the runways and taxiways, reduce noise levels, install taxiway lighting, install guidance signs, and install perimeter fencing. If DTW had not received these grants, it would not have made these upgrades.

Thus, the \$4 billion in cuts contained in H.R. 658 will prevent airports like DTW from making necessary upgrades to their facilities, prevent the implementation of new safety standards, reduce safety personnel, and cost 70,000 jobs around the nation. If this bill passes with these budget cuts intact, then passengers at airports across the nation can expect increased delays, overcrowded airports, decreased safety, and crumbling infrastructure. I therefore urge my colleagues to reject these cuts, and to protect the critical and successful Airport Improvement Program.

The FAA Reauthorization and Reform Act, as it stands, is nothing more than a job loss bill that will inflict serious turbulence on our nation's airline industry and transportation infrastructure. I understand the need to reduce the deficit, but we should not do so in such a way that threatens passenger safety, airport security, and airfield maintenance. If my colleagues across the aisle are serious about investing in our nation's infrastructure and creating jobs, then they should vote to rescind these harmful cuts and maintain funding for the FAA at FY 2010 levels.

Mr. Chair, I strongly urge my colleagues to vote against this bill unless the proper funding levels are restored.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 658. While we need a Federal Aviation Administration reauthorization bill, today's legislation takes us in the wrong direction.

Our nation's aviation infrastructure critically needs rehabilitation. On its 2009 Report Card on America's Infrastructure, the American Society of Civil Engineers gave aviation infrastructure a "D." Investments in improvements—to renovate runways, taxiways, and terminals and to implement the Next Generation Air Transportation System (NextGen) to modernize air traffic control—would enhance passenger safety and reduce delays. They also create jobs—approximately 35,000 jobs per \$1 billion of investment.

However, rather than making the improvements our aviation system requires, this bill

cuts funding back to FY2008 levels—a \$1 billion cut in the first year alone. And funding would stay level, despite increasing need, each year until FY2014. Cuts to the Airport Improvement Program alone would cost our nation 70,000 jobs over the next four years.

This bill's funding reductions have a very real impact for passengers. Cutbacks to FAA operations could result in furloughs for hundreds of safety inspectors and slow certification of new equipment. A reduced budget could also postpone needed investments in air traffic control towers, lighting systems, and navigational aids. And the delays to NextGen implementation will result in more delays, more gridlock, and more runway incursions that endanger passengers.

Additionally, this bill contains a poison pill—one that neither the President nor the Senate will accept. It repeals a National Mediation Board rule, finalized last year, which allows workers to organize based on a majority of votes cast—the same way members of Congress are elected. Under this legislation, if a worker does not cast a ballot in a union election, he or she would be counted as a "no" vote. This is unfair and undemocratic.

Mr. Chair, our aviation infrastructure has serious needs. We need a serious bill to address them. Let's end arbitrary and damaging cuts and poison pill provisions and consider a bill that puts Americans to work rebuilding our nation.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

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

(b) *TABLE OF CONTENTS.*—

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

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

Sec. 3. *Effective date.*

**TITLE I—AUTHORIZATIONS**

*Subtitle A—Funding of FAA Programs*

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

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

Sec. 103. *FAA operations.*

Sec. 104. *Funding for aviation programs.*

Sec. 105. *Delineation of Next Generation Air Transportation System projects.*

Sec. 106. *Funding for administrative expenses for airport programs.*

*Subtitle B—Passenger Facility Charges*

- Sec. 111. Passenger facility charges.
- Sec. 112. Airport access flexibility program.
- Sec. 113. GAO study of alternative means of collecting PFCs.
- Sec. 114. Qualifications-based selection.
- Subtitle C—Fees for FAA Services*
- Sec. 121. Update on overflights.
- Sec. 122. Registration fees.
- Subtitle D—Airport Improvement Program Modifications*
- Sec. 131. Airport master plans.
- Sec. 132. Aerotropolis transportation systems.
- Sec. 133. AIP definitions.
- Sec. 134. Recycling plans for airports.
- Sec. 135. Contents of competition plans.
- Sec. 136. Grant assurances.
- Sec. 137. Agreements granting through-the-fence access to general aviation airports.
- Sec. 138. Government share of project costs.
- Sec. 139. Allowable project costs.
- Sec. 140. Veterans' preference.
- Sec. 141. Standardizing certification of disadvantaged business enterprises.
- Sec. 142. Special apportionment rules.
- Sec. 143. Apportionments.
- Sec. 144. Marshall Islands, Micronesia, and Palau.
- Sec. 145. Designating current and former military airports.
- Sec. 146. Contract tower program.
- Sec. 147. Resolution of disputes concerning airport fees.
- Sec. 148. Sale of private airports to public sponsors.
- Sec. 149. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 150. Midway Island Airport.
- Sec. 151. Miscellaneous amendments.
- Sec. 152. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 153. Priority review of construction projects in cold weather States.
- Sec. 154. Study on national plan of integrated airport systems.
- Sec. 155. Transfers of terminal area air navigation equipment to airport sponsors.
- Sec. 156. Airport privatization program.

**TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION**

- Sec. 201. Definitions.
- Sec. 202. NextGen demonstrations and concepts.
- Sec. 203. Clarification of authority to enter into reimbursable agreements.
- Sec. 204. Chief NextGen Officer.
- Sec. 205. Definition of air navigation facility.
- Sec. 206. Clarification to acquisition reform authority.
- Sec. 207. Assistance to foreign aviation authorities.
- Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.
- Sec. 209. Next Generation Air Transportation Senior Policy Committee.
- Sec. 210. Improved management of property inventory.
- Sec. 211. Automatic dependent surveillance-broadcast services.
- Sec. 212. Expert review of enterprise architecture for NextGen.
- Sec. 213. Acceleration of NextGen technologies.
- Sec. 214. Performance metrics.
- Sec. 215. Certification standards and resources.
- Sec. 216. Surface systems acceleration.
- Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 218. Siting of wind farms near FAA navigational aids and other assets.
- Sec. 219. Airspace redesign.

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

- Sec. 301. Judicial review of denial of airman certificates.
- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 303. Design and production organization certificates.
- Sec. 304. Aircraft certification process review and reform.
- Sec. 305. Consistency of regulatory interpretation.
- Sec. 306. Runway safety.
- Sec. 307. Improved pilot licenses.
- Sec. 308. Flight attendant fatigue.
- Sec. 309. Flight Standards Evaluation Program.
- Sec. 310. Cockpit smoke.
- Sec. 311. Safety of air ambulance operations.
- Sec. 312. Off-airport, low-altitude aircraft weather observation technology.
- Sec. 313. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 314. Prohibition on personal use of electronic devices on flight deck.
- Sec. 315. Noncertificated maintenance providers.
- Sec. 316. Inspection of foreign repair stations.
- Sec. 317. Sunset of line check.
- Subtitle B—Unmanned Aircraft Systems*
- Sec. 321. Definitions.
- Sec. 322. Commercial unmanned aircraft systems integration plan.
- Sec. 323. Special rules for certain unmanned aircraft systems.
- Sec. 324. Public unmanned aircraft systems.
- Sec. 325. Unmanned aircraft systems test ranges.
- Subtitle C—Safety and Protections*
- Sec. 331. Postemployment restrictions for flight standards inspectors.
- Sec. 332. Review of air transportation oversight system database.
- Sec. 333. Improved voluntary disclosure reporting system.
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**TITLE IV—AIR SERVICE IMPROVEMENTS***Subtitle A—Essential Air Service*

- Sec. 401. Essential air service marketing.
- Sec. 402. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 403. Essential air service contract guidelines.
- Sec. 404. Essential air service reform.
- Sec. 405. Small community air service.
- Sec. 406. Adjustments to compensation for significantly increased costs.
- Sec. 407. Repeal of EAS local participation program.
- Sec. 408. Sunset of essential air service program.

*Subtitle B—Passenger Air Service Improvements*

- Sec. 421. Smoking prohibition.
- Sec. 422. Monthly air carrier reports.
- Sec. 423. Flight operations at Ronald Reagan Washington National Airport.
- Sec. 424. Musical instruments.
- Sec. 425. Passenger air service improvements.
- Sec. 426. Airfares for members of the Armed Forces.
- Sec. 427. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 428. Denied boarding compensation.
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- Sec. 430. Schedule reduction.
- Sec. 431. DOT airline consumer complaint investigations.
- Sec. 432. Study of operators regulated under part 135.

- Sec. 433. Use of cell phones on passenger aircraft.

**TITLE V—ENVIRONMENTAL STREAMLINING**

- Sec. 501. Overflights of national parks.
- Sec. 502. State block grant program.
- Sec. 503. NextGen environmental efficiency projects streamlining.
- Sec. 504. Airport funding of special studies or reviews.
- Sec. 505. Noise compatibility programs.
- Sec. 506. Grant eligibility for assessment of flight procedures.
- Sec. 507. Determination of fair market value of residential properties.
- Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 509. Aircraft departure queue management pilot program.
- Sec. 510. High performance, sustainable, and cost-effective air traffic control facilities.
- Sec. 511. Sense of Congress.
- Sec. 512. Aviation noise complaints.
- TITLE VI—FAA EMPLOYEES AND ORGANIZATION**
- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Presidential rank award program.
- Sec. 603. FAA technical training and staffing.
- Sec. 604. Safety critical staffing.
- Sec. 605. FAA air traffic controller staffing.
- Sec. 606. Air traffic control specialist qualification training.
- Sec. 607. Assessment of training programs for air traffic controllers.
- Sec. 608. Collegiate training initiative study.
- Sec. 609. FAA facility conditions.
- Sec. 610. Frontline manager staffing.

**TITLE VII—AVIATION INSURANCE**

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

**TITLE VIII—MISCELLANEOUS**

- Sec. 801. Disclosure of data to Federal agencies in interest of national security.
- Sec. 802. FAA access to criminal history records and database systems.
- Sec. 803. Civil penalties technical amendments.
- Sec. 804. Realignment and consolidation of FAA services and facilities.
- Sec. 805. Limiting access to flight decks of all-cargo aircraft.
- Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 807. Prohibition on use of certain funds.
- Sec. 808. Study on aviation fuel prices.
- Sec. 809. Wind turbine lighting.
- Sec. 810. Air-rail code sharing study.
- Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.
- Sec. 812. FAA review and reform.
- Sec. 813. Cylinders of compressed oxygen or other oxidizing gases.

**TITLE IX—NATIONAL MEDIATION BOARD**

- Sec. 901. Authority of Inspector General.
- Sec. 902. Evaluation and audit of National Mediation Board.
- Sec. 903. Repeal of rule.

**TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011**

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. Authorization of appropriations.
- Sec. 1004. Unmanned aircraft systems.
- Sec. 1005. Research program on runways.
- Sec. 1006. Research on design for certification.

Sec. 1007. Airport cooperative research program.  
 Sec. 1008. Centers of excellence.  
 Sec. 1009. Center of excellence for aviation human resource research.  
 Sec. 1010. Interagency research on aviation and the environment.  
 Sec. 1011. Aviation fuel research and development program.  
 Sec. 1012. Research program on alternative jet fuel technology for civil aircraft.  
 Sec. 1013. Review of FAA's energy- and environment-related research programs.  
 Sec. 1014. Review of FAA's aviation safety-related research programs.

**TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING**

Sec. 1101. Short title.  
 Sec. 1102. Extension of Airport and Airway Trust Fund expenditure authority.  
 Sec. 1103. Extension of taxes funding Airport and Airway Trust Fund.

**TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010**

Sec. 1201. Compliance provision.  
**SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

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

**SEC. 3. EFFECTIVE DATE.**

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

**TITLE I—AUTHORIZATIONS**

**Subtitle A—Funding of FAA Programs**

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

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

**“§48103. Airport planning and development and noise compatibility planning and programs**

“(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c)—

- “(1) \$3,176,000,000 for fiscal year 2011;
- “(2) \$3,000,000,000 for fiscal year 2012;
- “(3) \$3,000,000,000 for fiscal year 2013; and
- “(4) \$3,000,000,000 for fiscal year 2014.

“(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

“(c) LIMITATION.—Amounts made available under subsection (a) may not be used for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program.”.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “March 31, 2011” and inserting “September 30, 2014”.

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

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

- “(1) \$2,700,000,000 for fiscal year 2011.
- “(2) \$2,600,000,000 for fiscal year 2012.
- “(3) \$2,600,000,000 for fiscal year 2013.
- “(4) \$2,600,000,000 for fiscal year 2014.”.

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

- (1) by striking subsections (c), (d), (e), (h), and (i); and
- (2) by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

**SEC. 103. FAA OPERATIONS.**

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

- “(A) \$9,403,000,000 for fiscal year 2011;
- “(B) \$9,168,000,000 for fiscal year 2012;
- “(C) \$9,168,000,000 for fiscal year 2013; and
- “(D) \$9,168,000,000 for fiscal year 2014.”.

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

- (1) by striking subparagraphs (A), (B), (C), and (D);
- (2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively; and
- (3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking “2004 through 2007” and inserting “2011 through 2014”.

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

“(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2011 through 2014, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).”.

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

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

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

- “(i) in fiscal year 2011, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and
- “(ii) in fiscal year 2012 and each fiscal year thereafter, be equal to the sum of—

- “(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and
- “(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

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

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking “2007” and inserting “2014”.

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

- (1) in the paragraph heading by striking “LEVEL” and inserting “ESTIMATED LEVEL”; and
- (2) by striking “level of receipts plus interest” and inserting “estimated level of receipts plus interest”.

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

**SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.**

Section 44501(b) is amended—

- (1) in paragraph (3) by striking “and” after the semicolon;
- (2) in paragraph (4)(B) by striking “defense.” and inserting “defense; and”; and
- (3) by adding at the end the following:

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

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

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

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

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

- “(1) \$85,987,000 for fiscal year 2011.
- “(2) \$80,676,000 for fiscal year 2012.
- “(3) \$80,676,000 for fiscal year 2013.
- “(4) \$80,676,000 for fiscal year 2014.

“(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—Amounts made available under subsection (a) may be used for administrative expenses relating to the airport improvement program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities.

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

**Subtitle B—Passenger Facility Charges**

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

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

- (1) by striking paragraph (7); and
- (2) by redesignating paragraph (8) as paragraph (7).

(c) CORRECTION OF REFERENCES.—

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

- (A) in the section heading by striking “fees” and inserting “charges”;
- (B) in the heading for subsection (e) by striking “FEES” and inserting “CHARGES”;
- (C) in the heading for subsection (l) by striking “FEE” and inserting “CHARGE”;
- (D) in the heading for paragraph (5) of subsection (l) by striking “FEE” and inserting “CHARGE”;
- (E) in the heading for subsection (m) by striking “FEES” and inserting “CHARGES”;
- (F) in the heading for paragraph (1) of subsection (m) by striking “FEES” and inserting “CHARGES”;
- (G) by striking “fee” each place it appears (other than the second sentence of subsection (g)(4)) and inserting “charge”; and
- (H) by striking “fees” each place it appears and inserting “charges”.

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

- (A) Section 47106(f)(1).
- (B) Section 47110(e)(5).
- (C) Section 47114(f).
- (D) Section 47134(g)(1).
- (E) Section 47139(b).
- (F) Section 47524(e).
- (G) Section 47526(2).

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

“40117. Passenger facility charges.”.

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

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

“40117. Passenger facility charges.”.

“(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

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

“(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this subsection, the term ‘intermodal ground access project’ means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

“(3) ELIGIBLE COSTS.—

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

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

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

“(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

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

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

#### SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCs.

(a) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collecting passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—

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

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

(3) examples of airport charges collected by domestic and international airports that are not included in ticket prices.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study, including the Comptroller General’s findings, conclusions, and recommendations.

#### SEC. 114. QUALIFICATIONS-BASED SELECTION.

(a) QUALIFICATIONS-BASED SELECTION DEFINED.—In this section, the term “qualifications-based selection” means a competitive procurement process under which firms compete for capital improvement projects on the basis of qualifications, past experience, and specific expertise.

(b) SENSE OF CONGRESS.—It is the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects funded using passenger facility charges collected under section 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders.

#### Subtitle C—Fees for FAA Services

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

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

“(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

“(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered.

“(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

“(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

“(A) The establishment or adjustment of a fee by the Administrator under this section.

“(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

“(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

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

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

“(6) COSTS DEFINED.—In this subsection, the term ‘costs’ includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

“(7) SPECIAL RULE FOR FISCAL YEARS 2011 THROUGH 2015.—In each of fiscal years 2011 through 2015, section 45303(c) shall not apply to any increase in fees collected pursuant to a final rule described in paragraph (4).”

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

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

##### SEC. 122. REGISTRATION FEES.

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

“§45305. Registration, certification, and related fees

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

“(1) Registering an aircraft.

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

“(3) Issuing an original dealer’s aircraft registration certificate.

“(4) Issuing an additional dealer’s aircraft registration certificate (other than the original).

“(5) Issuing a special registration number.

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

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

“(8) Issuing an airman certificate.

“(9) Issuing a replacement airman certificate.

“(10) Issuing an airman medical certificate.

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

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

“(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

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

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

“(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

“(C) remain available until expended.

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

“(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.”

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

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

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

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

“(1) IN GENERAL.—A fee”; and

(2) by adding at the end the following:

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

#### Subtitle D—Airport Improvement Program Modifications

##### SEC. 131. AIRPORT MASTER PLANS.

Section 47101(g)(2) is amended—

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

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) consider passenger convenience, airport ground access, and access to airport facilities; and”

##### SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.

Section 47101(g) is amended by adding at the end the following:

“(4) AEROTROPOLIS TRANSPORTATION SYSTEMS.—Encourage the development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger transportation networks that, as determined by the Secretary, provide efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.”

##### SEC. 133. AIP DEFINITIONS.

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

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

(2) in subparagraph (G) by inserting “and including acquiring glycol recovery vehicles,” after “aircraft,”; and

(3) by adding at the end the following:

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

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

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

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

“(5) ‘airport planning’ means planning as defined by regulations the Secretary prescribes and includes—

“(A) integrated airport system planning;

“(B) developing an environmental management system; and

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

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

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

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

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

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

“(A) does not have scheduled service; or

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

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

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

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

“(28) ‘terminal development’ means—

“(A) development of—

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

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

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

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

#### SEC. 134. RECYCLING PLANS FOR AIRPORTS.

Section 47106(a) is amended—

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

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

(3) by adding at the end the following:

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

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

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

“(C) operation and maintenance requirements;

“(D) the review of waste management contracts; and

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

#### SEC. 135. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

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

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

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

#### SEC. 136. GRANT ASSURANCES.

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

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

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

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

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

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

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

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

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

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

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

(d) EXTENSION OF COMPETITIVE ACCESS REPORTS.—Section 47107(s) is amended by striking paragraph (3).

#### SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

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

“(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to the airport access to the airfield of the airport for the following:

“(A) Aircraft of the person.

“(B) Aircraft authorized by the person.

“(2) THROUGH-THE-FENCE AGREEMENTS.—

“(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish

and manage the airport sponsor’s relationship with the property owner.

“(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

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

“(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport;

“(iii) to maintain the property for residential, noncommercial use for the duration of the agreement; and

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

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

#### SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

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

(2) by adding at the end the following:

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

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

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

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

#### SEC. 139. ALLOWABLE PROJECT COSTS.

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

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

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

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

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

“(iv) the sponsor has an alternative funding source available to fund the project; and

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

(b) INCLUSION OF MEASURES TO IMPROVE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.—Section 47110(b) is amended—

(1) in paragraph (5) by striking “; and” and inserting a semicolon;



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

(3) by adding at the end the following:

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

“(A) the measure is for a project for airport development;

“(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

“(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.”.

(c) **RELOCATION OF AIRPORT-OWNED FACILITIES.**—Section 47110(d) is amended to read as follows:

“(d) **RELOCATION OF AIRPORT-OWNED FACILITIES.**—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

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

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

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

(d) **NONPRIMARY AIRPORTS.**—Section 47110(h) is amended—

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

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

#### **SEC. 140. VETERANS’ PREFERENCE.**

Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking “separated from” and inserting “discharged or released from active duty in”; and

(B) by adding at the end the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty (as defined in section 101 of title 38) in the Armed Forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

“(D) ‘Persian Gulf veteran’ means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.”; and

(2) in paragraph (2) by striking “Vietnam-era veterans and disabled veterans” and inserting “Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and 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. 141. STANDARDIZING CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.**

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

“(e) **MANDATORY TRAINING PROGRAM.**—

“(1) **IN GENERAL.**—Not later than one year after the date of enactment of this subsection,

the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

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

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

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

#### **SEC. 142. SPECIAL APPORTIONMENT RULES.**

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

“(7) **ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.**—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

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

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

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

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

(2) by inserting after subparagraph (E) the following:

“(F) **SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.**—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2011 and 2012 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.”.

#### **SEC. 143. APPORTIONMENTS.**

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

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

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

(3) 47114(d)(3).

(4) 47114(e)(4).

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

#### **SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

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

#### **SEC. 145. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.**

(a) **CONSIDERATIONS.**—Section 47118(c) is amended—

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

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

(3) by adding at the end the following:

“(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—

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

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

(b) **DESIGNATION OF GENERAL AVIATION AIRPORTS.**—Section 47118(g) is amended—

(1) in the subsection heading by striking “AIRPORT” and inserting “AIRPORTS”; and

(2) by striking “one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation” and inserting “3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations”.

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

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

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

“(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.”.

#### **SEC. 146. CONTRACT TOWER PROGRAM.**

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

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

“(1) **CONTRACT TOWER PROGRAM.**—

“(A) **CONTINUATION AND EXTENSION.**—The Secretary shall continue the low activity (Visual Flight Rules) Level I air traffic control tower contract program established under subsection (a) for towers existing on December 30, 1987, and shall extend the program to other low activity air traffic control towers for which a qualified entity (as determined by the Secretary), a State, or a subdivision of the State meeting the requirements set forth by the Secretary has requested to participate in the program.

“(B) **SPECIAL RULE.**—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

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

(2) by striking “(2) The Secretary” and inserting the following:

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

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

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

“(i) **COST SHARING.**—If the costs”; and

(2) by adding at the end the following:

“(ii) **MAXIMUM LOCAL COST SHARE.**—The maximum allowable local cost share allocated under clause (i) for an airport certified under part 139 of title 14, Code of Federal Regulations, with fewer than 50,000 annual passenger enplanements shall be capped at 20 percent of the cost of operating an air traffic tower under the program.

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

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

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

“(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).”.

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

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

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

**SEC. 147. RESOLUTION OF DISPUTES CONCERNING AIRPORT FEES.**

(a) IN GENERAL.—Section 47129 is amended—  
(1) by striking the section heading and inserting the following:

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

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

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

(4) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”;

(5) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”;

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

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

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

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

**SEC. 148. SALE OF PRIVATE AIRPORTS TO PUBLIC SPONSORS.**

(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 proceeds from the sale of the airport to a public sponsor if—

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

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

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

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

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

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

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

**SEC. 150. MIDWAY ISLAND AIRPORT.**

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

**SEC. 151. MISCELLANEOUS AMENDMENTS.**

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

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

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

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

(D) by striking paragraph (3);

(2) in subsection (b)—

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

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

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

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

(b) 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;

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

“(a) TERMINAL DEVELOPMENT PROJECTS.—

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

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

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

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

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

“(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

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

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

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

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

(3) in subsection (b)(4)(B) (as redesignated by paragraph (1) of this subsection) by striking

“Secretary of Transportation” and inserting “Secretary”;

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

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

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

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

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

(9) 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).”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

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

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

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

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated;

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

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

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

(2) in subsection (b)—  
(A) by striking “47102(3)(F),”; and

(B) by striking “47103(3)(F),”.

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

(f) OTHER CONFORMING AMENDMENTS.—

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

(2) Section 47108(e)(3) is amended—  
(A) by striking “section 47110(d)(2)” and inserting “section 47119(a)”;

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

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

(h) DEFINITIONS.—

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

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

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

**SEC. 152. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.**

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

**SEC. 153. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.**

The Administrator of the Federal Aviation Administration, to the extent practicable, shall

schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

**SEC. 154. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall begin a study to evaluate the formulation of the national plan of integrated airport systems (in this section referred to as the "plan") under section 47103 of title 49, United States Code.

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

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

(2) The changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.

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

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.

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

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

(c) **REPORT TO CONGRESS.**—

(1) **SUBMISSION.**—Not later than 36 months after the date that the Secretary begins the study under 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 on the results of the study.

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

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

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

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

**SEC. 155. TRANSFERS OF TERMINAL AREA AIR NAVIGATION EQUIPMENT TO AIRPORT SPONSORS.**

(a) **IN GENERAL.**—Chapter 445 is amended by adding at the end the following:

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

“(a) **IN GENERAL.**—Subject to the requirements of this section, the Administrator of the Federal Aviation Administration may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for terminal area air navigation equipment at an airport to the airport sponsor.

“(b) **PARTICIPATION.**—The Administrator may select the sponsors of not more than 3 nonhub airports, 3 small hub airports, 3 medium hub airports, and 1 large hub airport to participate in the pilot program.

“(c) **TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.**—As a condition of participating in the pilot program, the airport sponsor shall provide assurances satisfactory to the Administrator that the sponsor will—

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

“(2) permit the Administrator (or a person designated by the Administrator) to conduct inspections of such terminal area air navigation equipment under a schedule established by the Administrator; and

“(3) acquire and maintain new terminal area air navigation equipment at the airport as needed to replace equipment at the end of its useful life or to meet new standards established by the Administrator.

“(d) **TERMS AND CONDITIONS OF TRANSFER FOR ADMINISTRATOR.**—When the Administrator approves an airport sponsor's participation in the pilot program, the Administrator shall transfer, at no cost to the sponsor, all rights, title, and interests of the United States in and to the terminal area air navigation equipment to be transferred to the sponsor under the program, including the real property on which the equipment is located.

“(e) **TREATMENT OF AIRPORT COSTS.**—Any costs incurred by an airport sponsor for ownership and maintenance of terminal area air navigation equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary of Transportation under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airport's airfield.

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

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

“(2) **TERMINAL AREA AIR NAVIGATION EQUIPMENT.**—The term ‘terminal area air navigation equipment’ means an air navigation facility as defined in section 40102 that exists to provide approach and landing guidance to aircraft, but does not include buildings used for air traffic control functions.

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

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 445 is amended by adding at the end the following:

“44518. Transfers of terminal area air navigation equipment to airport sponsors.”

**SEC. 156. AIRPORT PRIVATIZATION PROGRAM.**

(a) **APPROVAL OF APPLICATIONS.**—Section 47134(b) is amended—

(1) in the matter preceding paragraph (1) by striking “5 airports” and inserting “10 airports”; and

(2) paragraph (1)—

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

“(A) **IN GENERAL.**—The Secretary may grant an exemption to an airport sponsor from the requirements of sections 47107(b) and 47133 (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved by the Secretary after the sponsor has consulted—

“(i) in the case of a primary airport, with each air carrier and foreign air carrier serving the airport, as determined by the Secretary; and

“(ii) in the case of a nonprimary airport, with at least 65 percent of the owners of aircraft

based at that airport, as determined by the Secretary.”; and

(B) by striking subparagraph (C).

(b) **TERMS AND CONDITIONS.**—Section 47134(c) is amended—

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

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively; and

(3) by adding at the end the following:

“(7) A fee imposed by the airport on an air carrier or foreign air carrier may not include any portion for a return on investment or recovery of principal with respect to consideration paid to a public agency for the lease or sale of the airport unless that portion of the fee is approved by the air carrier or foreign air carrier.”.

(c) **PARTICIPATION OF CERTAIN AIRPORTS.**—Section 47134 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l), respectively.

(d) **APPLICABILITY.**—The amendments made by this section shall apply with respect to an exemption issued to an airport under section 47134 of title 49, United States Code, before, on, or after the date of enactment of this Act.

**TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION**

**SEC. 201. DEFINITIONS.**

In this title, the following definitions apply:

(1) **NEXTGEN.**—The term “NextGen” means the Next Generation Air Transportation System.

(2) **ADS-B.**—The term “ADS-B” means automatic dependent surveillance-broadcast.

(3) **ADS-B OUT.**—The term “ADS-B Out” means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(4) **ADS-B IN.**—The term “ADS-B In” means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.

(5) **RNAV.**—The term “RNAV” means area navigation.

(6) **RNP.**—The term “RNP” means required navigation performance.

**SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.**

In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:

(1) NextGen demonstrations and infrastructure.

(2) NextGen trajectory-based operations.

(3) NextGen reduced weather impact.

(4) NextGen high-density arrivals/departures.

(5) NextGen collaborative air traffic management.

(6) NextGen flexible terminals and airports.

(7) NextGen safety, security, and environmental reviews.

(8) NextGen networked facilities.

(9) The Center for Advanced Aviation System Development.

(10) NextGen system development.

(11) Data communications system implementation.

(12) ADS-B infrastructure deployment and operational implementation.

(13) Systemwide information management.

(14) NextGen facility consolidation and realignment.

(15) En route automation modernization.

(16) National airspace system voice switch.

(17) NextGen network enabled weather.

**SEC. 203. 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. 204. CHIEF NEXTGEN OFFICER.**

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

“(s) CHIEF NEXTGEN OFFICER.—

“(1) IN GENERAL.—

“(A) APPOINTMENT.—There shall be a Chief NextGen Officer appointed by the Administrator. The Chief NextGen Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

“(B) QUALIFICATIONS.—The Chief NextGen Officer shall have a demonstrated ability in management and knowledge of or experience in aviation and systems engineering.

“(C) TERM.—The Chief NextGen Officer shall be appointed for a term of 5 years.

“(D) REMOVAL.—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.

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

“(2) COMPENSATION.—

“(A) IN GENERAL.—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 5. The Chief NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title.

“(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief NextGen Officer’s performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

“(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

“(4) ANNUAL PERFORMANCE REPORT.—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

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

“(A) Implementing NextGen activities and budgets across all program offices of the Federal Aviation Administration.

“(B) Coordinating the implementation of NextGen activities with the Office of Management and Budget.

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

“(D) With respect to the budget of the Administration—

“(i) developing a budget request of the Administration related to the implementation of NextGen;

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

“(iii) ensuring that the budget request supports the annual and long-range strategic plans of the Administration with respect to NextGen.

“(E) Consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress.

“(F) Developing an annual NextGen implementation plan.

“(G) Ensuring that NextGen implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into NextGen in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation.

“(H) Coordinating with the NextGen Joint Planning and Development Office with respect to facilitating cooperation among all Federal agencies whose operations and interests are affected by the implementation of NextGen.

“(6) EXCEPTION.—If the Administrator appoints as the Chief NextGen Officer, pursuant to paragraph (1)(A), an Executive Schedule employee covered by section 5315 of title 5, then paragraphs (1)(B), (1)(C), (2), and (3) of this subsection shall not apply to such employee.

“(7) NEXTGEN DEFINED.—For purposes of this subsection, the term ‘NextGen’ means the Next Generation Air Transportation System.”

**SEC. 205. 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) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

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

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

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

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

(4) by adding at the end the following:

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

**SEC. 206. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.**

Section 40110(c) is amended—

(1) by inserting “and” after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

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

**SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.**

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting “(whether public or private)” after “authorities”; and

(B) by striking “safety” and inserting “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6).”;

(2) in paragraph (2) by adding at the end the following: “The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.”; and

(3) by striking paragraph (3) and inserting the following:

“(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall—

“(A) be credited to the appropriation current when the amount is received;

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

“(C) remain available until expended.”.

**SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.**

(a) REDESIGNATION OF JPDO DIRECTOR TO ASSOCIATE ADMINISTRATOR.—

(1) ASSOCIATE ADMINISTRATOR FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING, DEVELOPMENT, AND INTERAGENCY COORDINATION.—Section 709(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

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

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

“(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal Aviation Administration. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee.”.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking “; and” and inserting a semicolon;

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

(C) by adding at the end the following:

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

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

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

“(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and

“(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements.”.

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

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

and

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

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

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

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

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

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

“(ii) ensure that 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;

“(iii) 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

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

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

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

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

“(B) The Director of the Office of Management and Budget, to the extent practicable, shall—

“(i) ensure that—

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

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

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

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

“(7) The Associate Administrator of the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.”

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

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

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

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

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

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

(4) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

“(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator 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 agency is implementing the Next Generation Air Transportation System.”

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

#### SEC. 209. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

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

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

“(e) ANNUAL REPORT.—

“(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President’s budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in

carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

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

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

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

“(C) a detailed description of—

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

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

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

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

#### SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

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

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

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

“(A) be credited to the appropriation current when the amount is received;

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

“(C) remain available until expended.”

#### SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REVIEW BY DOT INSPECTOR GENERAL.—

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

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

(A) an examination of how the Administration manages program risks;

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

(C) an assessment of the Administration’s analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS-B In and ADS-B Out avionics equipment for airspace users;

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

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

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

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

(3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at

least an annual basis), to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

(b) **RULEMAKINGS.**—

(1) **ADS-B IN.**—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS-B In technology that—

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

(B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS-B In technology by 2020; and

(C) identify—

(i) the type of avionics required of aircraft for all classes of airspace;

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

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

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

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

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) **USE OF ADS-B TECHNOLOGY.**—

(1) **PLANS.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS-B technology for surveillance and active air traffic control.

(2) **CONTENTS.**—The plan shall—

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

(B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipage environments; and

(D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipage with ADS-B technology, including giving priority to aircraft equipped with such technology before the 2020 equipage deadline.

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

(a) **REVIEW.**—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.

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

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

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

(3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) **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 containing the results of the review conducted pursuant to subsection (a).

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

(a) **AIRPORT PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, flight path service providers, and aircraft manufacturers that includes the following:

(A) **RNP/RNAV OPERATIONS.**—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 operational evolution partnership airports identified by the Administration.

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

(C) **IMPLEMENTATION PLAN.**—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for—

(I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

(II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance; and

(iv) expedited environmental review procedures for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii).

(D) **ADDITIONAL PROCEDURES.**—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) **IMPLEMENTATION SCHEDULE.**—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures not later than 18 months after the date of enactment of this Act;

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

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

(b) **ESTABLISHMENT OF PRIORITIES.**—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and efficiency benefits to other airports in the national airspace system, including small and medium hub airports.

(c) **COORDINATED AND EXPEDITED REVIEW.**—Navigation performance and area navigation procedures developed, certified, published, and

implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(d) **DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for implementation of a nationwide data communications system. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(e) **IMPROVED PERFORMANCE STANDARDS.**—

(1) **ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.**—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—

(A) whether utilization of ADS-B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and

(B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.

(2) **AIRCRAFT SEPARATION STANDARDS.**—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.

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

**SEC. 214. PERFORMANCE METRICS.**

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

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

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

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

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

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

(7) continuous climb or descent;

(8) average gate arrival delay for all arrivals;

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

(10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;

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

(12) runway safety, including runway incursions, operational errors, and loss of standard separation events.

(b) **BASELINES.**—The Administrator, in consultation with aviation industry stakeholders,

shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the baselines.

(c) **PUBLICATION.**—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.

(d) **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 of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

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

(2) information on any additional metrics developed, and

(3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

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

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) establishment of updated project plans and timelines;

(2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipment, installation of equipment, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees;

(4) establishment of a program under which the Administration will use third parties in the certification process; and

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

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

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

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

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

(4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.

(b) **EXPEDITED CERTIFICATION AND UTILIZATION.**—The Administrator shall—

(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and

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

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

(a) **PROCESS FOR EMPLOYEE INCLUSION.**—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees to serve in a collaborative and expert capacity in the planning

and development of air traffic control modernization projects, including NextGen.

(b) **ADHERENCE TO DEADLINES.**—Participants in these processes shall adhere to all deadlines and milestones established pursuant to this title.

(c) **NO CHANGE IN EMPLOYEE STATUS.**—Participation in these processes by an employee shall not—

(1) serve as a waiver of any bargaining obligations or rights;

(2) entitle the employee to any additional compensation or benefits; or

(3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.

(d) **WORKING GROUPS.**—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.

(e) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall report to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate concerning the disputes between participating employees and Administration management that have led to delays to the implementation of NextGen, including information on the source of the dispute, the resulting length of delay, and associated cost increases.

**SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGATIONAL AIDS AND OTHER ASSETS.**

(a) **SURVEY AND ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, in order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical Federal Aviation Administration facilities, the Administrator of the Federal Aviation Administration shall complete a survey and assessment of leases for critical Administration facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

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

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

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) **MEMORANDUM OF UNDERSTANDING.**—The Administrator and the Secretary of Energy shall enter into a memorandum of understanding regarding the use and distribution of the list referred to in paragraph (1)(B), including considerations of privacy and proprietary information, database development, or other relevant applications.

(3) **REPORT.**—Upon completion of the survey and assessment, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) **GAO ASSESSMENT.**—Not later than 180 days after receiving the Administrator's report under subsection (a)(3), the Comptroller General, in consultation with the Administrator and other interested parties, shall report on—

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

(2) the extent to which the Department of Defense and the Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the NextGen air traffic control system; and

(3) potential mitigation strategies, if necessary, to ensure that wind farms do not have

an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aids associated with that system.

(c) **ISSUANCE OF GUIDELINES.**—Not later than 180 days after the Administrator receives the Comptroller's recommendations, the Administrator shall consult with State, Federal, and industry stakeholders and publish guidelines for the construction and operation of wind farms that are to be located in proximity to critical Administration facilities. The guidelines may include—

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

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

(3) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(d) **REPORTS.**—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services of the Senate; and

(2) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Science and Technology of the House of Representatives.

**SEC. 219. AIRSPACE REDESIGN.**

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

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

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

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

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

(b) **NOISE IMPACTS OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.**—

(1) **MONITORING.**—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.

(2) **REPORT.**—Not later than one year following the first day of completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).

**TITLE III—SAFETY**

**Subtitle A—General Provisions**

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

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

“(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a

party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”

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

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

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

“(5) RELEASE OF DATA.—  
“(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

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

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

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

“(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.”

**SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.**

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

“(e) DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.—

“(1) ISSUANCE.—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a ‘CDPO’).

“(2) APPLICATIONS.—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in paragraph (1).

“(3) ISSUANCE OF CERTIFICATES BASED ON CDPO FINDINGS.—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

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

“(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.”

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

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

(1) in the heading for section 44704 by striking “and design organization certificates” and inserting “, and design and production organization certificates”; and

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

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

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

(a) GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

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

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

(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

(3) the status of recommendations made in previous reports on the Administration’s certification process;

(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

(5) methods for training the Administration’s field office employees in the safety management system and auditing; and

(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration’s report entitled “Part 23—Small Airplane Certification Process Study” (OK-09-3468, dated July 2009).

(c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

(d) 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 assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall begin to implement the recommendations made under subsection (c).

**SEC. 305. CONSISTENCY OF REGULATORY INTERPRETATION.**

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of

this Act, the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO-11-14); and

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

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

(1) determine the root causes of inconsistent interpretation of regulations by the Administration’s Flight Standards Service and Aircraft Certification Service;

(2) develop recommendations to improve the consistency of interpreting regulations by the Administration’s Flight Standards Service and Aircraft Certification Service; and

(3) develop recommendations to improve communications between the Administration’s Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit 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 findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.

**SEC. 306. RUNWAY SAFETY.**

(a) STRATEGIC RUNWAY SAFETY PLAN.—

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

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

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near and long term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;

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

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

(v) a review of every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings; and

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

(b) PROCESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

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

(3) ensuring proper accountability.

(c) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2011, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems the Administrator is installing to alert controllers or flight



crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

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

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

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

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

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

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

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

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

(e) *REPORT.*—

(1) *IN GENERAL.*—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

(2) *EXPIRATION.*—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator begins issuing improved pilot licenses under this section or December 31, 2015, whichever occurs first.

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

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

(b) *CONTENTS.*—The study shall include the following:

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

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

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

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

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

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

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

(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and

(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

(b) *ANNUAL REPORT.*—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall sub-

mit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.

(c) *FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.*—In this section, the term "Flight Standards Evaluation Program" means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.

**SEC. 310. COCKPIT SMOKE.**

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

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

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

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

**"§44730. Helicopter air ambulance operations**

**"(a) COMPLIANCE REGULATIONS.—**

**"(1) IN GENERAL.**—Except as provided in paragraph (2), not later than 6 months after the date of enactment of this section, part 135 certificate holders providing air ambulance services shall comply, whenever medical personnel are on-board the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

**"(2) EXCEPTION.**—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

**"(b) RULEMAKING.**—The Administrator shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

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

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

**"(2) Pilot training standards, including—**

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

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

**"(C) establishment of training standards in—**

**"(i) crew resource management;**

**"(ii) flight risk evaluation;**

**"(iii) preventing controlled flight into terrain;**

**"(iv) recovery from inadvertent flight into instrument meteorological conditions;**

**"(v) operational control of the pilot in command; and**

**"(vi) use of flight simulation training devices and line-oriented flight training.**

**"(3) Safety-enhancing technology and equipment, including—**

**"(A) helicopter terrain awareness and warning systems;**

**"(B) radar altimeters;**

**"(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and**

**"(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of**

shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

**"(4) Such other matters as the Administrator considers appropriate.**

**"(d) MINIMUM REQUIREMENTS.**—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

**"(1) FLIGHT RISK EVALUATION PROGRAM.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

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

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

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

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

**"(e) RULEMAKING.**—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 (b); and**

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

**"(f) DEFINITIONS.**—In this section, the following definitions apply:

**"(1) PART 135.**—The term "part 135" means part 135 of title 14, Code of Federal Regulations.

**"(2) PART 135 CERTIFICATE HOLDER.**—The term "part 135 certificate holder" means a person holding a certificate issued under part 135.

**"§44731. Collection of data on helicopter air ambulance operations**

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

**"(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.**

**"(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.**

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

**"(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.**

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

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

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

**"(b) REPORTING PERIOD.**—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

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

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

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

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(C) (as redesignated by this Act) is amended by inserting before the period the following: “and the development and maintenance of helicopter approach procedures”.

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

“444730. Helicopter air ambulance operations.  
“444731. Collection of data on helicopter air ambulance operations.”.

**SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.**

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

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

(c) REPORT.—Not later than 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. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.**

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

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

(c) REPORT TO CONGRESS.—Not later than 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.

**SEC. 314. PROHIBITION ON PERSONAL USE OF ELECTRONIC DEVICES ON FLIGHT DECK.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**“§44732. Prohibition on personal use of electronic devices on flight deck**

“(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless

communications device or laptop computer while at the flight crewmember’s duty station on the flight deck of such an aircraft while the aircraft is being operated.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

“(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

“(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.”.

(b) PENALTY.—Section 44711(a) is amended—  
(1) by striking “or” after the semicolon in paragraph (8);

(2) by striking “title.” in paragraph (9) and inserting “title; or”; and

(3) by adding at the end the following:

“(10) violate section 44732 or any regulation issued thereunder.”.

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

“44732. Prohibition on personal use of electronic devices on flight deck.”.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44733 of title 49, United States Code, and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.

(e) STUDY.—  
(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the flight crewmembers on the flight deck of a commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations regarding how to reduce distractions for flight crewmembers on the flight deck of a commercial aircraft.

**SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.**

(a) 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 covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—  
(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations; or

(3) subject to subsection (c), a person that—  
(A) provides contract maintenance workers, services, or maintenance functions to a part 145 repair station or part 121 air carrier; and

(B) meets the requirements of the part 121 air carrier or the part 145 repair station.

(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

(1) The part 121 air carrier or the part 145 repair station shall be directly in charge of the covered work being performed.

(2) The covered work shall be carried out in accordance with the part 121 air carrier’s maintenance manual.

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

(1) COVERED WORK.—The term “covered work” means a required inspection item, as defined by the Administrator.

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

(3) PART 145 REPAIR STATION.—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

**SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**“§44733. Inspection of foreign repair stations**

“(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for each part 145 repair station based on the type, scope, and complexity of work being performed by the repair station, which shall—

“(1) ensure that repair stations outside the United States are subject to appropriate inspections that are based on identified risks and consistent with United States requirements;

“(2) accept consideration of inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

“(3) require all maintenance safety or maintenance implementation agreements with the United States to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on or before the 30th day after initiating formal negotiations with a foreign aviation authority or other appropriate foreign government agency on a new maintenance safety or maintenance implementation agreement.

“(c) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator shall publish a report on the Administration’s oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a), which shall—

“(1) describe in detail any improvements in the Federal Aviation Administration’s ability to identify and track where part 121 air carrier repair work is performed;

“(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed for the oversight and implementation;

“(3) describe the training provided to inspectors with respect to the oversight and implementation;

“(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

“(5) specify the number of sample inspections performed by Federal Aviation Administration inspectors at each repair station that is covered by a maintenance safety or maintenance implementation agreement with the United States.

“(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation shall request, jointly, the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

“(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than one year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program that is determined acceptable by the Administrator and is consistent with the applicable laws of the country in which the repair station is located.

“(e) INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected as frequently as determined warranted by the safety assessment system required by subsection (a), regardless of where the station is located, and in a manner consistent with United States obligations under international agreements.

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

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

“(2) PART 145 REPAIR STATION.—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.”

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

“44733. Inspection of foreign repair stations.”

#### SEC. 317. SUNSET OF LINE CHECK.

Section 44729(h) is amended by adding at the end the following:

“(4) SUNSET OF LINE CHECK.—Paragraph (2) shall cease to be effective following the one-year period beginning on the date of enactment of the FAA Reauthorization and Reform Act of 2011 unless the Secretary certifies that the requirements of paragraph (2) are necessary to ensure safety.”

#### Subtitle B—Unmanned Aircraft Systems

##### SEC. 321. DEFINITIONS.

In this subtitle, the following definitions apply:

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

(2) SENSE AND AVOID CAPABILITY.—The term “sense and avoid capability” means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the

qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SMALL UNMANNED AIRCRAFT.—The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds.

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

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

(7) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

#### SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

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

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

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

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

(ii) to ensure that commercial unmanned aircraft systems include a sense and avoid capability, if necessary for safety purposes; and

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

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

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

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system not later than September 30, 2015.

(4) REPORT TO CONGRESS.—The Secretary shall submit to Congress—

(A) not later than one year after the date of enactment of this Act, a copy of the plan developed under paragraph (1); and

(B) annually thereafter, a report on the activities of the Secretary under this section.

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

#### SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall determine if certain unmanned air-

craft systems may operate safely in the national airspace system. The Secretary may make such determination before completion of the plan and rulemaking required by section 322 of this Act or the guidance required by section 324 of this Act.

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

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

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

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

#### SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

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

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

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

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification standards for operation of public unmanned aircraft systems.

#### SEC. 325. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at 4 test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(4) address both commercial and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) TEST RANGE LOCATIONS.—In determining the location of the 4 test ranges of the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity; and

(2) after consulting with the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force, take into consideration the location of available research radars.

**Subtitle C—Safety and Protections**

**SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.**

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

“(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

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

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

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

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

(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. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.**

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

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

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

(b) MONTHLY TEAM REPORTS.—

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

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

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

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) BIENNIAL REPORTS TO CONGRESS.—The Administrator, on a biennial basis, 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 reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

**SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.**

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term “Vol-

untary Disclosure Reporting Program” means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(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 are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

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

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

(B) evaluates the effectiveness of corrective actions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

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

**SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OFFICE.**

Section 106 (as amended by this Act) is further amended by adding at the end the following:

“(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

“(1) 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’).

“(2) DIRECTOR.—

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

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

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

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

“(3) COMPLAINTS AND INVESTIGATIONS.—

“(A) AUTHORITY OF DIRECTOR.—The Director shall—

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

“(ii) assess complaints and information submitted under clause (i) and determine whether a

substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

“(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

“(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has 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 criminal 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) summaries of further investigations and corrective actions recommended in response to the submissions; and

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

**SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.**

(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—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, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting

operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(b) **RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.**—Not later than one year after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

(c) **SEPARATE RULEMAKING PROCEEDINGS REQUIRED.**—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

#### **TITLE IV—AIR SERVICE IMPROVEMENTS**

##### **Subtitle A—Essential Air Service**

#### **SEC. 401. ESSENTIAL AIR SERVICE MARKETING.**

Section 41733(c)(1) is amended—

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

(2) by striking “and” at the end of subparagraph (D); and

(3) by inserting after subparagraph (D) the following:

“(E) whether the air carrier has included a plan in its proposal to market its services to the community; and”.

#### **SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.**

Section 41733 is amended by adding at the end the following:

“(f) **NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.**—

“(1) **IN GENERAL.**—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

“(2) **PROCEDURES TO AVOID TERMINATION.**—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

“(3) **ASSISTANCE PROVIDED.**—The Secretary shall provide, by order, to each community notified under paragraph (1) information regard—

“(A) the procedures established pursuant to paragraph (2); and

“(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

“(4) **SUBSIDY CAP DEFINED.**—In this subsection, the term ‘subsidy cap’ means the sub-

sidy cap established by section 332 of Public Law 106-69 (113 Stat. 1022).”.

#### **SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

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

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

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

“(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.”.

(b) **DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by this section.

(c) **REPORT.**—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

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

(a) **AUTHORIZATION.**—Section 41742(a)(1) is amended—

(1) by striking “the sum of \$50,000,000 is” and inserting “the following sums are”; and

(2) by striking “subchapter for each fiscal year.” and inserting “subchapter:

“(A) \$50,000,000 for each fiscal year through fiscal year 2013.

“(B) The amount necessary, as determined by the Secretary, to carry out the essential air service program in Alaska and Hawaii for fiscal year 2014 and each fiscal year thereafter.”.

(b) **ADDITIONAL FUNDS.**—Section 41742(a)(2) is amended by striking “there is authorized to be appropriated \$77,000,000 for each fiscal year” and inserting “there is authorized to be appropriated out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 \$97,500,000 for fiscal year 2011, \$60,000,000 for fiscal year 2012, and \$30,000,000 for fiscal year 2013”.

(c) **ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.**—Section 41742(b) is amended to read as follows:

“(b) **ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.**—Notwithstanding any other provision of law, the Secretary is authorized to take such actions as may be necessary to administer the essential air service program under this subchapter within the amount of funding made available for the program.”.

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

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

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

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

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.”.

(b) **AUTHORITY TO MAKE AGREEMENTS.**—Section 41743(e) is amended to read as follows:

“(e) **AUTHORITY TO MAKE AGREEMENTS.**—Subject to the availability of amounts made available under section 41742(a)(4)(A), the Secretary may make agreements to provide assistance under this section.”.

#### **SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.**

(a) **EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.**—Subject to the availability of funds, the Secretary of Transportation may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) **EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.**—

(1) **IN GENERAL.**—Section 41734(d) is amended by striking “continue to pay” and all that follows through “compensation sufficient” and inserting “provide the carrier with compensation sufficient”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

(c) **SUBSIDY CAP.**—Subject to the availability of funds, the Secretary may waive, on a case-by-case basis, the subsidy-per-passenger cap established by section 332 of Public Law 106-69 (113 Stat. 1022). A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

#### **SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.**

Section 41747, and the item relating to section 41747 in the analysis for chapter 417, are repealed.

#### **SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.**

(a) **IN GENERAL.**—Subchapter II of chapter 417 is amended by adding at the end the following:

##### **“§ 41749. Sunset**

“(a) **IN GENERAL.**—Except as provided in subsection (b), the authority of the Secretary of Transportation to carry out the essential air service program under this subchapter shall sunset on October 1, 2013.

“(b) **ALASKA AND HAWAII.**—The Secretary may continue to carry out the essential air service program under this subchapter in Alaska and Hawaii following the sunset date specified in subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 417 is amended by inserting after the item relating to section 41748 the following:

“41749. Sunset.”.

##### **Subtitle B—Passenger Air Service Improvements**

#### **SEC. 421. SMOKING PROHIBITION.**

(a) **IN GENERAL.**—Section 41706 is amended—

(1) in the section heading by striking “**scheduled**” and inserting “**passenger**”; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) **SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.**—An individual may not smoke—

“(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

“(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).”.

(b) **SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.**—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

“(1) in an aircraft in scheduled passenger foreign air transportation; and

“(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

“41706. Prohibitions against smoking on passenger flights.”.

**SEC. 422. MONTHLY AIR CARRIER REPORTS.**

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

“(c) **DIVERTED AND CANCELLED FLIGHTS.**—

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

“(2) **APPLICABILITY.**—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, 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 airports of the cancelled flight;
- “(iii) the date and time of the cancelled flight;
- “(iv) the gate-departure time of the cancelled flight; and
- “(v) the time the aircraft returned to the gate.

“(4) **PUBLICATION.**—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.”.

(b) **EFFECTIVE DATE.**—Beginning not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a).

**SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) **BEYOND-PERIMETER EXEMPTIONS.**—Section 41718(a) is amended—

(1) by striking “Secretary” the first place it appears and inserting “Secretary of Transportation”; and

(2) by striking “24” and inserting “34”.

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

(c) **SLOTS.**—Section 41718(c) is amended—

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

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

“(3) **SLOTS.**—The Secretary shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport under section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Secretary, in order to grant exemptions under subsection (a).”.

(d) **SCHEDULING PRIORITY.**—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) **SCHEDULING PRIORITY.**—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be provided a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority provided to beyond-perimeter operations conducted by the new entrant air carriers and limited incumbent air carriers.”.

**SEC. 424. MUSICAL INSTRUMENTS.**

(a) **IN GENERAL.**—Subchapter I of chapter 417 is amended by adding at the end the following:

“**§41724. Musical instruments**

“(a) **INSTRUMENTS IN PASSENGER COMPARTMENT.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in a closet, baggage compartment, or cargo stowage compartment (approved by the Administrator of the Federal Aviation Administration) in the passenger compartment of the aircraft used to provide such transportation if—

“(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

“(2) there is space for such stowage on the aircraft.

“(b) **LARGE INSTRUMENTS IN PASSENGER COMPARTMENT.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to be secured in a closet, baggage compartment, or cargo stowage compartment pursuant to subsection (a) in the passenger compartment of the aircraft used to provide such transportation if—

“(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

“(2) the passenger has purchased a seat to accommodate the instrument.

“(c) **INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier providing air transportation shall transport as baggage a musical instrument that may not be carried in the passenger compartment of the aircraft used to provide such transportation pursuant to subsection (a) or (b) and that is the property of a passenger on the aircraft if—

“(1) the sum of the length, width, and height of the instrument (measured in inches of the outside linear dimensions of the instrument, including the case) does not exceed 150 inches or the size restrictions for that aircraft;

“(2) the weight of the instrument does not exceed 165 pounds or the weight restrictions for that aircraft; and

“(3) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator.

“(d) **AIR CARRIER TERMS.**—Nothing in this section shall be construed as prohibiting an air carrier from limiting the carrier’s liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the carrier.”.

(b) **REGULATIONS.**—The Secretary of Transportation may prescribe such regulations as may

be necessary or appropriate to implement the amendment made by subsection (a).

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

“41724. Musical instruments.”.

**SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.**

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

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

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

“**§42301. Emergency contingency plans**

“(a) **SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.**—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

“(1) An air carrier providing covered air transportation at a large hub or medium hub airport.

“(2) An operator of a large hub or medium hub airport.

“(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

“(b) **AIR CARRIER PLANS.**—

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

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

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

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

“(A) provide food, potable water, restroom facilities, 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 tarmac delays; and

“(C) share facilities and make gates available at the airport in an emergency.

“(c) **AIRPORT PLANS.**—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

“(1) provide for the deplanement of passengers following excessive tarmac delays;

“(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

“(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

“(d) **UPDATES.**—

“(1) **AIR CARRIERS.**—An air carrier shall update the emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

“(2) **AIRPORTS.**—An airport operator shall update the emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

“(e) **APPROVAL.**—

“(1) **IN GENERAL.**—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary,

require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

“(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

“(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

“(f) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

“(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

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

“(1) COVERED AIR TRANSPORTATION.—The term ‘covered air transportation’ means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

“(2) TARMAC DELAY.—The term ‘tarmac delay’ means the period during which passengers are on board an aircraft on the tarmac—

“(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

“(B) awaiting deplaning after the aircraft has landed.

#### “§ 42302. Consumer complaints

“(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation and shall take actions to notify the public of—

“(1) that telephone number; and

“(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

“(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

“(1) the hotline telephone number established under subsection (a);

“(2) the email address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

“(3) the Internet Web site 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.

“(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include the hotline telephone number established under subsection (a) on—

“(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the air carrier operates; and

“(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the air carrier.

#### “§ 42303. Use of insecticides in passenger aircraft

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

shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

“(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.”

(b) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting “chapter 423,” after “chapter 421.”

(c) APPLICABILITY OF REQUIREMENTS.—Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

“423. Passenger Air Service Improvements ..... 42301”.

#### SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

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

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

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

(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—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

#### SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR-2000-112 and titled “Audit of Air Carrier Flight Delays and Cancellations”.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, including with respect to the number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers’ scheduling practices;

(3) the need for a reexamination of capacity benchmarks at the Nation’s busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers;

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes;

(6) the effect of the rules and regulations of the Department of Transportation on the decisions of air carriers to delay or cancel flights; and

(7) the impact of flight delays and cancellations on the airline industry.

(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. 428. DENIED BOARDING COMPENSATION.

(a) EVALUATION OF DENIED BOARDING COMPENSATION.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Transportation shall evaluate the amount provided by air carriers for denied boarding compensation.

(b) ADJUSTMENT OF AMOUNT.—If, upon completing an evaluation required under subsection (a), the Secretary determines that the amount provided for denied boarding compensation should be adjusted, the Secretary shall issue a regulation to adjust such compensation.

#### SEC. 429. 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) assess the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier’s baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

#### SEC. 430. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse

effect on the safe and efficient use of navigable airspace, the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

**SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.**

The Secretary of Transportation may investigate consumer complaints regarding—

- (1) flight cancellations;
- (2) compliance with Federal regulations concerning overbooking seats on flights;
- (3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;
- (4) problems in obtaining refunds for unused or lost tickets or fare adjustments;
- (5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;
- (6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and
- (7) deceptive or misleading advertising.

**SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART 135.**

(a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration, in consultation with interested parties, shall conduct a study of operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall analyze the part 135 fleet in the United States, which shall include analysis of—

- (1) the size and type of aircraft in the fleet;
- (2) the equipment utilized by the fleet;
- (3) the hours flown each year by the fleet;
- (4) the utilization rates with respect to the fleet;
- (5) the safety record of various categories of use and aircraft types with respect to the fleet, through a review of the database of the National Transportation Safety Board;
- (6) the sales revenues of the fleet; and
- (7) the number of passengers and airports served by the fleet.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 18 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 on the results of the study conducted under subsection (a).

(2) UPDATES.—Not later than 3 years after the date of the submission of the report required under paragraph (1), and every 2 years thereafter, the Administrator shall update the report required under that paragraph and submit the updated report to the committees specified in that paragraph.

**SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

(a) CELL PHONE STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.

(b) CONTENTS.—The study shall include—

- (1) a review of foreign government and air carrier policies on the use of cell phones during flight;

(2) a review of the extent to which passengers use cell phones for voice communications during flight; and

(3) a summary of any impacts of cell phone use during flight on safety, the quality of the flight experience of passengers, and flight attendants.

(c) COMMENT PERIOD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the results of the study and allow 60 days for public comment.

(d) CELL PHONE REPORT.—Not later than 270 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.

**TITLE V—ENVIRONMENTAL STREAMLINING**

**SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

(a) GENERAL REQUIREMENTS.—Section 40128(a)(1)(C) is amended by inserting “or voluntary agreement under subsection (b)(7)” before “for the park”.

(b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—Section 40128(a) is amended by adding at the end the following:

“(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

“(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

“(C) LIST OF PARKS.—

“(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

“(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

“(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding one-year period over such park.”.

(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended 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 commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

“(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

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

“(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

“(iii) provide for fees for such operations.

“(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

“(D) TERMINATION.—

“(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

“(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

“(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

“(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.”.

(d) INTERIM OPERATING AUTHORITY.—Section 40128(c) is amended—

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

“(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

“(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

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

“(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.”; and

(2) in paragraph (3)(A) by striking “if the Administrator determines” and all that follows through the period at the end and inserting “without further environmental process beyond that described in this paragraph, if—

“(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

“(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

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

(e) OPERATOR REPORTS.—Section 40128 is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

“(I) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are



conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

“(2) **REPORT SUBMISSION.**—Not later than 90 days after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.”

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

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

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

(2) in the second sentence by striking “regulations” and inserting “guidance”.

(b) **APPLICATIONS AND SELECTION.**—Section 47128(b)(4) is amended by inserting before the semicolon the following: “, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements”.

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

“(d) **ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.**—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

“(1) coordinate and consult with the State;

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

“(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.”

**SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS STREAMLINING.**

(a) **AVIATION PROJECT REVIEW PROCESS.**—Section 47171(a) is amended in the matter preceding paragraph (1) by striking “and aviation security projects” and inserting “aviation security projects, and NextGen environmental efficiency projects”.

(b) **AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.**—Section 47171(b) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) **AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS AND CERTAIN NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS.**—The following projects shall be subject to the coordinated and expedited environmental review process requirements set forth in this section:

“(A) An airport capacity enhancement project at a congested airport.

“(B) A NextGen environmental efficiency project at an Operational Evolution Partnership airport or any congested airport.”; and

(2) in paragraph (2)—

(A) in the heading by striking “AND AVIATION SECURITY PROJECTS” and inserting “PROJECTS, AVIATION SECURITY PROJECTS, AND ANY NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS”;

(B) in subparagraph (A) by striking “or aviation security project” and inserting “, an aviation security project, or any NextGen environmental efficiency project”; and

(C) in subparagraph (B) by striking “or aviation security project” and inserting “, aviation security project, or NextGen environmental efficiency project”.

(c) **HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.**—Section 47171(c)(1) is amended by striking “an airport capacity enhancement project at a congested airport” and inserting “a project described in subsection (b)(1)”.

(d) **IDENTIFICATION OF JURISDICTIONAL AGENCIES.**—Section 47171(d) is amended by striking “each airport capacity enhancement project at a congested airport” and inserting “a project described in subsection (b)(1)”.

(e) **LEAD AGENCY RESPONSIBILITY.**—Section 47171(h) is amended by striking “airport capacity enhancement projects at congested airports” and inserting “projects described in subsection (b)(1)”.

(f) **ALTERNATIVES ANALYSIS.**—Section 47171(k) is amended by striking “an airport capacity enhancement project at a congested airport” and inserting “a project described in subsection (b)(1)”.

(g) **DEFINITIONS.**—Section 47171 is amended by adding at the end the following:

“(n) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **CONGESTED AIRPORT.**—The term ‘congested airport’ means an airport that accounted for at least one percent of all delayed aircraft operations in the United States in the most recent year for which data is available and an airport listed in table 1 of the Federal Aviation Administration’s Airport Capacity Benchmark Report 2004.

“(2) **NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECT.**—The term ‘NextGen environmental efficiency project’ means a Next Generation Air Transportation System aviation project that—

“(A) develops and certifies performance-based navigation procedures; or

“(B) develops other environmental mitigation projects the Secretary may designate as facilitating a reduction in noise, fuel consumption, or emissions from air traffic operations.

“(3) **PERFORMANCE-BASED NAVIGATION.**—The term ‘performance-based navigation’ means a framework for defining performance requirements in navigation specifications that—

“(A) can be applied to an air traffic route, instrument procedure, or defined airspace; or

“(B) provides a basis for the design and implementation of automated flight paths, airspace design, and obstacle clearance.”

**SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.**

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

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

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

“(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations;

“(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; and

“(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures.”

**SEC. 505. NOISE COMPATIBILITY PROGRAMS.**

Section 47504(a)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “operations.” in subparagraph (E) and inserting “operations; and”; and

(3) by adding at the end the following:

“(F) conducting comprehensive land use planning (including master plans, traffic studies, environmental evaluation, and economic and fea-

sibility studies), jointly with neighboring local jurisdictions undertaking community redevelopment in an area in which land or other property interests have been acquired by the operator pursuant to this section, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”

**SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.**

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

“(e) **GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.**—

“(1) **IN GENERAL.**—In accordance with subsection (c)(1), 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 or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(3) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, any funds accepted under this section—

“(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

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

“(C) shall remain available until expended.”

**SEC. 507. 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:

“(f) **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 or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”

**SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.**

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

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

“(a) **PROHIBITION.**—Except as otherwise provided by this section, after December 31, 2014, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) **AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.**—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) **TEMPORARY OPERATIONS.**—The Secretary may allow temporary operation of an aircraft

otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

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

“(2) To scrap the aircraft.

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

“(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

“(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

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

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

“(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

“(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

“(e) STATUTORY CONSTRUCTION.—

“(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

“(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

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

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

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

(3) The analysis for subchapter II of chapter 475 is amended—

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

“47531. Penalties.”; and

(B) by adding at the end the following:

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

#### SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of \$2,500,000 may be expended under the pilot program at any single public-use airport.

#### SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES.

The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.

#### SEC. 511. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union’s emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the “ICAO”) in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, completed in Chicago on December 7, 1944 (TIAS 1591; commonly known as the “Chicago Convention”), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through ICAO.

#### SEC. 512. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 90 days after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than 15 months after the date of enactment of this Act, and annually thereafter, an owner or operator that receives noise complaints from 25 individuals during the preceding year 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 electronic means.

#### TITLE VI—FAA EMPLOYEES AND ORGANIZATION

#### SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

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

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

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

“(2) DISPUTE RESOLUTION.—

“(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

“(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization and Reform Act of 2011); or

“(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

“(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from

the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

“(C) BINDING ARBITRATION FOR TERM BARGAINING.—

“(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the ‘parties’) shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

“(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

“(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

“(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

“(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

“(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

“(I) the effect of its arbitration decisions on the Federal Aviation Administration’s ability to attract and retain a qualified workforce;

“(II) the effect of its arbitration decisions on the Federal Aviation Administration’s budget;

“(III) the effect of its arbitration decisions on other Federal Aviation Administration employees; and

“(IV) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

“(vii) COSTS.—The parties shall share costs of the arbitration equally.

“(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).”.

#### SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) in subparagraph (G) by striking “and” after the semicolon;

(2) in subparagraph (H) by striking “Board.” and inserting “Board; and”; and

(3) by adding at the end the following:

“(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

“(i) for purposes of applying such provisions to the personnel management system—

“(I) the term ‘agency’ means the Department of Transportation;

“(II) the term ‘senior executive’ means a Federal Aviation Administration executive;

“(III) the term ‘career appointee’ means a Federal Aviation Administration career executive; and

“(IV) the term ‘senior career employee’ means a Federal Aviation Administration career senior professional;

“(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

“(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.”.

**SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator’s technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as “FAA systems specialists”).

(2) CONTENTS.—The study shall include—

(A) a review of the current technical training strategy and improvement plan for FAA systems specialists;

(B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;

(C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and

(D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.

(3) 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.

(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 shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system in the most cost effective manner.

(2) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including labor, government, and industry representatives.

(3) REPORT.—Not later than one year after the initiation of the arrangements under paragraph

(1), the National Academy of Sciences shall submit to Congress a report on the results of the study.

**SEC. 604. SAFETY CRITICAL STAFFING.**

(a) IN GENERAL.—Not later than October 1, 2011, the Administrator of the Federal Aviation Administration shall implement, to the extent practicable and in a cost-effective manner, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled “Staffing Standards for Aviation Safety Inspectors”. In doing so, the Administrator shall consult with interested persons, including aviation safety inspectors.

(b) REPORT.—Not later than October 1 of each fiscal year beginning after September 30, 2011, 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 staffing model described in subsection (a).

(c) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term “safety critical positions” means—

(1) aviation safety inspectors, safety technical specialists, and operational support positions in the Flight Standards Service (as such terms are used in the Administration’s fiscal year 2011 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, chief scientific and technical advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration’s fiscal year 2011 congressional budget justification).

**SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.**

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this section referred to as the “FAA”) to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including employee, Government, and industry representatives.

(c) CONTENTS.—The study shall include—

(1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;

(2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and

(3) consideration of the Administration’s current and estimated budgets and the most cost-effective staffing model to best leverage available funding.

(d) REPORT.—Not later than 2 years 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. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.**

Section 44506 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

“(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized

to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

“(A) received a control tower operator certification (referred to in this subsection as a ‘CTO’ certificate); and

“(B) satisfied all other applicable qualification requirements for an air traffic control specialist position.

“(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

“(3) REPORT.—Not later than 18 months after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

“(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase the number of appointments of candidates who possess such certification.

**(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—**

“(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.

“(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

“(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

“(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

“(iii) remain available until expended.”.

**SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator’s technical training strategy and improvement plan for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;

(3) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3);

(5) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and

(6) the most cost-effective approach to provide training to air traffic controllers.

(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. 608. COLLEGIATE TRAINING INITIATIVE STUDY.**

(a) **STUDY.**—The Comptroller General shall conduct a study on training options for graduates of the Collegiate Training Initiative program (in this section referred to as “CTI” programs) conducted under section 44506(c) of title 49, United States Code.

(b) **CONTENTS.**—The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Federal Aviation Administration a new controller orientation session at the Mike Monroney Aeronautical Center for graduates of CTI programs followed by on-the-job training for newly hired air traffic controllers who are graduates of CTI programs and shall include an analysis of—

- (1) the cost effectiveness of such an alternative training approach; and
- (2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of CTI programs.

(c) **REPORT.**—Not later than 180 days 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.

**SEC. 609. FAA FACILITY CONDITIONS.**

(a) **STUDY.**—The Comptroller General shall conduct a study of—

- (1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;
- (2) 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;

(3) conditions of such facilities that could interfere with such employees’ ability to effectively and safely perform their duties;

(4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(5) whether employees of the Administration who report facility-related illnesses are treated appropriately;

(6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and

(7) resources allocated to facility maintenance and renovation by the Administration.

(b) **FACILITY CONDITION INDICES.**—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).

(c) **RECOMMENDATIONS.**—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary to—

- (1) prioritize those facilities needing the most immediate attention based on risks 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 facilities do not deteriorate to unsafe levels.

(d) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results

of the study, including the recommendations under subsection (c).

**SEC. 610. FRONTLINE MANAGER STAFFING.**

(a) **STUDY.**—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall commission an independent study on frontline manager staffing requirements in air traffic control facilities.

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

- (1) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling;
- (2) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;
- (3) coverage requirements in relation to traffic demand;
- (4) facility type;
- (5) complexity of traffic and managerial responsibilities;
- (6) proficiency and training requirements; and
- (7) such other factors as the Administrator considers appropriate.

(c) **PARTICIPATION.**—The Administrator shall ensure the participation of frontline managers who currently work in safety-related operational areas of the Administration.

(d) **DETERMINATIONS.**—The Administrator shall transmit any determinations made as a result of the study to the heads of the appropriate lines of business within the Administration, including the Chief Operating Officer of the Air Traffic Organization.

(e) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

(f) **DEFINITION.**—In this section, the term “frontline manager” means first-level, operational supervisors and managers who work in safety-related operational areas of the Administration.

**TITLE VII—AVIATION INSURANCE**

**SEC. 701. GENERAL AUTHORITY.**

(a) **EXTENSION OF POLICIES.**—Section 44302(f)(1) is amended by striking “shall extend through” and all that follows through “the termination date” and inserting “shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date”.

(b) **SUCCESSOR PROGRAM.**—Section 44302(f) is amended by adding at the end the following:

“(3) **SUCCESSOR PROGRAM.**—

“(A) **IN GENERAL.**—After December 31, 2021, 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, 2021, and except as provided in clause (ii), premiums collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(ii) **DETERMINATION OF AMOUNT TRANSFERRED.**—The amount transferred pursuant to clause (i) shall be less—

“(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2021;

“(II) the amount of any claims pending under such policies as of December 31, 2021; 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, 2021.”.

**SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.**

The first sentence of section 44303(b) is amended by striking “ending on” and all that follows through “the Secretary may certify” and inserting “ending on December 31, 2013, the Secretary may certify”.

**SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

The second sentence of section 44304 is amended by striking “the carrier” and inserting “any insurance carrier”.

**SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

The second sentence of section 44308(c)(1) is amended by striking “agent” and inserting “agent, or a claims adjuster who is independent of the underwriting agent,”.

**TITLE VIII—MISCELLANEOUS**

**SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.**

Section 40119(b) is amended by adding at the end the following:

“(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.”.

**SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.**

(a) **IN GENERAL.**—Chapter 401 is amended by adding at the end the following:

**“§40130. FAA access to criminal history records and database systems**

“(a) **ACCESS TO RECORDS AND DATABASE SYSTEMS.**—

“(1) **ACCESS TO INFORMATION.**—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may have direct access to a system of documented criminal justice information maintained by the Department of Justice or by a State, but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

“(2) **RELEASE OF INFORMATION.**—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with direct access to the system.

“(3) **LIMITATION.**—The Administrator may not use the direct access authorized under paragraph (1) to conduct criminal investigations.

“(b) **DESIGNATED EMPLOYEES.**—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

“(1) have direct access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by

a State or local authority in that State who is certified or commissioned under the laws of that State has direct access and in the same manner as such police officer; and

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term ‘system of documented criminal justice information’ means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records and database systems.”

#### SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting “chapter 451,” before “section 47107(b)”;

(2) in subsection (a)(5)(A)(i)—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting after “44909” the following: “, or chapter 451”;

(3) in subsection (d)(2)—

(A) by inserting after “44723” the following: “, chapter 451 (except section 45107)”;

(B) by inserting after “44909,” the following: “section 45107,”;

(C) by striking “46302” and inserting “section 46302”; and

(D) by striking “46303” and inserting “section 46303”; and

(4) in subsection (f)(1)(A)(i)—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting after “44909” the following: “, or chapter 451”.

#### SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.

(a) IN GENERAL.—Chapter 445 (as amended by this Act) is further amended by adding at the end the following new section:

##### “§44519. Realignment and consolidation of FAA services and facilities

“(a) PURPOSE.—The purpose of this section is to establish a fair process that will result in the realignment and consolidation of FAA services and facilities to help reduce capital, operating, maintenance, and administrative costs and facilitate Next Generation Air Transportation System air traffic control modernization efforts without adversely affecting safety.

“(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall realign and consolidate FAA services and facilities pursuant to recommendations made by the Aviation Facilities and Services Board established under subsection (g).

“(c) ADMINISTRATOR’S RECOMMENDATIONS.—

“(1) PROPOSED CRITERIA.—

“(A) IN GENERAL.—The Administrator shall develop proposed criteria for use by the Administrator in making recommendations for the realignment and consolidation of FAA services and facilities under this section.

“(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Administrator shall publish the proposed criteria in the Federal Register and transmit the proposed criteria to the congressional committees of interest.

“(C) NOTICE AND COMMENT.—The Administrator shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the Federal Register.

“(2) FINAL CRITERIA.—

“(A) IN GENERAL.—The Administrator shall establish final criteria based on the proposed criteria developed under paragraph (1).

“(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Administrator shall publish the final criteria in the Federal Register and transmit the final criteria to the congressional committees of interest.

“(3) RECOMMENDATIONS.—

“(A) IN GENERAL.—The Administrator shall make recommendations for the realignment and consolidation of FAA services and facilities under this section based on the final criteria established under paragraph (2).

“(B) CONTENTS.—The recommendations shall consist of a list of FAA services and facilities for realignment and consolidation, together with a justification for each service and facility included on the list.

“(C) PUBLICATION; TRANSMITTAL TO BOARD AND CONGRESS.—Not later than 120 days after the date of enactment of this section, the Administrator shall publish the recommendations in the Federal Register and transmit the recommendations to the Board and the congressional committees of interest.

“(D) INFORMATION.—The Administrator shall make available to the Board and the Comptroller General all information used by the Administrator in establishing the recommendations.

“(E) ADDITIONAL RECOMMENDATIONS.—The Administrator is authorized to make additional recommendations under this paragraph every 2 years.

“(d) BOARD’S REVIEW AND RECOMMENDATIONS.—

“(1) PUBLIC HEARINGS.—Not later than 30 days after the date of receipt of the Administrator’s recommendations under subsection (c), the Board shall conduct public hearings on the recommendations.

“(2) BOARD’S RECOMMENDATIONS.—

“(A) REPORT TO CONGRESS.—Based on the Board’s review and analysis of the Administrator’s recommendations and any public comments received under paragraph (1), the Board shall develop a report containing the Board’s findings and conclusions concerning the Administrator’s recommendations, together with the Board’s recommendations for realignment and consolidation of FAA services and facilities. The Board shall explain and justify in the report any recommendation made by the Board that differs from a recommendation made by the Administrator.

“(B) PUBLICATION IN FEDERAL REGISTER; TRANSMITTAL TO CONGRESS.—Not later than 60 days after the date of receipt of the Administrator’s recommendations under subsection (c), the Board shall publish the report in the Federal Register and transmit the report to the congressional committees of interest.

“(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General shall assist the Board, to the extent requested by the Board, in the Board’s review and analysis of the Administrator’s recommendations.

“(e) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Subject to subsection (f), the Administrator shall—

“(1) realign or consolidate the FAA services and facilities recommended for realignment or consolidation by the Board in a report transmitted under subsection (d);

“(2) initiate all such realignments and consolidations not later than one year after the date of the report; and

“(3) complete all such realignments and consolidations not later than 3 years after the date of the report.

“(f) CONGRESSIONAL DISAPPROVAL.—

“(1) IN GENERAL.—The Administrator may not carry out a recommendation of the Board for realignment or consolidation of FAA services and facilities that is included in a report transmitted under subsection (d) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—

“(A) the last day of the 30-day period beginning on the date of the report; or

“(B) the adjournment of Congress sine die for the session during which the report is transmitted.

“(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either house of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.

“(g) AVIATION FACILITIES AND SERVICES BOARD.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall establish an independent board to be known as the ‘Aviation Facilities and Services Board’.

“(2) COMPOSITION.—The Board shall be composed of the following members:

“(A) The Secretary (or a designee of the Secretary), who shall be the Chair of the Board.

“(B) Two members appointed by the Secretary, who may not be officers or employees of the Federal Government.

“(C) The Comptroller General (or a designee of the Comptroller General), who shall be a non-voting member of the Board.

“(3) DUTIES.—The Board shall carry out the duties specified for the Board in this section.

“(4) TERM.—The members of the Board to be appointed under paragraph (2)(B) shall each be appointed for a term of 3 years.

“(5) VACANCIES.—A vacancy in the Board shall be filled in the same manner as the original appointment was made, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual’s predecessor was appointed.

“(6) COMPENSATION AND BENEFITS.—A member of the Board may not receive any compensation or benefits from the Federal Government for serving on the Board, except that—

“(A) a member shall receive compensation for work injuries under subchapter I of chapter 81 of title 5; and

“(B) a member shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from the member’s usual place of residence in accordance with section 5703 of title 5.

“(7) STAFF.—The Administrator shall make available to the Board such staff, information, and administrative services and assistance as may be reasonably required to enable the Board to carry out its responsibilities under this section. The Board may employ experts and consultants on a temporary or intermittent basis with the approval of the Secretary.

“(8) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator for each of fiscal years 2011 through 2014 \$200,000 for the Board to carry out its duties.

“(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

“(i) EFFECT ON OTHER AUTHORITIES.—Nothing in this section shall be construed to affect the authorities provided in section 44503 or the existing authorities or responsibilities of the Administrator under this title to manage the operations of the Federal Aviation Administration, including realignment or consolidation of facilities or services.

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

“(1) BOARD.—The term ‘Board’ means the Aviation Facilities and Services Board established under subsection (g).”

“(2) CONGRESSIONAL COMMITTEES OF INTEREST.—The term ‘congressional committees of interest’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

“(3) FAA.—The term ‘FAA’ means the Federal Aviation Administration.”

“(4) REALIGNMENT.—The term ‘realignment’ includes any action that relocates functions and personnel positions but does not include an overall reduction in personnel resulting from workload adjustments.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 (as amended by this Act) is further amended by adding at the end the following:

“44519. Realignment and consolidation of FAA services and facilities.”

**SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.**

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals other than authorized flight crewmembers from accessing the flight deck of an all-cargo aircraft.

(b) 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.

**SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.**

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration’s Internet Web site in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

**SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

The Secretary of Transportation may not use any funds made available pursuant to this Act (including any amendment made by this Act) to name, rename, designate, or redesignate any project or program authorized by this Act (including any amendment made by this Act) for an individual then serving in Congress as a Member, Delegate, Resident Commissioner, or Senator.

**SEC. 808. STUDY ON AVIATION FUEL PRICES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general.

(b) CONTENTS.—The study shall include an assessment of the impact of increases in aviation fuel prices on—

- (1) general aviation;
- (2) commercial passenger aviation;
- (3) piston aircraft purchase and use;
- (4) the aviation services industry, including repair and maintenance services;
- (5) aviation manufacturing;
- (6) aviation exports; and
- (7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

**SEC. 809. WIND TURBINE LIGHTING.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

- (1) The aviation safety issues associated with alternative lighting strategies, technologies, and regulations.
- (2) The feasibility of implementing alternative lighting strategies or technologies to improve aviation safety.
- (3) Any other issue relating to wind turbine lighting.

(c) 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, including information and recommendations concerning the issues examined under subsection (b).

**SEC. 810. AIR-RAIL CODE SHARING STUDY.**

(a) CODE SHARE STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall initiate a study regarding—

- (1) the existing airline and intercity passenger rail code sharing arrangements; and
- (2) the feasibility, costs to taxpayers and other parties, and benefits of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider—

- (1) the potential costs to taxpayers and other parties and benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through code sharing arrangements;
- (2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities and stations;
- (3) the experience of other countries with airport and intercity passenger rail connectivity; and
- (4) such other issues the Comptroller General considers appropriate.

(c) REPORT.—Not later than one year after commencing the study required by subsection

(a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any conclusions of the Comptroller General resulting from the study.

**SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA.**

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Homeland Security and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

**SEC. 812. FAA REVIEW AND REFORM.**

(a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—

- (1) duplicative positions, programs, roles, or offices;
- (2) wasteful practices;
- (3) redundant, obsolete, or unnecessary functions;
- (4) inefficient processes; and
- (5) ineffectual or outdated policies.

(b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator’s findings under subsection (a), including—

- (1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;
- (2) eliminating or streamlining wasteful practices;
- (3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;
- (4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and
- (5) reforming or eliminating ineffectual or outdated policies.

(c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for legislative or administrative actions.

**SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES.**

(a) IN GENERAL.—Subject to subsection (b), the transportation within the State of Alaska of cylinders of compressed oxygen or other oxidizing gases aboard aircraft shall be exempt from compliance with the regulations described in subsection (c) to the extent that the regulations require that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders.

(b) APPLICABILITY OF EXEMPTION.—The exemption provided by subsection (a) shall apply in circumstances in which transportation of the

cylinders by ground or vessel is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination.

(c) DESCRIPTION OF REGULATORY REQUIREMENTS.—The regulations referred to in subsection (a) are the regulations of the Pipeline and Hazardous Materials Safety Administration contained in sections 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4), 173.304(f)(5), and 175.501(b) of title 49, Code of Federal Regulations.

#### TITLE IX—NATIONAL MEDIATION BOARD

##### SEC. 901. AUTHORITY OF INSPECTOR GENERAL.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:

###### “AUTHORITY OF INSPECTOR GENERAL

“SEC. 15. (a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, is authorized to review the financial management, property management, and business operations of the Mediation Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the chairman of the Mediation Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Mediation Board;

“(2) issue findings and recommendations for actions to address such problems; and

“(3) report periodically to Congress on any progress made in implementing actions to address such problems.

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

###### “(d) AUTHORIZATIONS OF APPROPRIATIONS.—

“(1) FUNDING.—There is authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation not more than \$125,000 for each of fiscal years 2011 through 2014 to cover expenses associated with activities pursuant to the authority exercised under this section.

“(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Mediation Board shall have a reimbursable agreement to cover such expense.”.

##### SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDIATION BOARD.

Title I of the Railway Labor Act (as amended by section 901 of this Act) is further amended by adding at the end the following:

###### “EVALUATION AND AUDIT OF MEDIATION BOARD

“SEC. 16. (a) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

“(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Mediation Board programs, operations, and activities, including at a minimum—

“(1) information management and security, including privacy protection of personally identifiable information;

“(2) resource management;

“(3) workforce development;

“(4) procurement and contracting planning, practices, and policies;

“(5) the extent to which the Mediation Board follows leading practices in selected management areas; and

“(6) the processes the Mediation Board follows to address challenges in—

“(A) initial investigations of representation applications;

“(B) determining and certifying representatives of employees; and

“(C) ensuring that the process occurs without interference, influence, or coercion.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”.

##### SEC. 903. REPEAL OF RULE.

Effective January 1, 2011, the rule prescribed by the National Mediation Board relating to representation election procedures published on May 11, 2010 (95 Fed. Reg. 26062) and revising sections 1202 and 1206 of title 29, Code of Federal Regulations, shall have no force or effect.

#### TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011

##### SEC. 1001. SHORT TITLE.

This title may be cited as the “Federal Aviation Research and Development Reauthorization Act of 2011”.

##### SEC. 1002. DEFINITIONS.

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) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(5) NATIONAL RESEARCH COUNCIL.—The term “National Research Council” means the National Research Council of the National Academies of Science and Engineering.

(6) NOAA.—The term “NOAA” means the National Oceanic and Atmospheric Administration.

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

##### SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 48102(a) is amended—

(1) in the matter before paragraph (1) by striking “of this title” and inserting “of this title and, for each of fiscal years 2011 through 2014, under subsection (g)”;

(2) in paragraph (11)—

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

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

(3) in paragraph (13) by striking “and” at the end;

(4) in paragraph (14) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(15) for fiscal year 2011, \$165,020,000; and

“(16) for each of the fiscal years 2012 through 2014, \$146,827,000.”.

(b) SPECIFIC PROGRAM LIMITATIONS.—Section 48102 is amended by inserting after subsection (f) the following:

“(g) SPECIFIC AUTHORIZATIONS.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:

“(1) Fire Research and Safety.

“(2) Propulsion and Fuel Systems.

“(3) Advanced Materials/Structural Safety.

“(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.

“(5) Continued Airworthiness.

“(6) Aircraft Catastrophic Failure Prevention Research.

“(7) Flightdeck/Maintenance/System Integration Human Factors.

“(8) System Safety Management.

“(9) Air Traffic Control/Technical Operations Human Factors.

“(10) Aeromedical Research.

“(11) Weather Program.

“(12) Unmanned Aircraft Systems Research.

“(13) NextGen—Alternative Fuels for General Aviation.

“(14) Joint Planning and Development Office.

“(15) NextGen—Wake Turbulence Research.

“(16) NextGen—Air Ground Integration Human Factors.

“(17) NextGen—Self Separation Human Factors.

“(18) NextGen—Weather Technology in the Cockpit.

“(19) Environment and Energy Research.

“(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.

“(21) System Planning and Resource Management.

“(22) The William J. Hughes Technical Center Laboratory Facility.”.

(c) PROGRAM AUTHORIZATIONS.—If the other accounts described in the national aviation research plan required under section 44501(c) of title 49, United States Code, are authorized for each of the fiscal years 2011 through 2014, the following research and development activities are authorized:

(1) Runway Incursion Reduction.

(2) System Capacity, Planning, and Improvement.

(3) Operations Concept Validation.

(4) NAS Weather Requirements.

(5) Airspace Management Program.

(6) NextGen—Air Traffic Control/Technical Operations Human Factors.

(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions reduction.

(8) NextGen—New Air Traffic Management Requirements.

(9) NextGen—Operations Concept Validation—Validation Modeling.

(10) NextGen—System Safety Management Transformation.

(11) NextGen—Wake Turbulence—Recategorization.

(12) NextGen—Operational Assessments.

(13) NextGen—Staffed NextGen Towers.

(14) Center for Advanced Aviation System Development.

(15) Airports Technology Research Program—Capacity.

(16) Airports Technology Research Program—Safety.

(17) Airports Technology Research Program—Environment.

(18) Airport Cooperative Research—Capacity.

(19) Airport Cooperative Research—Environment.

(20) Airport Cooperative Research—Safety.

##### SEC. 1004. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking “and” after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.”.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking “and” after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system 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. 1005. RESEARCH PROGRAM ON RUNWAYS.

Section 44505(c) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8); and

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

“(3) improved runway surfaces;

“(4) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations;”.

#### SEC. 1006. RESEARCH ON DESIGN FOR CERTIFICATION.

Section 44505 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

“(1) RESEARCH.—Not later than 1 year after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

“(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall develop a plan for the research under paragraph (1) that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

“(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011.”.

#### SEC. 1007. 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 “Not later than 6 months after the expiration of the program under this subsection,” and inserting “Not later than September 30, 2012.”; and

(B) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program” and inserting “program”.

#### SEC. 1008. 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 a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for any fiscal year if the Administrator deter-

mines that a center would be unable to carry out the authorized activities described in this section without additional funds.”.

(b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:

“(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

“(1) the research projects that have been initiated by each center in the preceding year;

“(2) the amount of funding for each research project and the funding source;

“(3) the institutions participating in each project and their shares of the overall funding for each research project; and

“(4) the level of cost-sharing for each research project.”.

#### SEC. 1009. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.

(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—

(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

(2) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(b) ACTIVITIES.—Activities conducted under this section may include the following:

(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

(2) Research and development of best practices for recruitment into the aviation field for mission critical positions.

(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

(4) Research and the development of a comprehensive assessment of the airframe and powerplant technician certification process and its effect on employment trends.

(5) Evaluation of aviation maintenance technician school environments.

(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

#### SEC. 1010. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation on the environment and, if warranted, to evaluate approaches to address any such effect.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

(2) CONTENTS.—Such plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REQUIREMENTS.—Such plan—

(A) shall be completed not later than 1 year after the date of enactment of this Act;

(B) shall be submitted to Congress for review; and

(C) shall be updated, as appropriate, every 3 years after the initial submission.

#### SEC. 1011. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United

States Code, the Administrator, in coordination with the NASA Administrator, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

(1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

(c) COLLABORATIONS.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

(2) other appropriate Federal agencies.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).

#### SEC. 1012. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary shall conduct a research program related to developing and certifying jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY STAKEHOLDERS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions and by industry partners that have existing facilities and experience in the research and development of technology for alternative jet fuels.

(c) COLLABORATIONS.—In conducting the program, the Secretary may collaborate with existing interagency programs—

(1) to further the research and development of alternative jet fuel technology for civil aircraft, including feasibility studies; and

(2) to exchange information with the participants in the Commercial Aviation Alternative Fuels Initiative.

#### SEC. 1013. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of FAA energy-related 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 at 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 FAA's operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of such review shall be provided to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

**SEC. 1014. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.**

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a 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;

(4) the programs should include a determination about whether a survey of participants across the air transportation system is an appropriate way to study safety risks within such system; and

(5) 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 such review.

**TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING**

**SEC. 1101. SHORT TITLE.**

This title may be cited as the "Airport and Airway Trust Fund Financing Reauthorization Act of 2011".

**SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2011" and inserting "October 1, 2014", and

(2) by inserting "or the FAA Reauthorization and Reform Act of 2011" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2011" and inserting "October 1, 2014".

**SEC. 1103. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of

1986 is amended by striking "March 31, 2011" and inserting "September 30, 2014".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "March 31, 2011" and inserting "September 30, 2014".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2011" and inserting "September 30, 2014".

**TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010**  
**SEC. 1201. COMPLIANCE PROVISION.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-46. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable 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. MICA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-46.

Mr. MICA. 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:

Page 30, line 25, insert "or near" after "adjacent to".

Page 31, line 8, after "property owner" insert "(or an association representing such property owner)".

Page 31, line 16, after "property owner" insert "(or an association representing such property owner)".

Page 32, line 2, insert "or near" after "adjacent to".

Page 32, line 12, after "property owner" insert "(or an association representing such property owner)".

Page 87, strike lines 16 through 20 and insert the following:

(2) READINESS VERIFICATION.—Before the Administrator completes an ADS-B In equipage rulemaking proceeding or issues and interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

**SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.**

(a) DEVELOPMENT OF PLAN.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

(b) CONTENTS.—At a minimum, the plan shall—

(1) be based on public-private partnership principles; and

(2) leverage the use of private sector capital.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the plan.

Page 118, strike line 11 and all that follows through line 5 on page 119 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 130, line 24, strike "44733" and insert "44732".

Page 139, line 21, strike "commercial" and insert "civil" (and conform the table of contents accordingly).

Page 140, line 4, strike "commercial" and insert "civil".

Page 140, line 12, strike "commercial" and insert "civil".

Page 140, lines 18 and 19, strike "commercial" and insert "civil".

Page 140, line 20, strike "commercial" and insert "civil".

Page 141, line 10, strike "commercial" and insert "civil".

Page 141, line 16, strike "commercial" and insert "civil".

Page 142, line 10, strike "Secretary" and insert "Secretary of Transportation".

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

**SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

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

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

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

(4) provide guidance on a public entity's responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Federal Aviation Administration.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification requirements for operational procedures for public unmanned aircraft systems in the national airspace system.

(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, within the line of sight of the operator, less than 400 feet above the ground during daylight conditions, within Class G airspace, outside of 5 statute miles from any airport, heliport, seaplane base or spaceport, or any location with aviation activities.

Page 144, line 16, insert “not fewer than” before “4 test ranges”

Page 145, line 4, strike “commercial” and insert “civil”.

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

**SEC. 336. DISCLOSURE AND USE OF INFORMATION.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**“§ 44734. Disclosure and use of information**

“(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in this section, the following reports and data shall not be subject to discovery or subpoena or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any such proceeding:

“(1) A report developed under the Aviation Safety Action Program.

“(2) Data produced or collected under the Flight Operational Quality Assurance Program.

“(3) A report developed under the Line Operations Safety Audit Program.

“(4) Hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

“(A) assessing and improving aviation safety; or

“(B) developing and implementing a safety management system acceptable to the Administrator.

“(5) Reports, analyses, and directed studies based in whole or in part on reports or data described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program.

“(b) PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.—Any report or data described in subsection (a) that is voluntarily provided to the Federal Aviation Administration shall be considered to be voluntarily submitted information within the meaning of section 40123, and shall not be disclosed to the public pursuant to section 552(b)(3)(B) of title 5.

“(c) FAA REPORTS.—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may release documents to the public that include summaries, aggregations, or statistical analyses based on reports or data described in subsection (a).

“(d) SAFETY RECOMMENDATIONS.—Nothing in this section shall be construed to prevent the National Transportation Safety Board, in connection with an ongoing accident investigation, from referring to relevant information contained in reports or data described in subsection (a) in making safety recommendations.

“(e) WAIVER.—Subsection (a) shall not apply with respect to a report developed, or data produced or collected, by or on behalf of a person if that person waives the privileges provided under subsection (a). A waiver under this subsection shall be made in writing or occasioned by the person’s own use of the information in presenting a claim or defense.”

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

“44734. Disclosure and use of information.”

**SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**“§ 44735. Liability protection for persons implementing safety management systems**

“(a) PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a person that is required by the Administrator of the Federal Aviation Administration to implement a safety management system may not be held liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s preparation or implementation of, or an event or occurrence contemplated by, the safety management system.

“(2) LIMITATION.—Nothing in this section shall relieve a person from liability for damages resulting from the person’s own willful or reckless acts or omissions as demonstrated by clear and convincing evidence.

“(b) ACCOUNTABLE EXECUTIVES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a person who is employed by a person described in subsection (a) and who is responsible for performing the functions of an accountable executive pursuant to a safety management system required by the Administrator—

“(A) shall be deemed to be acting in the person’s official capacity as an officer or employee of the person described in subsection (a) when performing such functions; and

“(B) except as provided in paragraph (2), may not be held personally liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s responsibilities pursuant to the safety management system.

“(2) LIMITATION.—Nothing in this subsection shall relieve a person performing the functions of an accountable executive pursuant to a safety management system from personal liability for damages resulting from the person’s willful or reckless acts or omissions as demonstrated by clear and convincing evidence.”

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

“44735. Liability protection for persons implementing safety management systems.”

Page 170, strike line 13 and all that follows before line 22 on page 172 and insert the following:

**SEC. 424. MUSICAL INSTRUMENTS.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

**“§ 41724. Musical instruments**

“(a) IN GENERAL.—

“(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air trans-

portation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

“(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

“(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

“(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

“(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

“(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

“(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).”

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

“41724. Musical instruments.”

Page 205, line 12, strike “2014” and insert “2016”.

Page 210, line 6, strike “and”.

Page 210, line 11, strike the period at the end and insert “; and”.

Page 210, after line 11, insert the following:

(3) officials the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union’s emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

Page 211, line 9, strike “(a) DISPUTE RESOLUTION.—”

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):

**SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.**

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

**“§ 40130. FAA authority to conduct criminal history record checks**

“(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

“(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

“(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

“(B) to receive relevant criminal history record information regarding the airman checked.

“(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for non-criminal justice purposes.

“(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

“(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Federal Aviation Administration to carry out the authority described in subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA authority to conduct criminal history record checks.”.

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2009-2010 edition, as amended (including amendments adopted after the date of enactment of this Act).

(b) EXCEPTION.—Notwithstanding subsection (a), the Administrator may enforce the prohibition on transporting primary (nonrechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 of the table contained in section 172.102(c)(2) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

**SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction at a general aviation airport to be revenue greater than the long-term project, operation, maintenance, planning, and capacity needs of the airport.

(b) USE OF REVENUE.—Subject to subsection (c), if the Administrator issues a declaration with respect to an airport under

subsection (a), the airport sponsor may allocate to itself (or to a governing body within the geographical limits of the airport's locality) the revenues identified in the declaration for use in carrying out a Federal, State, or local transportation infrastructure project.

(c) CONDITIONS.—Any declaration made under subsection (a) with respect to an airport shall be subject to the following conditions:

(1) In generating revenue from mineral rights extraction, production, lease, or other means, the airport sponsor shall not charge less than fair market value.

(2) The airport sponsor and the Administrator shall agree on a 20-year capital improvement program that includes, at a minimum, 20-year projected charges, costs, and fees for the development, improvement, operation, and maintenance of the airport, with consideration for costs and charges adjusted for inflation.

(3) The airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, for a period of 20 years.

(4) The airport sponsor shall comply, during the 20-year period beginning on the date of enactment of this Act, with all grant assurance obligations in effect as of such date of enactment for the airport under section 47107 of such title.

(5) The airport sponsor shall agree in writing to comply with sections 47107(b) and 47133 of such title, except for any exemptions specifically granted by the Administrator in accordance with this section, in perpetuity.

(6) The airport sponsor shall agree in writing to operate the airport as a public-use airport unless the Administrator specifically grants a request to allow the airport to close.

(7) The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments, and any mitigation plans agreed upon with the Administrator.

(d) COMPLETION OF DETERMINATION.—The Administrator shall conduct a review and issue a determination under subsection (a) on or before the 90th day following the date of receipt of an airport sponsor's application and requisite documentation.

(e) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

**SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.**

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4) by inserting “(unless the volunteer was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit and was properly licensed and insured for the operation of such aircraft)” after “aircraft”; and

(2) by striking subsection (c) and inserting the following:

“(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

“(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a

referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

“(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

“(B) is properly licensed for the operation of such aircraft; and

“(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.”.

**SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.**

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government's dissemination to the public of information relating to a noncommercial flight carried out by a private owner or operator of an aircraft, whether during or following the flight, does not serve a public policy objective.

(2) Upon the request of a private owner or operator of an aircraft, the Federal Government should not disseminate to the public information relating to noncommercial flights carried out by that owner or operator, as the information should be private and confidential.

(b) AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.—Upon the request of a private owner or operator of an aircraft, the Administrator of the Federal Aviation Administration shall block, with respect to the noncommercial flights of that owner or operator, the display of that owner or operator's aircraft registration number in aircraft situational display data provided by the Administrator to any entity, except a government agency.

**SEC. 818. CONTRACTING.**

The Administrator of the Federal Aviation Administration shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the Federal Aviation Administration weighs the economic vitality of a region when considering contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration.

**SEC. 819. FLOOD PLANNING.**

The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.

Page 280, after line 2, insert the following (and conform the table of contents accordingly):

**TITLE XIII—COMMERCIAL SPACE**

**SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.**

Section 50905(c)(3) of title 51, United States Code, is amended by striking “the date of enactment of the Commercial Space Launch Amendments Act of 2004” and inserting “the first licensed launch of a space flight participant”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. I yield myself as much time as I may consume.

The manager's amendment is pretty simple. First of all, we have tried to accommodate as many Members as we could with their requests and include on both sides of the aisle provisions that they requested that weren't in the original submission.

Additionally, the manager's amendment makes technical corrections to provisions in the underlying bill, including those related to unmanned aircraft systems, ADS-B readiness verification, flight attendant fatigue, FAA access to criminal records databases, and also, as Mr. COBLE said, who was with us earlier, just a small accommodation for another Member who wanted musical instruments, some provisions again in the bill. So we have tried to accommodate many of the Members who have had these questions.

The manager's amendment also contains provisions regarding public-private partnerships to advance NextGen. If the government does it, it usually doesn't get done. If we have public-private partnerships and closely monitor that, we can have great success, reduce costs, and bring technology online that makes it even safer for people to fly at lower costs and with less personnel.

We have protections for voluntary safety data submissions. We also have a provision that is very important for the European Union Emissions Trading scheme. This is very important, because they are trying to close us down or tax us as we enter some of their airspace.

We have agreements at the airport for new revenue liability protections for volunteer pilot organizations, for public benefit flights, and also for privacy protections for airspace users, and also, finally, the safe shipment of lithium batteries.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 31, 2011.

Hon. JOHN L. MICA,  
Chairman, Committee on Transportation and Infrastructure, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for working with me in preparing the Manager's amendment to H.R. 658, the "FAA Reauthorization and Reform Act of 2011." As you know, the amendment includes provisions related to the Freedom of Information Act within the jurisdiction of the Committee on Oversight and Government Reform.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 31, 2011.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Oversight and Government Reform's jurisdictional interest in the Manager's amendment to H.R. 658, the "FAA Reauthorization and Reform Act of 2011."

Thank you for your willingness to work with me on Freedom of Information Act provisions within the jurisdiction of the Committee on Oversight and Government Reform Committee. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

JOHN L. MICA,  
Chairman.

I reserve the balance of my time.

Mr. RAHALL. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. I oppose this amendment because, for me, it raises two key concerns.

First is that the amendment would basically create a liability shield for airlines and airports that are negligent and cause airplane crashes.

Last year, Congress directed the FAA to require airlines to implement safety management systems. Using these systems, airlines will use data to identify risk and improve safety. The FAA is likely to require airports to adopt similar systems.

Under this amendment, adoption of a safety management system would give airlines and airports a total "pass" on liability for their ordinary negligence. It would deprive passengers and their families of the right to seek compensation for damage caused by airline crashes. The right to go to court and seek compensation for damage caused by the negligence of another person, including an airline or airport, is an intrinsic part of our law. This amendment would take that right away, and I cannot support it.

My last concern is about a provision in the amendment dealing with lithium batteries. The transport of lithium batteries without appropriate safety checks has been proven to present hazards that could bring down an airplane. This amendment would lock the United States into following international standards on transporting lithium batteries that set the floor, not the bar that we should aspire to. It would prevent airlines from conducting acceptance checks of battery shipments and it would derail essential rulemakings by the Department of Transportation to ensure that lithium batteries are transported safely.

For these two reasons, Mr. Chairman, I cannot support the amendment.

I yield the balance of my time to the gentlelady from Maryland (Ms. EDWARDS).

The Acting CHAIR. The gentlewoman from Maryland is recognized for 3 minutes.

Ms. EDWARDS. Mr. Chairman, I rise in opposition to the manager's amendment. This amendment would extend the moratorium on safety regulations for human spaceflight launches for 8 years after the first licensed human spaceflight launch. With these types of flights likely not to begin until 2013, we are talking about delaying safety regulations for a decade or more.

Let me first say that I hope that commercial spaceflight, both manned and unmanned, eventually will become a robust sector of our economy. We are not quite there yet. But certainly some of these companies in this emerging industry openly talk about a business model of flying hundreds of paying passengers to space every year. These are ambitious goals, and I wish them well. I hope I am one of them.

But if these companies are successful and start carrying paying passengers like me, then what we are talking about with this amendment is allowing an entire human transportation system to operate for almost a decade without any meaningful safety regulation. I find that to be unconscionable.

I would point out that by rejecting the amendment, Congress is not dictating that any safety regulations have to be promulgated. On the contrary, under current law, an absolute prohibition exists until the end of 2012. Even after that point, the agency would not be required to move forward with the rulemaking process but would only do so if it saw a need. But imposing an arbitrarily prohibition on safety regulations for the remainder of the decade, if not longer, really abdicates our responsibility to the public.

□ 1620

If there's a fatal accident later in this decade, if we're carrying astronauts and there's an accident in the decade, I don't want it to be said that Congress blocked the establishment of safety regulations that could have prevented that accident, and I don't think many Members in this body would either.

I'd note that it's my understanding that the Science, Space, and Technology Committee is planning on holding hearings this session on this very topic, with an eye towards moving a bill to address these issues sometime in this Congress.

So we're really premature here to set in place a moratorium that we haven't even had a chance to hear debate on and hear from the industry or the FAA or safety experts on the subject. I hope this isn't the kind of rush to judgment that we'll come to expect on issues of public safety.

I have some familiarity with these issues on the Science, Space, and Technology Committee. The commercial

space folks argue that the spacecraft designs and operational concepts are not quite mature enough and that there's been no operational experience on which to base safety regulation. Fair enough. That may be true. But these same people are also arguing that the industry is mature enough for the government to turn over NASA's transport of astronauts to space to them. You cannot have it both ways.

These notions are mutually exclusive. If the industry is mature enough to take on tasks currently performed by the government, then the industry is mature enough to be thinking about a safety regime to ensure the American public is protected in these activities.

Mr. Chair, I want to note that, once again, there's no reason to rush to judgment on these issues.

Mr. MICA. To close on the manager's amendment which I have offered today, first of all, let me just say that the two objections that have been raised again by the minority—and I appreciate their concerns—as to the safety reporting, which we put in some years ago, has actually resulted in probably the safest system that we've had in the world and the safest safety record in history. If you stop and think about it—I chaired the Aviation Subcommittee—the last large commercial aircraft that we had that went down, unfortunately, was near Veterans Day of 2001, after 9/11.

Safety reporting is so important and is done on a voluntary basis, and it's so important that the people who collect this data are not held liable. They're collecting the data that benefits us to make this safe. This has worked. It's kept us safe. And we want to ensure, again, that this continues. Some will say we had commuter. Yes, we did have commuter. We also passed commuter safety legislation to deal with problems we had there. So we have a safe system. We don't want to stop that. We don't want the recording of the data to stop or those held liable that are collecting the data. That's the first point.

The second point: lithium batteries. This is a lithium battery. This has a lithium battery. This is a pacemaker. This keeps your heart going. This has a lithium battery. Laptops have lithium batteries. Almost everything has lithium batteries. Leave it to the DOT to try to put in place rules that would create stopping granny and grandpa and others that need this pacemaker from getting it. If we didn't have this provision in here, it would be a \$1.1 billion impact on industry. We'd reroute the shipment of this stuff through other countries to avoid paying and going through the onerous regulations that our government would create.

Countless consumers would be forced to pay more because of silly regulations that don't make any sense. A severe supply chain issue and limitations on supply would be imposed. We would have delays in shipping lifesaving equipment. This little thing here that saves hearts, that's what they want to mess up. One more Federal regulation

to delay shipping. Even our troops, who rely on these lithium batteries—their receiving them would be put at risk, the way DOT is doing.

This is a good provision. It needs to be in the bill. We've got to keep some of the regulation, those that put us out of business, put jobs overseas and put people at risk, out of our way.

I urge the House to pass the manager's amendment with these sound provisions that will make a big difference.

ALLIANCE FOR WORKER FREEDOM,

Washington, DC, February 15, 2011.

DEAR REPRESENTATIVE: On behalf of the Alliance for Worker Freedom (AWF), an organization established in 2003 to combat anti-worker legislation and promote free and open labor markets, I urge you to support the Title IX provision in the FAA Reauthorization bill which repeals last year's the unprecedented National Mediation Board (NMB) voting rule change.

I write this letter in anticipation of an amendment which looks to strip this essential provision from FAA Reauthorization.

Last year, the National Mediation Board reversed 75 years worth of precedent and numerous Supreme Court rulings, implementing elections rules whereby a majority of voters in a union election are now able to determine whether a collective bargaining unit has been formed. Prior to this ruling, a majority of a workforce was required to certify a union—a long held and well understood practice. The so-called “minority rule” ruling reveals a contempt for workers' preferences, as well as a clear bias towards union interests.

The three member NMB is comprised of two former union officials, both President Obama appointees, giving them a stranglehold over the agency's rulemaking process. It is essential that this obscure agency, beholden to union interests, have its power checked via Congressional action.

Title IX of the FAA Reauthorization legislation addresses the inappropriateness of this administratively imposed rule which aims to facilitate unionization at the expense of workers' preference. Union complaints that it has become too difficult to unionize workers, thus necessitating the NMB's change, are largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65% of the time.

Title IX looks to reinstate longstanding union election rules which require a majority of the workplace's consent to certify a union.

It is for these reasons that I hope you will help ensure that Title IX remains in the final version of the FAA Reauthorization legislation and oppose any amendments that look to remove this provision.

Sincerely,

CHRISTOPHER PRANDONI,  
Executive Director.

CARGO AIRLINE ASSOCIATION URGES PASSAGE OF H.R. 658

MARCH 1, 2011.—The Cargo Airline Association, the voice of the nation's all-cargo air carriers, applauds the efforts in the House of Representatives to enact legislation reauthorizing the programs of the Federal Aviation Administration (H.R. 658). Association president, Steve Alterman, noted that, “This legislation ensures that modernization of our aviation infrastructure can now move forward, with satellite-based technology replacing our decades-old ground-based systems.” The bill will also authorize important environmental programs that are critical to en-

suring that environmental goals can be met and that alternative fuels research and development can continue.

Mr. Alterman further noted that the provisions of the bill will allow U.S. Carriers to remain competitive in a worldwide economy thereby protecting U.S. jobs and enabling the United States to retain its leadership in aviation technology. He stated that, “The House proposal provides a long term funding stream for the FAA that will enable the Agency to prioritize and implement the improvements so badly needed by everyone who depends on our aviation system.”

NATIONAL AIR CARRIER ASSOCIATION,

Arlington, VA, March 1, 2011.

Hon. JOHN MICA,

Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

Hon. NICK RAHALL,

Ranking Member, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, I wish to take this opportunity to express my strong support for passage of the House's version of the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011—HR. 658. Our members appreciate your willingness to move H.R. 658 at such a speedy pace. It has been far too long since Congress has passed a long term Reauthorization bill which is critical to the needs of all aspects of aviation.

Among the many positive aspects of this legislation is the authorization of an appropriate level of funds to help get “NextGen” moving and a part of aviation's future sooner rather than later. While NextGen equipment is a challenge for many aspects of the industry, including NACA carriers, we believe the funding levels authorized in this legislation is a good starting point for the program. NextGen represents tremendous opportunities for airlines and the traveling public to travel in a safer, faster, and more environmentally friendly aviation system.

Our members also greatly appreciate the risk-based approach to handling the sensitive issue of foreign repair stations. We believe our bilateral agreements demanded a different approach from past versions of FAA Reauthorization and H.R. 658 strikes the right balance.

Thank you for all of your efforts on behalf of the aviation industry. We stand ready to work with you on this legislation as well as all other future challenges facing our industry.

Sincerely,

A. OAKLEY BROOKS,  
President.

ASSOCIATION FOR UNMANNED VEHICLE SYSTEMS INTERNATIONAL,

Arlington, VA, March 2, 2011.

Hon. JOHN MICA,

Chairman, House of Representatives, Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN MICA: As the President and CEO of the Association for Unmanned Vehicle Systems International (AUVSI), the world's largest non-profit organization dedicated to the advancement of unmanned systems, I thank you for including important provisions in the House Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658) on integrating Unmanned Aircraft Systems (UAS) into the National Airspace System (NAS).

The UAS market, both defense and civil, is a promising segment in the U.S. aerospace industry, and one that has the potential to create tens of thousands of new jobs in the coming years. However, for these jobs to materialize, federal regulations on the use of

UAS in the NAS must be addressed. H.R. 658 requires the FAA to create a comprehensive plan on integrating UAS into the NAS and to have it implemented by September 30, 2015. Although many in the unmanned systems industry would like to see this timeline shortened, the industry is encouraged that the bill also includes language allowing for the expedited integration of certain types of UAS.

The bill also includes important provisions on the development and implementation of the Next Generation Air Transportation System (NextGen). Like all other users of the NAS, UAS will benefit from the implementation of NextGen, as it will allow manned and unmanned systems to fly in the same airspace.

Without a doubt, UAS integration will have a tremendous impact on the aerospace industry and aid in driving economic development in many regions across the country. How quickly new job creation and economic benefits become a reality, however, depends on the progress and timeliness of UAS integration efforts.

The unmanned systems community applauds your efforts to pass this long-overdue piece of legislation, and we look forward to continuing to work with Congress and the FAA on implementing these important UAS provisions. If you have any questions, or need any additional information, please contact AUVSI's Executive Vice President, Gretchen West, at west@auvsi.org.

Sincerely,

MICHAEL TOSCANO,  
President and CEO AUVSI.

EXPERIMENTAL AIRCRAFT ASSOCIATION,  
Oshkosh, WI, March 15, 2011.

Hon. THOMAS PETRI,  
Chairman, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.

Hon. JERRY COSTELLO,  
Ranking Member, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.

CHAIRMAN PETRI AND RANKING MEMBER COSTELLO: The Experimental Aircraft Association (EAA), representing the aviation interests of more than 165,000 members who passionately engage in aviation for the purposes of sport, recreation, and personal transportation, supports the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as passed by the Transportation and Infrastructure Committee on March 10, 2011.

EAA has long held the view that the FAA needs a stable source of funding based on the well-established, fair, cost-effective and successful model of excise taxes on aviation fuels as opposed to the implementation of new user fees. We also maintain that the prolonged period of continuing resolutions funding the agency on short-term extensions has been harmful to the agency, its efforts to modernize the air traffic system, and to the aviation community as a whole. We applaud your leadership in making the FAA reauthorization a top priority in the 112th Congress.

EAA is particularly pleased with the Committee's decision to address policies of importance to EAA members such as funding of general aviation airports through the Airport Improvement Program, release of vintage aircraft design data in support of aviation safety, and permitting adjacent residential through-the-fence access to airports where appropriate. Above all, we are thrilled that the Committee agrees that the best way for general aviation to fund its share of FAA operations and capital investment is through the use of fuel taxes as opposed to new user fees.

Thank you for your efforts and EAA stands ready to assist you and your staff in any manner necessary.

Respectfully,

DOUGLAS C. MACNAIR.

INTERNATIONAL ASSOCIATION OF  
FIRE CHIEFS,  
Fairfax, VA, March 29, 2011.

Hon. JOHN L. MICA,  
Chairman, House Transportation and Infrastructure Committee, Washington, DC.

Hon. NICK J. RAHALL II,  
Ranking Member, House Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL: On behalf of its nearly 13,000 members, the International Association of Fire Chiefs (IAFC) would like to commend your leadership and efforts to improve aviation and, in particular, air medical transport safety.

The IAFC represents public safety agencies that provide the public with the highest level of service by delivering air medical transport or helicopter emergency medical services (HEMS), search and rescue, homeland security and wildfire suppression in an effective, efficient and safe manner. We appreciate the language in Section 311 of H.R. 658, the FAA Reauthorization and Reform Act of 2011, which demonstrates an understanding that public safety aviation operators operate a mixed fleet of aircraft that in some cases cannot be deemed "civil aircraft" due to its origin, type and configuration. We hope that this language remains clear through the legislative process so that public safety agencies performing HEMS operations utilizing agency owned and operated aircraft will not be harmed. In addition, the IAFC appreciates the provision in H.R. 658 which provides the FAA Administrator with the responsibility to "conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135."

Although we believe additional language is needed in conference committee to clarify that the regulations on helicopter air ambulance operations applies to current part 135 certificate holders only and not to public safety agencies performing HEMS operations utilizing agency owned and operated aircraft, the IAFC supports the provisions related to the safety of air ambulance operations in H.R. 658, the FAA Reauthorization and Reform Act of 2011. Once again, the IAFC would like to thank you and your staffs for your ongoing efforts to effectively address the need to improve safety in the air medical transport industry.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,  
President and Chairman  
of the Board.

Mr. PAULSEN. Mr. Chair, I rise in strong support of the managers amendment.

Currently, the Department of Transportation is working on a rule that would require finished medical devices and other products containing lithium batteries to be shipped as hazardous cargo.

The rule would prevent medical devices, like this pacemakers, implantable defibrillators, and blood glucose monitors, from being shipped by air, until special packaging can be developed. We don't know when this would be developed.

These medical devices are heavily regulated by the Food and Drug Administration and undergo extensive testing to assure safety—including testing to ensure devices withstand the rigors of shipping.

If the DOT rule passes, it would severely disrupt the medical device industry's just-in-time delivery system, lead to bottlenecks in the supply chain, and prevent overnight or same-day shipping to patients all over the country even though these devices pose no demonstrable safety risk.

It is important to note that the rule wouldn't just negatively impact medical devices. It will also have a significant impact on shipping everyday technologies such as laptops and cell phones. All in all, the rule will cost more than a billion dollars annually.

The rule would have a devastating impact on patient access to life-saving medical devices and will increase health care costs. Thankfully, the managers amendment remedies this situation, and I applaud Chairman MICA for his work.

Mr. BUCSHON. Mr. Chair, I rise today in support of Chairman MICA's manager's amendment to the FAA Reauthorization and Reform Act of 2011.

Indiana is the second largest producer of medical devices in the country with 20,000 jobs in this industry.

There are 1,200 employees at a Boston Scientific plant in the town of Spencer, Indiana which is located in my district. These are Hoosiers who work hard every day to make components that are found in pacemakers. As a cardiothoracic surgeon, I implanted numerous pacemakers into patients that ended up saving their lives.

A recent rule proposed by the Obama Administration would restrict the method in which these pacemakers are shipped across the country because of the very small lithium battery they contain. This rule is expected to cost Boston Scientific \$30 million and it is a cost that will be passed onto the consumer.

This is a device that is safe enough to put in the human body, but the Obama Administration does not believe that it's currently safe enough to ship across the country, specifically on an airplane. These restrictions will result in hospitals waiting longer to receive pacemakers and could put human lives in danger.

There is no evidence that the transport of lithium batteries has ever lead to a fire on an aircraft.

I fully support Chairman MICA's Manager's amendment which would require the shipping of lithium batteries to comply with international standards which have proven to be very safe and eliminate President Obama's proposed rule and I encourage my colleagues to support the Manager's Amendment.

Mr. BRALEY of Iowa. Mr. Chair, I rise in opposition to the Managers Amendment, because this amendment is an unprecedented attack on states. The amendment gives complete federal government control over air travel safety, by radically reducing a state's ability to protect its own citizens. Passengers, crew, ground workers, and others have no recourse under state law, under this amendment. For those concerned about an expansion of the federal government over ordinary activities of American citizens—this is it.

In fact, the amendment gives broad immunity to an entire industry, severely limiting every Americans' freedoms under the 7th amendment. The 7th amendment is intended as a check on potential abuse of power by the government. This amendment injects the government into courthouses and into juries. Blanket immunity to an entire industry is simply unprecedented.

Here's what this means: If you or your family gets injured or even killed in an airline accident, and it's even clear that airline safety professionals were completely negligent in their safety preparations, you have no recourse. In that situation, following events even as tragic as plane crashes, the United States Government simply leaves you and your family behind, contrary to your 7th Amendment rights under the Constitution. This type of immunity is completely inappropriate for crashes caused by the negligence of those charged with maintaining safety.

I believe that we should be working to improve air safety, not weaken it. We should fight to do whatever we can for families who face the terrible tragedy of plane crashes, not abandoning them. I oppose this amendment, because I stand with American travelers and American families, and I urge my colleagues to vote against this attack on the 7th Amendment to the Constitution.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RAHALL. 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 Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-46.

Ms. WATERS. 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:

Page 29, after line 2, insert the following (and conform subsequent subsections accordingly):

(b) CONSULTATION WITH COMMUNITIES.—Section 47107(a) is amended—

(1) in paragraph (20) by striking “and” at the end;

(2) in paragraph (21) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(22) the airport owner or operator will consult on a regular basis regarding airport operations and the impact of such operations on the community with representatives of the community surrounding the airport, including—

“(A) residents who are impacted by airport noise and other airport operations; and

“(B) any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies the owner or operator of its desire to be consulted pursuant to this paragraph.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my amendment requires airport operators, as a condition for receiving grants

under the Airport Improvement Program, to consult on a regular basis with representatives of the local community regarding airport operations and their impact on the community.

Airports and airport operations have a profound impact on the communities that surround them. Airplane takeoffs and landings can make noise that interrupts families in their homes and workers in their offices. Daytime takeoffs can interrupt school children who are trying to learn and teachers who are trying to teach. Nighttime takeoffs can make it difficult for local residents to sleep. Jet fuel emissions and other harmful pollutants contribute to air pollution, and traffic congestion surrounding an airport adds to the noise and to the pollution.

Needless to say, airports play an important role in our economy and our society. But airport operators should be good neighbors in their communities. Being a good neighbor simply means consulting with the local community regarding airport operations. It means minimizing the nighttime takeoffs and landings so that residents can sleep. It means assisting families with residential noise mitigation programs, such as retrofitting windows, doors, siding, and insulation, to help keep aircraft noise to a minimum. It means consulting with local residents and small businesses regarding plans to expand, upgrade or realign runways and other airport facilities, and listening to their concerns.

My amendment requires airport operators that receive Airport Improvement Program grants to consult on a regular basis regarding airport operations and their impact on the community. Airport operators would be required to include in these consultations local residents who are impacted by airport operations. Airport operators would specifically be required to include any organization, the membership of which includes at least 20 people who reside within 10 miles of the airport, that notifies the operator of its desire to be consulted.

This amendment is not overly burdensome for airports and does not cost money for the Federal Government. It merely requires airport operators to be good neighbors, and it holds them accountable to the communities that they serve.

Mr. Chairman and Members, I have one of the world's largest airports in my district—and they do a good job—but I'm constantly contacted by residents in the surrounding community who are raising questions about new plans, new operations, airport noise, and other kinds of things that, if the airport operators were in communication with the communities in some kind of formalized way, they would have a better understanding. It's not that these neighbors are saying they don't want these airports. As a matter of fact, we're pleased that they have LAX in our community. It is job-intensive, and we like the idea that the peo-

ple who work there are able not only to earn a good living but to live in the community, and they contribute to the economy of the community.

We're simply talking about urging and encouraging a relationship where the airport operators share with the schools and with the residents what they're doing. Oftentimes, it would just make for a better understanding. It's not always controversial. It's not always confrontational. But it is shining a light on what is going on and getting people cooperating and understanding the operations of the airport.

With that, I yield back the balance of my time.

□ 1630

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. I would like my colleague from California to know that we recognize that this is a very well-intended amendment and it is addressing a concern particularly with the tremendous airport in your area. You have a later amendment that deals with the same subject that we think is more workable and better.

The concern we have has to do with the fact that there are a number of provisions in law already requiring airports to consult with local communities in a variety of situations. And we're just afraid that this particular amendment could be more of a one-size-fits-all approach across the whole country that could create problems rather than solve them. Therefore, we're looking forward to working with you on amendment No. 32, but I do oppose the current amendment as being too broad.

Ms. WATERS. Will the gentleman yield?

Mr. PETRI. I yield to the gentlewoman from California.

Ms. WATERS. Do I understand that the other amendment that I have coming up that's more specific to Los Angeles is something that you would be more inclined to cooperate on rather than this amendment?

Mr. PETRI. Yes.

Ms. WATERS. Well, that's fine. Because I do know that this amendment that I'm offering is a national amendment that would cause all of the airports to come into compliance with this kind of cooperative amendment. And if, in fact, the gentleman is offering cooperation on the next amendment, I would withdraw this one.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-46.

Mr. PIERLUISI. 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:

Page 40, after line 21, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly): **SEC. 143. PUERTO RICO MINIMUM GUARANTEE.**

Section 47114 is amended by adding at the end the following:

“(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO.—The Secretary shall apportion amounts for airports in Puerto Rico in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico from the discretionary fund under section 47115.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, I offer this amendment to codify the method by which the Secretary of Transportation is to allocate annual formula grants to airports in Puerto Rico for capital development and planning. The amendment is simple and straightforward and serves to clarify current law. It ensures that, at a minimum, the Secretary will allocate formula grants under the Airport Improvement Program to airports in Puerto Rico no differently than the Secretary allocates such grants to other airports throughout the United States. The amendment also ensures that the Secretary will not be precluded for any reason from making project grants to airports in Puerto Rico from the discretionary fund under the Airport Improvement Program. And the amendment makes clear that formula grants and discretionary grants for airports in Puerto Rico should not be deemed mutually exclusive.

It is critical to note that the Airport Improvement Program is funded by a variety of user fees and fuel taxes, all of which apply in Puerto Rico. So there is no reasonable basis to treat Puerto Rico less than equally under the program, especially since aviation serves such a critical role on the island.

Puerto Rico is a non-contiguous U.S. jurisdiction, located over 1,000 flight miles from the nearest large hub airport in the national air transportation network. Accordingly, Puerto Rico is heavily dependent on safe and reliable air service to carry passengers and transport goods to and from the U.S. mainland. The island's main airport, the Luis Munoz Marin International Airport in San Juan, is ranked among the top 50 commercial service airports in the United States in terms of the number of passenger boardings, averaging over 4½ million boardings each year.

In addition to travel to and from the mainland United States, residents of Puerto Rico and visitors to the island rely on air service to travel to points within the main island of Puerto Rico and between the main island and the

outer island municipalities of Vieques and Culebra.

Apart from San Juan International Airport, Puerto Rico is home to five other commercial service airports, located in Aguadilla, Ponce, Mayaguez, Isla Grande, and Vieques. And we have five other general aviation airports serving smaller communities. According to the FAA, approximately \$285 million is needed over the next 5 years to bring Puerto Rico's airports up to current design standards, add capacity to meet projected needs, and to improve safety. My amendment simply ensures, Mr. Chairman, that Puerto Rico's public-use airports can access essential Federal funding on the same terms as airports elsewhere in the country.

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

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Although I claim time in opposition, I am going to speak in support of this amendment.

I have the greatest respect for the delegate Congressman from Puerto Rico, also the highest esteem for Governor Fortuno, former delegate representative to this body, two great young leaders, and he's here today trying to ensure that Puerto Rico is treated like any other airport in the United States in terms of airport improvement programs. And I think his amendment clarifies that Puerto Rico also remains eligible for grants from the AIP discretionary fund.

I also know Mr. PIERLUISI is willing to work with me on his other amendment, which deals with essential air service. I had offered to work with other Members, and I will state for the record that I will work with him, and I am hoping that if he offers it, he'll withdraw it because I'm going to support this amendment. I think he has a good amendment here, and I would like to work with him on his other provision, but I would hope that he would work with us in that regard.

So this amendment simply provides clear direction to the FAA that Puerto Rico Airport should be treated equitably, and I will support this amendment at this time and urge a “yes” vote.

Mr. Chair, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Florida has 3½ minutes remaining, and the gentleman from Puerto Rico has 2 minutes remaining.

Mr. MICA. I reserve the balance of my time. Maybe the gentleman has a little response to my support for his amendment.

Mr. PIERLUISI. I thank the gentleman from Florida, even though he rises in opposition. I'm pleased that as the chairman of the committee of jurisdiction, he's supporting this amendment.

So under these circumstances, I just ask him if he has any further speakers.

Mr. MICA. I do not. But I was hoping to hear that the gentleman from Puerto Rico would be willing to work with me on his other amendment. And I'm sure he will. But I still will support his amendment because I'm that kind of a guy.

I yield back the balance of my time.

Mr. PIERLUISI. I will simply say I will have some time to consider your offer to work with you on my other amendment, which is not now on the floor. But until then I simply urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-46.

Ms. HIRONO. 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:

Page 41, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly): **SEC. 144. REDUCING APPORTIONMENTS.**

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) in the case of a charge of \$3.00 or less—

“(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

“(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

“(I) the amount that otherwise would be apportioned under this section; over

“(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

“(B) in the case of a charge of more than \$3.00—

“(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

“(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

“(I) the amount that otherwise would be apportioned under this section; over

“(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.



□ 1640

Ms. HIRONO. Geographically, Hawaii is the world's most isolated archipelago. It is the only U.S. State made up completely of islands. There are four counties in Hawaii, all of which are separated by a body of water. Air travel is the fastest and most effective means of transportation between our islands. It is also the mode of transportation that we rely on most for moving goods and other cargo and even our daily mail.

The 15 airports operated by the Airports Division of the Hawaii Department of Transportation are responsible for maintaining safe and efficient facilities that accommodate approximately 25 million passengers a year. This is a tremendous responsibility and an ongoing challenge. It is because of the fundamental role that air travel plays in the day-to-day lives of the people of Hawaii and in the commerce of Hawaii that Congress saw fit to provide the State with an exemption from charging passenger facility fees, or PFCs, on interisland flights. These are the flights between our islands.

This exemption is important for Hawaii's residents. Without it, for many, the daily commute would be unduly burdensome. I know many people who live on O'ahu, for example, who commute to work on one of the other islands. It would be as if you, or if any of your constituents, got in your car to go to work and then had to pay \$4.50, which is our PFC fee, just to leave your driveway and then have to pay another \$4.50 upon your return.

While we greatly appreciate and seek to preserve this exemption, there have been unintended consequences with regard to its impact on Federal funds for Hawaii's airports. This is because of the way that PFCs impact the formula funding that is apportioned to each State under the Airport Improvement Program, or the AIP.

As my colleagues know, AIP grants are awarded to each State based on a formula. For airports that opt to collect PFCs, formula funds are cut by either 50 or 75 percent. This reduction depends on the amount charged. For airports that assess PFCs on 100 percent of their passengers, this arrangement works well. However, in the case of Hawaii, the two airports that collect PFCs only collect them on a portion of the passengers.

At our large hub airport in Honolulu, 38 percent of our passengers are interisland travelers. Interisland travelers also constitute 51 percent of the passengers served by our medium hub at Kahului Airport on Maui. Therefore, the \$4.50 PFC being assessed at Honolulu is only being paid by 62 percent of its passengers. On Maui, that number is only 49 percent.

Based on the current formula, the Hawaii Department of Transportation calculates that the State is losing approximately \$5.7 million this year in AIP formula entitlement funds. My amendment would change the formula

under which Hawaii's PFCs and entitlements are calculated in order to correct this inequity.

I want to be clear to my colleagues: This amendment is intended only to ensure that Hawaii gets its full fair share under the AIP program. Hawaii's airports would still be subject to the same 75 percent reduction as any other airport charging a \$4.50 PFC. The calculation would simply take into account the percentage of passengers traveling interisland and therefore not paying a PFC.

I also want to point out that this is not a windfall for the State or, in my view, an earmark. In fact, House rule XXI, clause 9(e), the definition for "earmark," defines an "earmark" as essentially any member-requested Federal assistance to a targeted entity or locality "other than through a statutory or administrative formula-driven or competitive award process."

Mr. PETRI. Will the gentlewoman yield?

Ms. HIRONO. I yield to the gentleman from Wisconsin.

Mr. PETRI. We've reviewed your amendment. Based on the recommendation of the FAA, I think Chairman MICA and I are prepared to accept your amendment.

We would also ask, however, that you consider working with us on the amendment that you intend to offer later. It's in an area that is already within the FAA's jurisdiction where they're working but not as hard as you would like, and we think we could continue to work with you on that. But we would accept this amendment.

Ms. HIRONO. I want to thank Subcommittee Chair PETRI and Mr. MICA for accepting my amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. HIRONO. Thank you very much. I do want to offer my other amendment, however.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I actually will support the amendment, but I wanted to give the gentlewoman an additional minute to conclude if she had any remarks. As I said, we're very willing to work with her on her next amendment, and hope she would consider working with us. We will support this amendment.

I would like to yield, if I may, Mr. Chairman, as much time as she needs to finish her statement.

Ms. HIRONO. Thank you very much, Mr. Chair.

In view of the fact that you are in agreement with my amendment, if you would be so kind as to yield a minute of your time to my colleague, COLLEEN HANABUSA, so she may submit her remarks on this amendment.

Mr. MICA. Mr. Chairman, I am pleased to allow them to submit their remarks. We are taking the amendment, and I know she is going to work with us.

I would also be pleased to yield to our colleague from Hawaii.

Ms. HANABUSA. I thank the chairman of the Transportation and Infrastructure Committee for making this wonderful gesture.

I would like to thank Congresswoman HIRONO for offering this amendment in that it does address the unique nature of Hawaii.

Mr. Chairman, Hawaii's people have, really, only one way for commercial travel between our islands, and that is by way of air. So what this has done is it has leveled the playing field for us in terms of the ability to have our fair share of the airport improvements, because the best thing we can do is protect our consumers.

Thank you again for agreeing to the amendment, and thank you to Mazie for offering it.

Mr. MICA. Reclaiming my time, Mr. Chairman, I would like to submit these letters in support of the bill for the record, and unless the gentlewoman needs more time, I am prepared to support this amendment that is pending.

AIR TRANSPORT ASSOCIATION,  
Washington, DC, February 23, 2011.

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

DEAR CHAIRMAN MICA: On behalf of the Air Transport Association, I am writing to thank you for your leadership and applaud your success as Chairman, House Transportation and Infrastructure Committee, in successfully obtaining the full Committee's approval of the Federal Aviation Administration Reauthorization and Reform Act of 2011 (H.R. 658). After 17 short-term extensions over many years, the vote can only be attributed to your extraordinary leadership, tenacious effort and decisive chairmanship.

America's airline industry knows how important this bill is to the Federal Aviation Administration and the nation. Certainly, H.R. 658 will move NextGen and other important programs forward at this crucial time, when the airline industry is still rebounding from this nation's devastating economic recession.

Finally, the Air Transport Association and our airline members stand ready to assist you and your very capable staff as you prepare to conference with the Senate. Please do not hesitate to contact me if I can provide additional support.

Sincerely,

NICHOLAS E. CALIO.

AIR MEDICAL OPERATORS ASSOCIATION,  
Alexandria, VA, March 15, 2011.

Hon. JOHN MICA,  
Chairman, House Transportation and Infrastructure Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: The Air Medical Operators Association (AMOA) is committed to providing the highest level of safety in air medical transport and the implementation of technology, procedures, and operating systems that will help ensure the continued safe and effective operation of these services. AMOA is also committed to enhancing current regulations to improve aviation safety and raise clinical standards, as well as promoting additional air medical transport as a life-saving health care intervention and a safe form of transportation.

The “FAA Reauthorization and Reform Act of 2011” (H.R. 658) includes key provisions that will advance the safety of air medical transportation:

Section 311 includes provisions that will support the Federal Aviation Administration’s (FAA) rulemaking that is underway. AMOA strongly supports these provisions, which appropriately identify these safety issues as a key congressional priority while granting the FAA the flexibility to implement strong, effective rules. On January 10, 2011, the AMOA submitted its comments to the FAA on its Notice of Proposed Rulemaking on air ambulance safety issues. In our comments we stated: “AMOA fully supports the FAA’s intent in this rulemaking; air medical operators believe many of the requirements proposed . . . most of which we already are implementing, will enhance the safety of air medical transport operations across the air medical operating sector and enthusiastically support them.”

Section 311 also includes a provision to collect better data on air ambulance operations. AMOA strongly supports more comprehensive data collection on the industry and its operations, and we support the intent and thrust of the provision included in H.R. 658. We do have some concerns regarding the specific language as currently drafted, and would like to work with you and your staff to ensure that the provision leads to the effective and efficient collection of industry data.

Section 312 requires the FAA to “conduct a review of off-airport, low-altitude aircraft weather observation technologies.” Low-altitude weather observation and reporting infrastructure located outside of airports is a key tool to enhancing safety for air medical operations. Currently, less than 2,500 automated weather stations report reliable weather data for the surrounding 5 miles to the national database. Based on the area of the United States, that leaves 3,794,101 square miles of the U.S. without weather reporting. This lack of current weather data causes more than 7,000 aborted flights per year due to unknown weather conditions. AMOA strongly supports the inclusion of this provision in H.R. 658.

Section 313 requires the FAA to conduct “a study on the feasibility of requiring pilots of helicopters providing air ambulance services . . . to use night vision goggles during nighttime operations.” AMOA’s member companies have been aggressively working to implement night vision goggles (NVG). Our member companies have now equipped more than 80% of their helicopters with NVGs. AMOA supports inclusion of this provision in H.R. 658.

As the House works to pass H.R. 658 and move to reconcile this legislation with the Senate-passed bill (S. 223), we would like to identify two issues of concern with that legislation:

Senate language would put a requirement for a terrain awareness device into law rather than in the Code of Federal Regulations; this Senate provision references a very narrow Technical Standard Order (TSO) for Helicopter Terrain Alert Warning Systems (HTAWS). The way that the provision is currently drafted, it could limit the ability of operators to enhance safety with more advanced equipment unless a change in law (not the applicable federal regulation) occurred. The rapid evolution of technology calls for specific technical standards to be set in agency regulations rather than locked in place in statute.

Senate language potentially creates a statutory requirement that air medical services abide by Federal Aviation Regulation (FAR) Part 135 whenever medical crew is onboard. Air medical services already conduct oper-

ations according to Part 135 flight and duty time requirements and weather minimums prescribed by Operations Specification A021—the highest of any aviation operator in the United States. Unintended by this Senate language is that by requiring adherence to Part 135 in statute, air medical operators would be required to abide by Part 135 even if the FAA decides to change the regulatory structure for air medical services by adding a new Part.

AMOA hopes to work with you and your Senate colleagues to address these issues in S. 223 before a final version of FAA reauthorization legislation is considered.

AMOA appreciates your leadership and hard work in moving an FAA reauthorization bill through the Transportation and Infrastructure Committee early in the 112th Congress. We strongly support the air medical safety provisions of the legislation and look forward to their enactment into law. AMOA also looks forward to working with you to perfect the data collection provision in H.R. 658.

Thank you for your efforts to enact strong FAA reauthorization legislation and for your work to help improve the safety of air medical operations.

Sincerely,

HOWARD RAGSDALE,  
*President, AMOA.*  
CHRISTOPHER EASTLEE,  
*Managing Director, AMOA.*

REGIONAL AIR CARGO CARRIERS ASSOCIATION.

*Plymouth, MA, March 16, 2011.*

Hon. JOHN L. MICA,  
*Chairman, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. THOMAS PETRI,  
*Chairman, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. NICK J. RAHALL, II,  
*Ranking Member, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. JERRY F. COSTELLO,  
*Ranking Member, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MICA, CHAIRMAN PETRI, RANKING MEMBER RAHALL, AND RANKING MEMBER COSTELLO: Regional Air Cargo Carriers Association (RACCA) represents nearly 50 FAA-certificated air carriers and about 1,000 airplanes, engaged in transportation of high priority cargo chiefly to smaller communities throughout the United States and internationally.

We are greatly concerned about a measure which has been introduced by Congressmen Schiff, Sherman, and Berman, in another attempt to impose an overnight curfew at Burbank (Bop Hope Airport, BUR) and Van Nuys Airport (VNY), California. This legislation, the Valley-Wide Noise Relief Act, would permit the cities of Burbank and Van Nuys, California to circumvent provisions of the Airport Noise and Capacity Act of 1990 (ANCA) and the FAA’s ruling denying more recent requests for a curfew at BUR.

While RACCA members are more concerned about BUR, a curfew at either airport would significantly interfere with commerce and quite likely violate grant assurances to which those airports agreed when they accepted federal airport improvement funds.

At BUR, more than five million dollars were spent upon a Part 161 study submitted in May of 2009—the second one at this airport, attempting to impose a blanket nighttime curfew from 10 p.m. to 6 a.m. The Fed-

eral Aviation Administration in both cases concluded that the benefits of an overnight curfew did not balance the disadvantages. The proposed legislation makes a mockery of the Part 161 process, overrides the FAA’s ability to regulate aviation in the United States, panders to a very limited—but vociferous—minority of constituents at the expense of the majority, and sets a precedent that would encourage other communities in similar situations to request similar curfews, with results which would reverberate at numerous other airports in the country—resulting in unreasonable access restrictions and abandonment of use agreements intended to make these important public utilities reasonably accessible to the public as a whole.

In short, this politically motivated proposal covers ground which has previously been explored, studied, and analyzed ad infinitum—with the same conclusion: Overnight curfews at BUR and VNY are not in the overall public interest. We therefore respectfully urge you to reject this proposal when it comes before you.

Sincerely,

STANLEY L. BERNSTEIN,  
*President.*

ALASKA AIRLINES,  
*Seattle, WA, March 24, 2011.*

Hon. JOHN L. MICA,  
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. THOMAS E. PETRI,  
*Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. NICK J. RAHALL,  
*Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. JERRY F. COSTELLO,  
*Ranking Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMEN MICA AND PETRI AND RANKING MEMBERS RAHALL AND COSTELLO: On behalf of Alaska Airlines, thank you for your leadership in moving an FAA reauthorization bill out of the Transportation and Infrastructure Committee. As you prepare to bring this bill to the House floor, we request your consideration of our views, as outlined in this letter, regarding expanding access to Reagan National Airport (DCA). As a new entrant/limited incumbent air carrier, holding just three roundtrip flights (six beyond-perimeter slot exemptions) at DCA, we believe it is important that any legislative changes to the perimeter rule promote fair competition at the airport.

Alaska Airlines supports the DCA Perimeter Rule language contained in section 423 of the FAA Reauthorization and Modernization Act of 2011 (H.R.658). This proposal creates a small pool of beyond-perimeter slot exemptions (10 slot exemptions/5 roundtrips), to be redistributed from non-peak hours to peak hours, with a scheduling priority given to new entrant/limited incumbent carriers. This language continues precedent established in the prior two FAA reauthorization bills, AIR-21 and VISION-100, and represents an equitable means by which any carrier, regardless of its size at DCA, can apply to the Department of Transportation for a beyond-perimeter route. Also, this language recognizes the importance of facilitating new entrant/limited incumbent access to DCA, during commercially viable slot times, in order to enhance competition at the airport and, in turn, provide better fares and greater value for the traveling public. For example,

the entry of Alaska Airlines' SEA and LAX service to DCA was the major driver of an 11% and 14% fare decline, respectively, in the SEA-WAS and LAX-WAS markets. In the first year of entry in these two DCA markets, Alaska's lower DCA fares forced other carriers in these same markets to reduce their fares, producing an aggregate consumer fare savings in excess of \$25 million. Even more significantly, substantial fare savings continue today because, unlike most other carriers, Alaska Airlines does not charge a fare premium for DCA versus IAD (Dulles) service.

Alaska Airlines opposes elimination of the DCA Perimeter Rule. By definition, only carriers holding within-perimeter slots can take advantage of such a concept. Similarly, we oppose any form of slot conversion, i.e. converting within-perimeter slot exemptions for beyond-perimeter use. Under either an elimination or slot conversion scenario, the large within-perimeter slot holders receive a huge competitive windfall, to the detriment of new entrant/limited incumbent competition and the lower fares such competition promotes.

In conclusion, we support Section 423 of H.R. 658 regarding flight operations at Reagan National Airport and oppose any changes to it that allow for elimination of the Perimeter Rule or slot conversion. In order to promote the public interest of lower fares and the pro-consumer market dynamics created by robust competition, new entrant/limited incumbent access to DCA must be enhanced.

Thank you for your consideration of our views.

Sincerely,

BILL AYER.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR.  
NEUGEBAUER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-46.

Mr. NEUGEBAUER. 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:

Beginning on page 101, strike line 3 and all that follows through page 104, line 19 (and designate any subsequent sections accordingly).

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

**SEC. 2. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the ap-

propriate committees of Congress on the results of the study.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. I want to thank Chairman MICA, Chairman HALL, and Congressman GRAVES for their support of this amendment. I appreciate the work of the Transportation and Infrastructure Committee and of various stakeholder groups that have helped throughout this amendment process.

Mr. Chairman, in recent years, our lives and our world have changed. We have a much more digital world today, and we have a lot more towers that provide us cell service and Internet service. We have the new industry of wind energy that is basically taking over a big part of my district. So, over the countryside, the landscape has changed. We have a lot of new towers, windmills, wind turbines, and all sorts of things that are beneficial to our economy but that also provide a certain amount of hazard for those people in the aviation industry.

In recent years, we've had a number of fatalities due to low-flying aviators who didn't know the existence of one of these obstacles, so this amendment really does a commonsense thing: It would direct the FAA to conduct a study of how we can put together a database of where these new obstacles are, giving their GPS locations and allowing people who are going to be flying in that area or utilizing that area to access that information. For planning purposes, it would also provide an opportunity for new infrastructure in those areas.

□ 1650

So we really think that this is a very commonsense amendment, provides for safety, and that this study hopefully will yield some very positive results that will be beneficial to the aviation industry.

With that, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Chairman, although I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition to the amendment offered by the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. BROWN of Florida. Mr. Chairman, I want to thank Chairman MICA and Ranking Member RAHALL for their work in bringing this bill to the floor. I think the aviation community deserves a long-term aviation bill so they can plan for the future needs of the traveling public. We have had 18 extensions already, and it is time for the House and the Senate to find a compromise and send a bill to the President.

Sadly, we're missing a great opportunity to invest in our airports, allowing them to prepare for the expected growth in air traffic and put people to work improving our aviation infrastructure. Without additional PFC revenues and AMT relief, airports will have little capital to invest in their facilities. We keep talking about creating jobs and rebuilding the economy, but we don't do anything about it.

My home State of Florida relies on air service to support our tourism-based economy. We have 20 primary airports, 22 reliever airports, and 57 general aviation airports, with our top three airports alone generating nearly 45 million enplanements a year. These airports create jobs and help grow the economy, and we're not going to get out of the recession we're in by starving our airports of funds for our infrastructure.

This bill does address an important issue in my district by preserving access to the Military Airport Program, MAP. The MAP program provides critical support to those communities which have been given the responsibility of converting closed military bases to civilian use. The participation of the Cecil Field Airport, which is just outside of Jacksonville, is a prime example of how this program can successfully transform former military airfields to commercial service that in turn help strengthen the Nation's aviation system. In the case of Cecil Field, continuing to include uses by the Air National Guard and Reserve units makes this a win-win for the community and for the military. And I want to add that we have more landings now than we did before we turned the facility over.

MAP grants also support projects that are generally not eligible for AIP funds, but which are typical and needed for successful civilian conversion such as surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

I know this bill still has a long way to go in the process, so I hope we can make improvements as we move to conference.

I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I just rise in strong support of the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

He has worked with the committee in drafting this amendment, done an excellent job, and we also have the support of FAA on this amendment.

I ask everyone to join in passage of this well-crafted amendment.

Mr. NEUGEBAUER. It is also my pleasure now to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise in support of this amendment as well. With off-the-shelf available technology, this type of mapping can be done at little or no cost, increasing safety to aviation, especially those involved in rural aviation like crop dusters and the like.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the chairman of the House Small Business Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Mr. Chairman, I want to rise in very strong support of the gentleman's amendment.

Having flown for over 20 years, I've had firsthand experience with low altitude or low-level obstacles that are out there. I had to make some last-minute corrections just to avoid them. If we had some way to understand where those obstacles are, a very simple method, it would greatly improve safety.

Just in the crop duster world alone, we've had nine deaths in the last 10 years from obstacles that are unmarked, unlighted, and we don't have any idea where they are.

I would very much be in support of this amendment. I thank the gentleman for offering it.

Mr. NEUGEBAUER. I just would close by saying this is a very common-sense amendment. I think it uses the technology of today to bring air safety to our country, and I would encourage all Members to support this amendment.

Mr. HALL. Mr. Chair, I rise in support of Mr. NEUGEBAUER's amendment directing the FAA to carry out a feasibility study on using the internet as an information resource for pilots to locate difficult-to-see obstructions such as guy-wires and free-standing towers.

As a Navy pilot during World War II, I had firsthand experience flying fast and low, and while the prevalence of towers then does not compare to the number that exist today, it still created a lot of uncertainty to fly low without being fully aware of potential obstructions.

There are many active pilots today who make their living flying aircraft at very low altitudes, such as crop dusters, who could make excellent use of such a database.

Mr. NEUGEBAUER's amendment would be a good first step, simply asking the FAA to study whether or not an internet-based source of up-to-date information on obstructions and towers makes good sense.

I support his amendment and ask all Members to support it as well.

Mr. NEUGEBAUER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-46.

Mr. LOBIONDO. 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:

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

**SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist the establishment of a center of excellence for the research and development of NextGen technologies.

(b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—

(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I would like to start by thanking Chairman MICA. I'd like to also thank Mr. PETRI and Mr. COSTELLO.

This is a very simple amendment. It allows the FAA to assist in establishing a NextGen Research and Development Center of Excellence. The center would leverage the FAA's existing Centers of Excellence Program, a program that relies on university partnerships to address ongoing FAA research and development challenges.

The NextGen Research and Development Center of Excellence would provide educational, technical, and analytical assistance to the FAA and other agencies involved in the development of NextGen. In essence, it would be a force multiplier.

NextGen is a complete revamping of our National Airspace System from the current radar-based system to a state-of-the-art satellite, or GPS-based, technology. Once fully implemented, NextGen will provide a host of benefits for the more precise tracking of aircraft, fuel savings, and noise reduction. As a result, the entire aviation community would be benefited, as would the Nation.

I believe the Centers of Excellence model could be extremely beneficial to the FAA's NextGen efforts. Centers of Excellence allow the FAA to partner with universities and industry on important aviation research issues. Since 1990, 8 Centers of Excellence have been formed with more than 60 university partners and over 200 industry and government affiliates.

These Centers have fueled innovative research in a variety of areas such as noise and emissions mitigation, airworthiness, and the use of advanced materials.

I believe the FAA would benefit by applying the Centers of Excellence model to the challenges of NextGen. My amendment would give the FAA the authority to move in this direction.

I urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Wisconsin, the chairman of the subcommittee.

Mr. PETRI. I thank my colleague from New Jersey (Mr. LOBIONDO).

I rise in support of this amendment, and I know the chairman of the full committee has looked at it and supports it as well. It gives the FAA administrator the ability to designate a NextGen center on a competitive basis, and it would be a good and needed resource for the FAA; and, therefore, I would urge a "yes" vote on the amendment.

Mr. LOBIONDO. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, we support the gentleman's amendment.

This is a provision that was contained in the FAA bill that was passed, H.R. 915 and H.R. 1586, that passed this Congress with bipartisan support. We strongly support the gentleman's amendment and ask our colleagues to support it as well.

I yield back the balance of my time.

Mr. LOBIONDO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-46.

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 106, after line 5, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on additional alternatives to reduce delays at the 4 airports considered under the New York/New Jersey/Philadelphia Metropolitan Redesign Record of Decision, published September 5, 2007, by the Administration.

(2) CONTENTS.—In conducting the study, the Administrator shall determine—

(A) the effect on flight delays of the overscheduling of flights by air carriers; and

(B) whether or not altering the size of aircraft used by air carriers would reduce flight delays.

(3) REPORT.—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 under paragraph (1).

(d) PROHIBITION.—The Administrator may not continue with the implementation of the preferred alternative for the New York/New

Jersey/Philadelphia Metropolitan Area Airspace Redesign until after the last day of the 60-day period beginning on the date the Administrator submits the report required under subsection (c)(3).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1700

Mr. GARRETT. Mr. Chair, I urge my colleagues to support the Garrett-Himes-Andrews-Engel amendment. In it, the FAA's New York/New Jersey/Philadelphia airspace redesign plan would redirect thousands of flights per year over the houses of many of my constituents and, actually, the constituents of the other sponsors of the bill as well. In looking at this, we realize this has a very real and negative impact on the region, including a possible decrease in home values.

The new flight patterns, which would be considered here, over the region should not be implemented until a thorough study of alternatives is actually presented to Congress. This amendment prohibits the FAA from continuing implementation of the airspace redesign until it has conducted a study on alternative designs to reduce delays at the four airports considered in the redesign.

Finally, it is imperative that the FAA consider the concerns of the people that are and have been afflicted by this action.

I urge my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I have the greatest respect for the gentleman from New Jersey, and I understand his predicament. He has been one of the strongest advocates for his district on some of the potential problems that might arise from airspace redesign. I had the opportunity to travel to the gentleman's district to meet with his constituents. We have raised great concerns about the New York airspace redesign.

Now, this does put in place another study of the airspace redesign, and, unfortunately, it delays the implementation of airspace redesign in the Northeast corridor, in that New York airspace, until that's complete. So that is why I have to oppose this.

I will work with the gentleman in trying to make certain that FAA treats them fairly and that there are hearings. We have had 120 hearings. I have been in every jurisdiction from Pennsylvania, Philadelphia, all the way up into Connecticut, which is part of the New York airspace, in hearings and public meetings. There have been

over 120 FAA meetings. This has been drug through the courts. There were suits, and they were all consolidated. The issues, again, were resolved, and FAA should go forward with airspace redesign and continue to address the concerns of the gentleman.

Why is this important to everyone here? Because more than 70 percent of the chronically delayed flights around the United States start in the New York airspace. That means when New York goes down, the whole country starts going down.

Now, you have got to understand that this battle has been going on for nearly two decades, in and out of court, and fights and everything for the redesign. So what we're left with is a corridor for airspace that is sort of like having U.S. 1 going into New York City 20 or 30 years ago and not expanding or revising the capacity. So that's why we have this situation. That's why I strongly urge not the adoption of this.

I am willing to work with the gentlemen to try to, again, make certain that their concerns are taken into consideration. We do have quieter aircraft. I don't want him, his constituents, or any of the others in the New York airspace to suffer. But this has to come to a conclusion.

Again, it affects everyone in the House of Representatives because more than 70 percent of our chronically delayed flights start in this area, and we have not been able to resolve this question.

I reserve the balance of my time.

Mr. GARRETT. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I rise in strong support of the Garrett-Himes-Andrews-Engel amendment.

This amendment will require the Federal Aviation Administration to study alternatives for the New York/New Jersey/Philadelphia airspace redesign. It will also prohibit the FAA from continuing with the implementation of the airspace redesign until the new study is submitted to Congress.

I have to take issue with what my friend, the chairman, said before. We have not found that there were hearings for this. They have been trying to jam this through and want fewer and fewer people to know about it. I forced them to come into my district; but until that happened, they didn't want any kind of input from the community.

I have opposed this airspace redesign from day one, and have fought its implementation every step of the way. Time and time again, the FAA has pursued the airspace redesign while ignoring the concerns of my constituents in Rockland County, New York. This plan will only save minutes on flight time, but it will disrupt the lives of thousands of residents in my district who live under the new flight path. As my constituents noted to me, the noise and air pollution in the area will increase. It's unknown how this increase in air pollution will affect the disproportional

rate of childhood asthma in my district.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights, and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. However, there are several alternatives to this plan, and I encourage my colleagues to support this amendment that would require the FAA to take them into consideration.

We now learn that not only planes landing into Newark would fly over my constituents, but planes taking off from Kennedy as well. This is a double whammy. It's not fair.

So I commend Mr. GARRETT. I support this amendment, and I will continue to oppose the FAA reauthorization until the FAA halts and revises the airspace design and reports to Congress. After all, we are the ones that report to the people. FAA should report to us.

Mr. GARRETT. I yield 1½ minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. I thank my good friend from New Jersey for yielding.

Mr. Chair, I rise today in support of the amendment at the desk. This amendment addresses the FAA's redesign of the airspace over New York, New Jersey, and Philadelphia with noble motives to actually improve our air travel. But the fact of the matter is that the redesign was badly implemented from the start and used flawed procedures. Plans for this redesign have moved forward without proper and appropriate input from stakeholders and without regard to the parties who are most affected, notably, many of our constituents.

As planes have been rerouted to fly over southwestern Connecticut upon descent into New York's airports, my constituents have begun experiencing unnecessary and unprecedented noise levels. A day does not go by that I don't hear this concern from my constituents.

I have joined with my colleagues in a bipartisan effort to call upon the FAA to simply study alternatives. We know that there are good alternatives. This should be done prudently and carefully. Families who have moved to my district to find a quiet refuge are now faced with the prospect of daily disturbances. Alternatives must be considered before any more action is taken.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. MICA. Again, I have to say that I have the greatest respect for the gentlemen from New Jersey, Mr. GARRETT and Mr. ANDREWS, and the gentleman from New York. They all do have interests here, and they are trying to protect them. They are concerned about noise with the New York airspace redesign. But, again, this has been going on for two decades.

We have a very narrow corridor. We do need to redesign it. We have safety questions now. We have chronic delays, and 70 percent of them emanate from New York. They start in the New York airspace, and then they ripple across the country. So 70 percent of the Members are impacted by this particular provision.

I appreciate their concern in asking for an additional study, but what they do in the provisions they have offered is delay implementation. We have just finished numerous court cases, which were consolidated, which ruled against those in question. I know it's difficult, but we've got to get this done.

Again, I so much appreciate their looking out for their constituents, stating their concern and expressing in every way possible. I will continue to work with them and make certain that there is fairness to the implementation and whatever they adopt does not disturb or unduly cause distress for their constituents. That's all I can do. But I do have to oppose this amendment in the interest of the committee, the country, and the other Members.

I yield back the balance of my time.

□ 1710

Mr. GARRETT. Just to conclude then, Mr. Chairman, the FAA's airspace redesign plan has not been responsive, as referred to on the floor, to the concerns of our constituents, and it's not been comprehensive.

Secondly, redesigning airspace would have little effect on delays while alternatives are considered.

Finally, I ask the consideration of this bipartisan support to conduct a study on alternative designs. I encourage support for this amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. MURPHY of Pennsylvania). The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT. 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 New Jersey will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 112-46.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-46.

Mr. DEFAZIO. 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:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 318. CRIMINAL HISTORY RECORD CHECKS IN DOMESTIC AND FOREIGN REPAIR STATIONS.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**“§ 44734. Employee criminal history record checks in domestic and foreign repair stations**

“(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to require each repair station that—

“(1) is certificated by the Administrator under part 145 of such title 14; and

“(2) performs work on air carrier aircraft or components, to complete a criminal history record check with respect to any individual who performs a safety-sensitive function at such repair station.

“(b) DEFINITIONS.—In subsection (a), the following definitions apply:

“(1) INDIVIDUAL.—The term ‘individual’ includes an individual working at a repair station of a third party with which an air carrier contracts to perform work on air carrier aircraft or components.

“(2) CRIMINAL HISTORY RECORD CHECK.—The term ‘criminal history record check’ means an investigation to ascertain an individual's history of criminal convictions, conducted—

“(A) in a manner consistent with criminal history record checks carried out under section 44936; and

“(B) in accordance with the applicable laws of the country in which a repair station is located.

“(c) 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 titled ‘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.”.

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

“44734. Employee criminal history record checks in domestic and foreign repair stations.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, my amendment is quite simple. It would require criminal background checks of mechanics at contract aircraft repair stations, both those domestically and those overseas.

Now, the current law requires that people who repair aircraft at airports undergo criminal background checks that are quite extensive because there's a concern that they have access to airplanes, that we want to know who they are, we want to be sure they don't

have a criminal background, and they can be denied employment for a large range of former felonies or problems, let alone any affiliation with terrorist groups.

Not so at domestic contract repair stations or foreign contract repair stations. The employees there undergo no criminal background checks, or only criminal background checks at the discretion of the employer. They can be certified to do the most critical de-check work, overhauls on airplanes.

Now, just think about it. As John Pistole recently said, he's the head of the Transportation Security Administration, “For more than two decades al Qaeda and other terrorist organizations have sought to do harm to this country. Many of their plots against the United States have focused on the aviation system. It is clear that terrorist intent to strike at American targets has not diminished.”

Yet we're not doing criminal and security background checks of people who have access to the innards of the plane. They could replace one critical component, a bolt that holds on an engine with one that looks like the real bolt but is actually fake and designed to fail. That could easily happen, and yet we are not requiring that they have background checks.

Well, why are we requiring it at airports? If it's so critical a mechanic who can access a plane at the airport, why isn't it critical for people who can get deep inside a plane in an overhaul, overseas, far, far away from any prospective oversight by the TSA or the FAA?

Now, some would say, well, the Transportation Security Administration, rather belatedly, 7 years after the fact, is working on a rule that will require them to adopt general procedures for security, but it will not require criminal or terrorist background checks. They will verify background information through confirmation of prior employment. Yes, I used to work for Osama bin Laden. You can call him. Here's his number. But now I don't work there anymore, and I'm here.

This is, I think, a commonsense amendment. Now, the industry can say, oh, this will drive up the cost of repairs. Come on, it's 60 bucks to do a TSA background check. \$60. Now, don't you think it's worth \$60, and is that going to drive contract repair stations in the U.S. or overseas out of business if they have to confirm that their employees are not criminals or are not terrorists? I don't think so.

I urge support of the amendment, and I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I do appreciate the intent of the gentleman who is the distinguished ranking member, former chair of the Aviation Subcommittee, but I think that the

crafting of this amendment is somewhat flawed in that he does now require FAA to take their limited resources. FAA is not a security agency. It's an aviation agency. And again, we have a jurisdictional question here. We can't put in provisions that require TSA to do certain things, but that is their responsibility.

I understand this is also already done where the repair station is at the airport. TSA is in the process of promulgating a rule to address repair station security. But it, appropriately, is in their realm, not FAA. And we do get into trouble in trying to carry out some of these missions when we go to agencies that really this is not their responsibility, their charter under Congress.

Again, I think the gentleman's intent is good, but it's misapplied. So with that, I have to oppose the amendment as crafted. I'd be willing to work with him. There is a possibility of working with him, I think, and getting it right.

I think his intention is good, but the assignment is misplaced, and it would cause more problems the way it's crafted than benefit.

I reserve the balance of my time.

Mr. DEFAZIO. May I request the balance of time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 2 minutes. The gentleman from Florida has 3 minutes.

Mr. DEFAZIO. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO), the ranking member of the subcommittee.

Mr. COSTELLO. I rise in support of the gentleman's amendment. The amendment is very clear. It's simple. It's to the point. It requires the FAA, when certificating a repair station, whether domestic or foreign, to make sure that the repair station carries out a consistent screening of its employees for criminal records. I mean, it is very clear. It is to the point.

The amendment complies with all of our obligations under international law, and the amendment will move the FAA forward in creating one level of safety, both for domestic and international repair stations.

Mr. MICA. I yield myself the balance of my time.

I believe the gentleman's intention is good. The problem I have is with the crafting of the amendment. Now, heaven knows that there's probably been no one that's more critical of TSA. I helped create it along, actually, with Mr. DEFAZIO back in 2001. They have a lot of important responsibilities. One of them is clearly defined as aviation security, and it should be in repair stations.

Quite frankly, I am concerned about beefing up some of that, getting some of the 3,700 bureaucrats that work and earn on average \$105,000, just within miles of here, relocated to where they can do their security function at a place that does pose risk, and that's some of these foreign locations. But this doesn't do the job. It complicates

the assignment we have for FAA. And TSA is in a rulemaking process to address this responsibility, which is appropriately located within the purview of, and again, the jurisdiction of TSA. So I, again, oppose the opposition, will work with the gentleman.

I yield back the balance of my time.

□ 1720

Mr. DEFAZIO. I yield myself such time as I may consume.

I appreciate the chairman, and I have worked together with him well and will continue to do that in the future. But we have got to differ on this.

The TSA is not considering requiring criminal terrorist background checks as a requirement for overseas repair stations. I think that is an unbelievable loophole that should send shudders down the spine of anybody who flies planes that are being totally overhauled overseas.

And all this does—it is very simple. It doesn't require anybody from the FAA to do anything. It just says if a repair station is to be certificated by the FAA, the repair station, not the FAA, will have to perform background checks on its mechanics. It is as simple as that. Any mechanic at an airport has to undergo these background checks. They cost \$60. How about having the contract repair stations do the same thing?

Do you want a terrorist who is off the airport property to be working on an airplane critical component? Do you want a terrorist who is overseas working under very little supervision, none by the U.S., to have access to the most critical components of a plane?

The gentleman is an expert on aviation, and he knows you can take a critical component—and these are problems we have all the time—like a bolt that holds on an engine. We are trying to keep them out of the supply chain, because you can make one for \$3 that looks real but it will break, but a real bolt costs \$10,000. So they could easily substitute parts designed to fail in critical components when a plane has had an overhaul overseas.

I urge adoption of this commonsense amendment. Let's not have the al Qaeda Full Employment Act.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. 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 Oregon will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-46.

Ms. HIRONO. 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:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 318. COCKPIT SMOKE PREVENTION.**

(a) AVIATION RULEMAKING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to make recommendations to the Administrator to ensure that any aircraft certified by the Administrator is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit of the aircraft.

(b) COMPOSITION.—The aviation rulemaking committee shall be composed of subject matter experts, aviation labor representatives, and industry stakeholders.

(c) DEADLINE FOR RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the aviation rulemaking committee shall submit to the Administrator a report containing the committee's findings and recommendations for regulatory action.

(d) REPORT TO CONGRESS.—Not later than 60 days following the date of receipt of the committee's report under subsection (c), the Administrator shall submit to Congress a report on—

(1) the recommendations of the aviation rulemaking committee; and

(2) the actions that will be undertaken by the Administrator as a result of those recommendations.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. I rise to speak in favor of this amendment, and I certainly appreciate the opportunity to speak on this amendment.

The basic idea of this amendment is to ensure the safety of the traveling public and those whose job it is to get them safely to their destinations, and my amendment has to do with smoke in the cockpit.

I do note that the FAA reauthorization bill that is under consideration today already acknowledges the concern about smoke in the cockpit, because it requires the GAO to study what the FAA has done to address smoke in the cockpit. So my bill takes this concern to a more focused level by establishing an aviation rulemaking committee, an ARC, made up of representatives from aviation labor, industry, and other experts.

Their task would be to carefully examine and provide regulatory recommendations on the issue of cockpit smoke. This advisory committee will not cost the taxpayers any money, and this amendment does not mandate rulemaking. The administrator of the FAA would then review the recommendations, and report to Congress on the steps that he or she will take to address them.

The problem of smoke in the cockpit is not new. In fact, my colleague from Hawaii, Senator INOUE, introduced

legislation to address this matter as long ago as 1993. And I want to note his introductory remarks on the bill because, 20 years later, we still have not adequately addressed this problem.

In introducing his legislation in 1993, he said, "My colleagues will be troubled to learn that over the last 20 years there have been a dozen accidents on commercial aircraft in which dense continuous smoke in the airline cockpit may have been a factor. In these accidents, over 850 people have died."

That was in 1993. Almost another 20 years has passed. Since then, even more lives have been lost in accidents where cockpit smoke was the cause or a factor.

Some will say that, while tragic, incidents such as these are rare and that there are already procedures in place to avoid them. Fortunately, yes, incidents that end in death are rare. However, I believe the available evidence tells a different story about the number of times when smoke in the cockpit comes about.

According to a more recent report, the FAA's Information for Operators Bulletin released October 6, 2010, the FAA noted that they receive over 900 reports a year of smoke or fumes in the cabin or cockpit. An average of 900 incidents in 365 days does not seem to me to be a rare occurrence.

I believe that our national response to this issue has been inadequate. We need a comprehensive, up-to-date analysis of the issue and real-action next steps to protect our pilots and passengers. Therefore, I believe that my amendment is reasonable, logical, does not cost money, and it takes us toward resolving this issue. I urge my colleagues to support my amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. I understand the intent behind the amendment. We have checked with the people we as citizens pay at the FAA to develop expertise in this area, and they advise us that current safety standards are sufficient to meet the risk posed by cockpit smoke. According to our contacts, the FAA additionally believes that the existing performance-based standards for cockpit ventilation effectively eliminate the unsafe conditions associated with smoke in the flight deck.

Their current regulations require manufacturers to demonstrate that continuously generated cockpit smoke can be evacuated within 3 minutes to levels such that the residual smoke does not distract the flight crew or interfere with flight operations.

So on that basis, we oppose and urge the membership to join us in opposing this amendment.

I reserve the balance of my time.

Ms. HIRONO. I again note that the underlying FAA reauthorization bill that we are contemplating tonight ac-

knowledges this concern by asking the DOA to assess what the FAA has done in this area. So, to me, that says that this is an ongoing concern that is acknowledged in the underlying bill.

In addition, I would like to note that there are any number of private airlines that already have these kinds of systems that I am talking about in my amendment in their fleets. For example, Jet Blue has these systems, UPS. And on the Federal side, I think it is really interesting to note that the FAA's VIP fleet has this kind of system in its cockpits to make sure that their pilots can see when there is continuous dense smoke in the cockpit.

So, again, I urge my colleagues to support this amendment as being reasonable and taking us to the next steps to address this issue.

I reserve the balance of my time.

Mr. PETRI. I would just repeat, current requirements of the FAA require that smoke be evacuated from a flight deck within 3 minutes. And the feeling of the FAA is that resources can best be utilized to focus on the risk that generates the smoke rather than the smoke itself, and on getting the smoke out of the way rather than the approach that is being urged by this amendment. So I continue to recommend opposition.

I reserve the balance of my time.

Ms. HIRONO. I would like to close by reiterating once again that I think it is interesting that the FAA chooses to focus on the causes of cockpit smoke. Frankly, if there is smoke in the cockpit, I don't know that we need to be focusing that much on what causes the smoke. Of course that is important. But at the same time, what I care about on behalf of the pilot and the flying public is, what can we do. What systems are already available, what technology is already available, being used, I might say, extensively by the private sector as well as in government airplanes, that would ensure the safety of our pilots and flying public? This is why I continue to press the adoption of my amendment.

I yield back the balance of my time.

□ 1730

Mr. PETRI. Mr. Chairman, I would just reiterate that according to the information provided to the committee by the FAA, no accidents or catastrophic events have been tied solely to the presence of smoke in the flight deck. An analysis of accident data for the last 15 years shows that the equipment that would be required by this amendment would not have reduced fatal accidents. Therefore, I urge that we listen to the experts, keep our focus on eliminating the cause of the smoke, and not adopt the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HIRONO. 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 gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-46.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 318. MINIMUM STAFFING OF AIR TRAFFIC CONTROLLERS.**

(a) IN GENERAL.—The Secretary of Transportation shall take such actions as may be necessary to ensure that, at a covered airport, not fewer than 3 air traffic controllers are on duty at all times during periods of airfield operations.

(b) COVERED AIRPORT.—In this section, the term "covered airport" means the 20 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, at the end of debate, I intend to ask unanimous consent to withdraw my amendment.

First of all, let me indicate to my colleagues the importance of this issue. I served as the chairperson of the Transportation Security Committee on Homeland Security and I now serve as the ranking member, so I have lived through these issues of security for a very long time. From the tragic moments of 9/11 and the organization of our Homeland Security Committee as a select committee, and then the final committee, I have been involved in these issues. So my intent is to discuss why this is an important safety issue and an important security issue.

Again, it is to recognize that our air traffic controllers are really our first responders. It is important to note that air traffic controllers are in rural airports, in small airports, and in our major airports. My amendment would specifically speak to the busiest airports, those airports that could document on an annual basis the amount of passengers at that airport, such as Bush Intercontinental Airport in Houston, Texas, that is number eight.

Commercial aircraft, for example, always have at least two pilots for long hauls. Sometimes there are three for long hauls. Why would we not have the same standards for air traffic controllers? I believe it is important to ensure



the safety of the American public. There are notorious incidents that involve pilot fatigue, but there are also incidents that reflect upon the lack of air traffic controllers.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty, in particular, overnight at the National Airport. And I want to make the point that we are not demonizing air traffic controllers, because if you know the story, you know the individual that fell asleep had been on duty for three nights in a row. The Secretary's action evidences that there is no current mandate for multiple air traffic controllers.

There is legislation in the Senate and there is language in the House bill that deals with the study. I frankly believe that we should have a more firm assessment, having a minimum of three, and at least two air traffic controllers to address this question.

Why do I say that? The National Air Traffic Controllers Association and their president have indicated one-person shifts are unsafe, period. The most horrifying proof of this, of course, came on August 27, 2006. In addition, it has been in the air traffic controllers' mission to have at least two people on staff or as air traffic controllers for most of their existence.

So I stand today saying that it is important that we have trained air traffic controllers. They are called certified professional controllers. But in the top 20 airports, I must ask the question: Why do we have a structure that doesn't require minimally three, at least two, and at least, if you will, would have the individual there at all times who has not been on duty for three nights in a row?

I think that this is an important step, and I would ask my colleagues to work with me as we go forward to ensure the safety and security of the Nation's skies. We are all working together, and I look forward prospectively to looking at legislation, long-term, that addresses this issue of safety and security in the Nation's air traffic control towers. They are our public servants.

Mr. Chair, my amendment calls for staffing minimums of no fewer than three air traffic controllers on duty during the period of airfield operations at the 20 busiest airports in the country.

We have all heard about the air traffic Supervisor who reportedly fell asleep on the job last week, forcing two airliners carrying more than 150 passengers and crew to land without direction at National Airport.

It is a blessing that the pilots had the wherewithal to handle the situation safely, securely, and without incident, but this has highlighted a serious safety and security issue in our aviation system.

Although the Supervisor at National Airport was certified to perform air traffic control, the fact that a Supervisor for the FAA who is responsible for managing air traffic controllers was working alone without any frontline air traffic controller(s) on duty, is shocking in itself. What is more shocking is that this was

his fourth 10 p.m. to 6 a.m. shift in a row, according to USA Today.

This is not the first incident at National Airport, where a traffic control tower was left unmanned for an extended period of time.

The vast majority of air traffic controllers are hard working dedicated individuals. 365 days a year, air traffic controllers ensure that we have the safest aviation system in the world.

But Mr. Chair, we are all human and mishaps occur, which is why in the aviation system we use multiple layers and duplication to ensure for the safety of the public and the crew.

Commercial aircraft always have at least two pilots, and for long haul flights, there are three. Why would we not have similar standards for air traffic controllers performing an equally critical function?

Think about the people flying on the planes across our country. They are our grandmothers, husbands, wives and babies. They are American passengers and their lives have value. To ensure their safety we must insist that Certified Professional Controllers (CPC) are always in the tower. We must set a reasonable minimum standard.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty overnight at National Airport. However, the Secretary's action simply evidences that there is no current mandate for multiple air traffic controllers. The Secretary stated, "It is not acceptable to have just one controller in the tower managing air traffic in this critical air space. I have also asked FAA Administrator Randy Babbitt to study staffing levels at other airports around the country."

My amendment calls for a minimum of three air traffic controllers in the tower during hours of airfield operation at the Nation's busiest airports.

After 9/11, we witnessed the vital importance of air traffic controllers in protecting our domestic airspace. Air Traffic Controllers also known as Certified Professional Controllers (CPCs) are part of our front line of defense to protect and ensure the safety of our airspace. In the shocking aftermath of the 9/11 attacks, it was air traffic controllers who monitored the air space above our nation to help keep us safe from further attacks.

Our system is clearly not impervious to the effects of human error, and all it takes is one accident for us to regret not taking the proper action on this amendment.

We must not forget the people who are the passengers in those planes that fly above American skies. They are our grandmothers, grandfathers, husbands, wives and children. They are American passengers and their lives have value. To ensure their safety we must insist that air traffic controllers are provided with proper staffing levels to do their important and necessary jobs of keeping Americans safe.

Mr. Chair, let me end by quoting from a statement released by the National Air Traffic Controllers Association which says:

"One-person shifts are unsafe. Period. The most horrifying proof of this came on Aug. 27, 2006, when 49 people lost their lives aboard Comair Flight 191 in Lexington, Ky., when there was only one controller assigned to duty in the tower handling multiple controllers' responsibilities alone. One person staffing was wrong then and it's wrong now."

Mr. Chair, my amendment is essential to ensure that we continue to have the safest and

most secure aviation system in the world, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MICA. I claim the time in opposition.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Again, I think the gentleman's intentions are honorable, and I know she is trying to make certain that we are safe and secure. However, the way the amendment is crafted with actually requiring three air traffic controllers all the time in the top 20 as far as traffic, first of all, I would say it doesn't achieve her goals.

First of all, all of those, we have a list of them, have at least two air traffic controllers. Some of them have very few flights. This doesn't answer the problem that they had at Ronald Reagan Airport. There was a period of time when they have no traffic at many of these airports, so what she would be doing the way this is crafted is requiring at least three all the time, when we have two already, and requiring an additional one.

These are not cheap, easy-to-come-by air traffic controllers. They earn, on average, \$163,000. Where I need to put them is where I have the air traffic. We always are required by labor organizations and by FAA to staff to traffic.

So her amendment, while maybe well-intended, it actually achieves the opposite. All of these, every one that she mentioned, has at least two, and then I would be adding more people when they have no traffic as opposed to putting them where I need them where they have traffic.

I understand she is going to withdraw the amendment. I would be glad to work with her. We do have provisions in here that will help us, I think, with some of the personnel movement and questions of professionalism and competency and training that will address some of the shortfalls we have seen from a limited number of FAA air traffic controllers.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Let me thank the gentleman, and let me thank Mr. COSTELLO, as well, for working on these issues. I think both Members know my relationship to the issues of transportation security.

I would argue that having a statutory framework to work from is the appropriate approach to take. You can assess, then, whether you need three or two or whether some of the airports already have the standing amount. But we have to focus on the security of our skies, if you will, and we don't want any more tragedies to occur without some framework.

I look forward to working with both gentlemen on a framework for our air traffic controllers. I intend to work on legislation that embodies safety and security in a jurisdictional manner and working with Homeland Security, working with the Department of Transportation and our respective jurisdictional committees.

We owe this to the American public. It is my commitment to ensure that professionalism is there, that safety and security are there, and no more lives are lost because of the potential of an overly tired air traffic controller.

With that, Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1740

AMENDMENT NO. 12 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-46.

Mrs. MILLER of Michigan. 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 follows:

Page 140, line 2, insert after "industry" the following: ", Federal agencies that employ unmanned aircraft systems technology in the national airspace system."

Page 140, line 23, strike "and".

Page 140, after line 23, insert the following: (iii) to develop standards and requirements for unmanned aircraft systems sense and avoid performance; and

Page 140, line 24, strike "(iii)" and insert "(iv)".

Page 144, after line 10, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

**SEC. 325. SAFETY STUDIES.**

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Thank you, Mr. Chairman. I certainly also want to thank Chairman MICA, as well as Chairman PETRI and also Ranking Member COSTELLO, for all of their hard work and for putting out a bill I think will help us move the Nation forward and improve the quality of aviation in America.

My amendment is designed to help expedite and to improve the process by which FAA works with government agencies to incorporate unmanned aerial vehicles, or UAVs as they're commonly called, into the National Airspace System. Currently, Mr. Chairman, law enforcement agencies across the country, from Customs and Border Protection to local police departments, et cetera, are ready to embrace the new technology and to start utilizing UAVs in the pursuit of enforcing the law and protecting our border as well.

However, the FAA has been very hesitant to give authorization to these UAVs due to limited air space and restrictions that they have. I certainly

can appreciate those concerns; but when we're talking about Customs and Border Protection or the FBI, what have you, we are talking about missions of national security. And certainly there's nothing more important than that. It was a very, very lengthy exercise to get the FAA to authorize the use of UAVs on the southern border. While they're finally being utilized down there, we are certainly a long way from fully utilizing these technologies.

So my amendment does three things. First, it makes sure those stakeholders currently using UAVs have a seat at the table during the integration process. Second, my amendment would clear up a source of confusion in this process and direct the FAA to define exactly what it means by "sense and avoid technology." We think this would provide very clear-cut criteria in order to ensure compliance.

Finally, my amendment directs the FAA to conduct the safety studies that it is requiring. Currently, the FAA would direct various agencies to conduct these studies themselves. However, there is no agency in the Federal Government that has the expertise and the competency that FAA has when it comes to studying safety in the air. So I think this would guarantee that the safety studies that the FAA requires for this process are as comprehensive as possible.

As I said before, we do have some domestic UAV missions in effect. There's three in Arizona, there's two in North Dakota, and maritime guardians as well in both Florida and Texas. We've made some progress, but when we have a situation in this Nation where we don't have operational control of either of our borders, either the southern border or the northern border, I think that the taxpayers are well-suited to be able to utilize current DOD technology, off-the-shelf hardware that has already been extremely effectively in theatre with these UAVs to help us with our border protection.

UAVs are ready. They work. I think it's past time we utilize them. We need to have the FAA help us with this kind of thing as well.

Mr. PETRI. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Michigan for yielding. We've reviewed her amendment and have no objection to it. We think it's a step forward, and I would urge my colleagues to join us in supporting this.

Mrs. MILLER of Michigan. I certainly appreciate Chairman PETRI's comments on that.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Chairman, if H.R. 658 passes, this 4-year FAA reauthorization bill would devastate rural communities across our great country. This legislation completely phases out the Essential Air Service program, rolls back critical funding needed for airport improvement programs, fails to adequately protect the rights of air passengers, and would cost us close to 70,000 American jobs.

The EAS, the Essential Air Service program, is necessary to provide air service into our country's most rural communities. This year alone, 110 rural airports in the continental United States were helped by this important program. These airports, like the one I represent in Crescent City, California, would simply not be in operation if it weren't for the EAS program. This legislation would completely phase out the EAS program for all airports in the Lower 48 by 2014. This would be devastating for small businesses and a public safety disaster.

I singled out Crescent City Airport in Del Norte County on the west coast of California because, as we all know, just a couple of weeks ago we had a tsunami. Crescent City, California, was ground zero for that tsunami on the Pacific coast. Crescent City received about \$40 million worth of damage. We lost a life. All the roads were closed in and out of the area. The only way to get people in and out—some of those people critical public safety individuals, folks who came in to do assessments and to help out in this devastating time—were through our small airport. If this program is lost, that small airport would not be there for my district and all of the other rural districts across the country.

Mr. Chairman, I agree that we've gone too long without a long-term FAA reauthorization bill. However, the bill before us, I believe, would do more harm than good for our aviation system. For that reason, I urge all of my colleagues to vote "no" on this bill.

I yield to my friend from Illinois.

Mr. COSTELLO. Mr. Chairman, we support the gentlelady's amendment.

Mr. THOMPSON of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-46.

Mr. WOODALL. 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:

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

**SEC. 3 — CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.**

(a) IN GENERAL.—Notwithstanding any interpretation issued by the Administrator of

the Federal Aviation Administration, the requirements regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft regarding certain flight times and rest periods shall remain in effect as such requirements were in effect on January 1, 2011.

(b) RESTRICTION ON REGULATIONS.—The Administrator may not issue, finalize, or implement a rule regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, as proposed in docket No. FAA-2010-1259, Interpretations of Rest Requirements, published in the Federal Register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. My amendment supports a longstanding FAA regulation of medical charter flight services under part 135. There's been a lot of focus on fatigue and pilot rest and duties. I certainly understand that on the passenger side of the equation, but these medical charter flights fall into a little different category.

If you chartered a flight to fly down and pick up a heart for a heart transplant, the lifesaving thing to do is to actually keep that flight coming back, not to delay it with additional rest and regulations. Because of the unique circumstances that these air ambulances are in, that these medical charter flights are in—and we even expanded it to include cargo because in this increasingly regulatory environment I didn't want there to be any confusion that if we had a heart on a plane, that was somehow not a medical ambulance flight because there was no person there to prevent the FAA from re-regulating this area in the same way that they have regulated passenger charter flights.

This has long been treated under a special part of the regs for a special reason because these air ambulance flights provide a critical addition to our health care delivery system in this country and because the flights that they are involved in are genuinely a matter of life and death.

With that, I would ask my colleagues to support this protection of the current regulatory structure of these medical charter flights and prevent the reinterpretation of that structure.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. No Member seeking time in opposition, the question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112-46.

Mr. PIERLUISI. 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:

Page 161, line 18, strike “Alaska and Hawaii” and insert “Alaska, Hawaii, and Puerto Rico”.

Page 164, line 19, strike “ALASKA AND HAWAII” and insert “ALASKA, HAWAII, AND PUERTO RICO”.

Page 164, line 21, strike “Alaska and Hawaii” and insert “Alaska, Hawaii, and Puerto Rico”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. The Essential Air Service program, enacted in the wake of airline deregulation in 1978, ensures that smaller communities that were served by air carriers before deregulation continue to be served so that residents of these communities can access air travel. Nowhere is the Essential Air Service program more essential than in noncontiguous U.S. jurisdictions, like Puerto Rico, that are separate and distant from the U.S. mainland.

The bill already passed by the other body would make reforms to the EAS program going forward, but would continue the program, in effect. The bill before us would phase out the EAS program by October 2013, but would expressly authorize the Secretary of Transportation, if he or she deems it appropriate, to continue the program beyond that date in the noncontiguous jurisdictions of Alaska and Hawaii.

My amendment would provide the Secretary with the same reasonable discretion in the case of Puerto Rico. The sound arguments that militate in favor of allowing the Secretary this discretion with respect to Alaska and Hawaii apply with similar force with respect to Puerto Rico.

□ 1750

Like Alaska and Hawaii, Puerto Rico is a non-contiguous jurisdiction, separated by ocean from the U.S. mainland. Puerto Rico consists of multiple islands, three of which are home to resident populations and active airports: namely, the main island of Puerto Rico and the outer islands of Vieques and Culebra.

As in Alaska and Hawaii, not all communities in Puerto Rico are connected by road, and the nearly 4 million U.S. citizens residing in the territory rely heavily on aviation to connect to the national air transportation network. Federal support under the EAS program has made this essential connection possible for many of my constituents who face unique geographic challenges.

Continued operation of the EAS program in Puerto Rico is likely to cost the Federal Government only about \$1 million a year, roughly .06 percent of the total cost of the program in 2010. The EAS program is funded through

FAA overflight fees, which apply to operators of aircraft that fly in U.S.-controlled airspace, including Puerto Rico.

Mr. Chairman, based on an earlier discussion we had on the floor, I know my friend, the gentleman from Florida, is willing to work with me to address this matter as we move forward.

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

Mr. MICA. Mr. Chairman, I rise in opposition, although I am not in opposition. I ask unanimous consent to control the time.

The Acting CHAIR. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. MICA. First of all, I want to thank the gentleman for his leadership in representing so well the people of Puerto Rico. Also, again, Governor Fortuno, who preceded the current delegate. I talked to them about this situation, and they do indeed have an essential air problem. He cited Vieques and Culebra, for example, and I know even during the recent season they had ferry boat interruption service. There's no other way to get back and forth. And this does constitute Essential Air Service.

As I have said to the gentlewoman and the gentleman from North and South Dakota and the gentleman from Pennsylvania and now to the gentleman with Puerto Rico, I commit to work with them and will try to address their concerns. He has my commitment in that regard.

I understand he's going to withdraw his amendment, and I'm grateful for his cooperation and pledge to work with him.

I yield back the balance my time.

Mr. PIERLUISI. Mr. Chairman, I want to thank the gentleman from Florida for his kind words and for the commitment he has made to ensure that Puerto Rico is not overlooked in the deliberations about the Essential Air Service program. I cannot overstate the importance of air service for my constituents, especially those living in Ponce and Mayaguez, as well as the islands of Vieques and Culebra. Therefore, I look forward to working with the gentleman from Florida as well as with the ranking member of the committee of jurisdiction on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-46.

Mr. SCHWEIKERT. 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:

Page 170, after line 12, insert the following:

(e) EXTENDING LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 (as amended by subsection (d)(1) of this section) is further amended by adding at the end the following:

“(h) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2011, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109, except that an air carrier may not use multi-aisle or widebody aircraft to provide the service authorized by this subsection.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, first, I really do want to thank the chairman here for his hard work. Let's face it. This is a tough bill to put together. There's a lot of moving parts. And I truly appreciate the diligence that you and your staff have done to ensure that this FAA authorization continues to move forward.

The current DCA slots language in the bill does offer some relief to travel restrictions imposed by the DCA perimeter rule. It would make a handful of additional—what's the proper term?—“beyond perimeter” opportunities available, and those flying opportunities would probably go to new carriers or those with limited presence right now at Reagan National.

But there needs to be, and there really should be, more done. My amendment would allow carriers which currently have slots at National Airport to convert flights now servicing large hub airports inside the perimeter zone into flights serving any airport outside the perimeter zone. This approach would result in greater access for communities beyond the perimeter zone without adding any new flights and without jeopardizing service to small- and medium-sized communities. There is substantial support for the idea. There are many other ideas worth considering in this basic concept of dealing with this perimeter zone.

The perimeter rule restriction for flights coming in and out of Reagan National really are outdated. It's a vestige of a long time ago when the government thought really it should control and manage and, shall we say, manipulate markets. Whatever justification there might have been a long time ago, the perimeter rule has surely outlived its purpose. Our constituents, particularly those in the western part of the country, are penalized by continued imposition of this perimeter rule. Broader relief of this rule, broader definition, broader expansion—this com-

petition would benefit consumers and allow a better market to function for all of us.

I would like this opportunity to work with the chairman to achieve the result of more competition. This is a very important bill. This is important to us in the West, and I do believe we should broaden the scope of the perimeter rule.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I strongly oppose the gentleman's amendment. The gentleman may or may not know that this is the one issue that held us up from getting an FAA reauthorization bill in the last Congress. In fact, we could not get the bill out of the Senate because of this issue. It would, in fact, be an earmark for one airline.

I support the language that is currently in the bill. It's taken years for us to negotiate where we are with this issue, and I, again, strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I yield to the gentleman from Florida, the chairman of the Transportation Committee.

Mr. MICA. Again, I do have concerns and share the concerns of Mr. COSTELLO. This is a hard-fought provision.

I will guarantee the gentleman that I am aware of his concerns. I will work with him as the bill proceeds hopefully through the conference process. And I think you're doing an outstanding job in representing the constituencies who are affected who want those longer-distance services to come into our Nation's Capital.

Again, he has my strong commitment. I am hoping that he would withdraw the amendment at this time. I pledge to work with him, and I know Mr. COSTELLO will also work with the gentleman in that regard.

Mr. SCHWEIKERT. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I rise to support the chairman of the committee, Mr. MICA, and the ranking member on this issue.

□ 1800

As the ranking member pointed out, this was the single issue. The amendment being offered by the gentleman from Arizona was identical to the dispute which submarined this bill in the last session of Congress in the Senate. Essentially, it's a grab by, principally, one airline, but two airlines would get 70 percent of the benefit of his amendment. I think that's pretty much an earmark. It's pretty darned targeted.

What we've proposed and what the chairman has proposed is much more modest and builds upon the consensus of the House, the last two sessions of this House, and also the last two successful reauthorizations of the FAA, which said, let's have real competition. So it put up a small pool of slots to be competitively awarded to areas that are underserved, not to one airline so it can dictate who will get service and who won't, which is what the gentleman's amendment would do. This would be a competition for underserved cities and airlines which do not now have access to the airport.

This is very similar to what was done in AIR-21 and Vision-100. I believe it is an elegant solution to this that will not cause additional noise or problems at the airport, that will not give one airline a near monopoly or two airlines pretty much a duopoly. The market at National will give consumers on the west coast more options in getting to our Nation's capital and in utilizing National Airport.

So I appreciate the gentleman's advocacy for an airline which serves his State, but that airline doesn't serve mine or many other western States. I would urge opposition, and let's have a real competitive position, which is the position of the committee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCHWEIKERT. Mr. Chairman, in reclaiming whatever time I still may have remaining, I actually appreciate the comments.

My ultimate goal is: more competition, more options, more choices. In the quick conversation I just had with the chairman, he assured me that he'd be willing to work with all of the parties that want to reach this goal.

And so with unanimous consent, I would like to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 16 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112-46.

Ms. RICHARDSON. 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:

Page 173, at the end of the matter following line 2, insert the following:

“42304. Notification of flight status by text message or email.

Page 179, line 23, strike the closing quotation marks and the final period and insert the following:

“§ 42304. Notification of flight status by text message or email

“Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least one percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

“(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier as a means of notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

“(2) the notification if the passenger requests the notification.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, I thank you for this opportunity to bring my amendment forward. I want to point out that I actually brought forward this amendment back in 2009, and it was passed in this House back on May 21, 2009.

My amendment directs the FAA administrator to promulgate regulations within 180 days, giving consumers an option—I want to stress an “option”—for a text message or an email notification from carriers in the event of a delayed or a cancelled flight. The amendment would, consistent with existing regulations, apply only to carriers which earn at least 1 percent of the domestic passenger service market.

My purpose today is not to tell the airlines how to run their businesses or to instill any burden on the airlines. It is merely to ensure that hardworking men and women who are spending their dollars flying the airlines are given the basic information that they deserve and, as I would say, what they’ve already paid for. We can all tell horror stories of delayed and cancelled flights. Given the advances in technology and the widespread use of cell phones and smart phones nationwide, it is only reasonable to consider that we would utilize 21st century solutions for all of the American public, not just for some who can pay a little bit more for it.

My amendment will help to ensure that the traveling public will receive timely notifications of any flight delay or cancellation. I need not tell you that flight delays and cancellations continue to be a problem. In fact, the Bureau of Transportation reported that, in 2010, more than one out of every five flights was delayed.

Major choke points for travelers have taken place at large hubs, but they can occur anywhere. It is not uncommon that the airlines have prior knowledge of an upcoming delay, and that information should be shared appropriately with the public. The airlines can simply send each passenger who has requested it an email or a text message, which would give those passengers more time to plan alternative routes or to notify their families.

Earlier this year, snow slammed the east coast and the Midwest. In the New York region alone, the storm caused thousands of cancelled flights at the

Newark Airport. Customer service does matter, and in this case, it is something that all Americans deserve. Also, consider that it is in the economic interest of our country not to have thousands and thousands of people who are flying and who, unbeknownst to them, end up sleeping on the floor and running out of baby’s milk and diapers, having a need to get to their final points.

Let me suffice to say that, in consultation with my colleagues on the other side, with Mr. MICA and others as well as with those in the industry, I have committed to working with them as we go forward to make sure that we can eventually get to a point where we can provide the public with the information but not in a way that is burdensome. So, today, I will not ask for a recorded vote, but I look forward to working with my colleagues on the other side to establish a better process going forward, which the industry has also agreed to work with me on.

I reserve the balance of my time.

Mr. PETRI. I rise in opposition to the amendment.

The Acting CHAIR (Mr. SIMPSON). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. We really do support the intent of the gentlelady from California’s amendment, but in our opinion and without further work and review of it, it’s not something that is wise to codify into law at this particular juncture.

It is my understanding that all of the major air carriers do provide electronic notification of flight status. We want to review it to make sure of the scope of those, less the major carriers, and as to how this would work in practice so that it doesn’t result in litigation and not really greater consumer convenience. The industry has been moving. Since you called this to the attention of the industry back several years ago, it has been implemented by all of the major carriers. So progress is being made, and we’d like to work with you to make further progress, but we do oppose the amendment at this time.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining.

Ms. RICHARDSON. I thank the gentleman on the other side for his willingness to work with me.

As I have just spoken to the industry individuals, actually, not all of them have implemented it, so there is room to grow. Also, not necessarily all passengers are aware of the service or have access to it.

Suffice to say, I agree with your thoughts. Certainly, we’re not looking to do anything burdensome, and we’re certainly not looking for legal issues, but if we can figure out a way to work to get the best thing for the American public, that’s my objective.

I reserve the balance of my time.

Mr. PETRI. I understand the delegate from the District of Columbia would

like to address this issue. I yield 2 minutes to our colleague, ELEANOR HOLMES NORTON.

Ms. NORTON. I appreciate my friend yielding me 2 minutes. I did not get an opportunity to speak on the last amendment. Although I’m from the region, I did want to reinforce why the compromise fashioned by the chairman and the ranking member is so important. Whenever this bill comes up, there is some individual, usually from the other body, who wants to expand the perimeter.

Dulles and Reagan are essentially airports under congressional control, and Congress has mandated a balance between Reagan and Dulles, and has allocated finances accordingly. Reagan is a short-distance airport. Dulles is the long-distance airport. Reagan has one primary runway. There were stories in the paper just recently about how hard it is, therefore, for planes to land there. Dulles has four times as many. The underuse of Dulles would, in fact, waste substantial investment that the Congress has put into this balance.

□ 1810

The compromise language does at least import competition; whereas, the original amendment would have been a windfall to one or two airlines.

So I very much appreciate this compromise. Remember, those of us in the region would prefer nothing outside of the perimeter, but we’re always willing to work with the chairman and with others on the committee, and I am grateful for the compromise that has been accepted, and I’m very grateful that the gentleman from Arizona has been kind enough to withdraw his amendment.

Ms. RICHARDSON. Mr. Chairman, the flying public should have the peace of mind of knowing that, if they so choose, they’re armed with the latest information regarding their flight delays. This is what our American public has right now.

As this bill continues, I pledge to continue to work with Mr. PETRI, Mr. MICA, and our ranking member, Mr. COSTELLO, as we continue to work to make sure that the airlines can come up with a solution that will benefit all of the flying public here in America, a solution that does not burden the consumers or the industry, that can allow us to get to our objective, which is for people to fly safely and to be appropriately informed.

I urge my colleagues to continue to work on this issue.

I yield back the balance of my time.

Mr. PETRI. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112-46.

Mr. CAPUANO. 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:

Page 189, after line 13, insert the following (and conform the table of contents accordingly):

**SEC. 434. BAGGAGE FEE REFUNDS.**

An air carrier that collects a fee from a passenger for checked baggage on a flight operated by the carrier in scheduled passenger air transportation or intrastate air transportation shall refund the fee, not later than 60 days after the date of the flight, if the baggage is lost, delayed, or damaged. A refund required under this section shall be in addition to compensation required under any other provision of law.

**SEC. 435. NOTIFICATION REQUIREMENTS REGARDING THE SALE OF AIRLINE TICKETS.**

(a) NOTICE OF FEES.—Section 41712 is amended by adding at the end the following:

“(d) NOTICE OF FEES.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier or foreign air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket, the cost of checking one or more pieces of baggage on the flight.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided by—

“(A) requesting the individual purchasing the ticket to indicate the number of bags the individual intends to check on the flight, when the individual is providing other flight and airport information; and

“(B) informing the individual of the cost associated with checking such baggage when a fare quote is first provided.”

(b) SHARING OF INFORMATION.—To carry out the amendment made by subsection (a), the Secretary of Transportation shall prescribe any requirements necessary to ensure that consumers are provided with information about baggage fees prior to the sale of a ticket, including requiring that pertinent information is adequately shared between carriers and ticket agents with which carriers have an agency appointment or other contract.

(c) CONTRACTUAL RELATIONSHIPS.—Nothing in this section, including the amendments by this section, shall be construed to require—

(1) an air carrier or foreign air carrier to enter into an agency appointment or other contract with a ticket agent; or

(2) an air carrier or foreign air carrier to provide information to a ticket agent with which the carrier does not have an agency appointment or other contract.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Chairman, this amendment is very simple. It does two simple things. We worked with the Department of Transportation to make sure that we don't step on any toes.

Very simply, it requires any airline charging a baggage fee to tell us what

it is so that when you want to go online and get a hundred dollar ticket, you know it's going to cost you \$120 for the baggage or whatever. Very simple. It also requires them to share that information with any other aggregator that they already have a contract with. It does not require them to share that information with people that they do not do contract work with.

The second thing it does is it simply says, if you collect a baggage fee and you lose that bag, that you have to refund the baggage fee. Very simple.

Two items, consumer protection. Everybody who travels, everybody who flies knows that these two issues have become problems. They are being unaddressed. DOT is looking at some regulations. They haven't done it yet. There is nothing in this bill that would interfere with that activity.

Therefore, Mr. Chairman, I would respectfully request that this amendment be adopted.

I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. First of all, I greatly respect the gentleman's intent. I strongly favor the disclosure of fees by airlines. I think that fees ought to be refunded when bags arrive late, damaged, or just lost.

However, as drafted, the amendment goes far beyond that and allows, again, some unfairness to contractual agreements, first of all, with global distribution systems and ticket agents. This requirement tips the scales in favor of global distribution systems and their business relationships with airlines, and global distribution systems are not charitable organizations. They're owned by private equity firms, hedge funds, and exist to make money in the travel industry, and we would tip the balance in this requirement for them.

I favor part of what the gentleman's trying to do, but as crafted, I have to oppose the amendment because of that provision.

I yield back the balance of my time.

Mr. CAPUANO. Mr. Chairman, I respect the chairman's opinion, but I respectfully disagree. There is nothing in this proposal, as drafted at the moment, that would require anyone to disclose any information to anyone they are not already giving information to. If an airline is already doing work with Orbitz or Expedia or KAYAK or any of those, they're already giving them all of the information.

All this says, if when you go onto one of those Web sites, if they are already working with them. Some of them don't work with them at all. That's their prerogative. There's nothing that requires that. It simply says, if you are working with them, you have to add in the baggage fee. That's all it does. It's simply allowing people to make informed decisions as to how much they want to pay to actually travel with

their own bags, not a very difficult thing.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Illinois (Mr. COSTELLO), the ranking member.

Mr. COSTELLO. I thank the gentleman for yielding.

I think it is worth pointing out that last July Mr. PETRI and I held a hearing at the Aviation Subcommittee, and we had the GAO come in. It was on consumer issues, and not only the GAO but also consumer groups came in, and the message was clear from every witness that had consumers' interests in mind.

Number one, these fees were excessive. Two, information about baggage fees should be transparent and immediately disclosed so that consumers can compare the total cost of flights offered of the different carriers.

So, this legislation helps bring more equity and transparency to the process. I urge my colleagues to support it.

Mr. CAPUANO. Mr. Chairman, I would like to put into the RECORD a letter of support by Flyers Rights, the largest flying public representative in the country.

MARCH 21, 2011.

Hon. JOHN MICA,  
Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA: Congressman Michael E. Capuano recently introduced H.R. 712, which would require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare. This bill addresses two serious problems for air travellers, and the 33,000 members of FlyersRights.org strongly support this legislation.

The first problem is all too familiar to anyone who flies frequently. About 10,000 bags a day are mishandled—lost, damaged, or delayed—and passenger recourse has always been limited. Lost or damaged bag incidents may result in some compensation. However, most airlines now charge fees for checked baggage. When a bag is lost, damaged, or delayed, they are under no obligation to return those fees, even though they have failed to perform the contract implied by passengers' paying for bag delivery to destination. Clearly, airlines should not profit from performance failures.

The second problem is relatively new. Most airlines increasingly turn to unbundled, ancillary fees to boost their profit. These fees, not a part of the advertised ticket price, make it difficult for travellers to determine true trip cost. Mr. Capuano's bill would force airlines to proactively inform consumers of baggage charges before the travellers purchase tickets. This fee disclosure was made mandatory by a May, 2008, DOT rulemaking, but needs to become a part of public law. H.R. 712 complements and builds on DDT's rulemaking by requiring airlines to ask customers if they'll be checking baggage when providing a fare quote, and to then include that fee in their quote. It would also apply to ticket agents and fare aggregators, where it will probably be most useful.

I again stress that FlyersRights.org strongly supports this legislation and views it as a strong step forward for airline passenger rights.

Sincerely,

KATE HANNI,  
Founder and Executive Director,  
FlyersRights.org.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAPUANO. 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 Massachusetts will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112-46.

Mr. GINGREY of Georgia. 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 follows:

Page 216, after line 2, insert the following:

(b) LABOR MANAGEMENT RELATIONS.—

(1) EXCLUSION FROM THE EXCEPTION.—Section 40122(g)(2)(C) is amended by inserting after “chapter 71” the following: “(other than subsections (a), (c) and (d) of section 7131)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that such amendment shall not have the effect of causing official time to be denied or otherwise made unavailable for purposes of—

(A) the negotiation of a collective bargaining agreement, if commenced before such date of enactment;

(B) any proceeding before the Federal Labor Relations Authority, if commenced before such date of enactment; or

(C) any other matter pending on such date of enactment, in connection with which any official time has been used or granted before such date.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I rise today to offer an amendment with my good friend Mr. TODD ROKITA from Indiana that will increase efficiency in the FAA and uphold the integrity of taxpayer dollars.

In fiscal year 2008, the Office of Personnel Management conducted an extensive survey of 61 Federal agencies and found that nearly 3 million work-hours and over 120 million taxpayer dollars were spent on union activities during official work-related time. This amendment prohibits Federal employees of the FAA from using official taxpayer-sponsored time on these activities.

By offering this amendment, I intend to limit Federal activity during normal business hours to the people's work and not for constantly bargaining with one's employer, arbitrating griev-

ances, or organizing and carrying out internal union activities. Labor organizations must participate in these actions outside of official time and without the use of taxpayers' hard-earned dollars.

Mr. Chairman, the current collective bargaining agreement between the FAA and air traffic controllers allows for nine Federal employees to spend their—get this—their entire work year on behalf of the union. Let me be abundantly clear. Nine Federal employees are paid by taxpayers for absolutely no official work on their behalf.

So this amendment in no way inhibits an employee's right to participate in collective bargaining or arbitration even though union representatives generally drag these activities out for months to years, costing taxpayers a tremendous amount of money.

Opponents of this amendment will inevitably say that union representatives cannot use any official time for political activity and only for work-related purposes. However, Mr. Chairman, during the CR debate on H.R. 1 two weeks ago, a Federal employee working for the EPA sent Members an email at 2:47 p.m. in the afternoon with a letter attached that opposed an amendment, literally stating “official time cannot be used for any political activities.” I find it hard to believe how this letter does not constitute a political activity for which this Federal employee clearly evaded his official work responsibilities, in the middle of the work day, in order to weigh in on a political matter on behalf of his union.

NATIONAL COUNCIL OF EPA LOCALS  
COUNCIL #238, AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
(AFL-CIO).

Chicago, IL, February 18, 2011.

AN OPEN LETTER TO CONGRESS

DEAR HONORED MEMBER OF CONGRESS: As President of the American Federation of Government Employees (AFGE) National Council of EPA Locals #238, representing more than 10,000 U.S. Environmental Protection Agency Federal civilian employees across America, I am writing to ask you to oppose any efforts to include in H.R. 1, the FY2011 Continuing Resolution, the Gingrey Amendment #185, the Rokita Amendment #209, or any other amendment to eliminate the use of official time for union representation across the federal government.

In the 1978 Civil Service Reform Act (the Act), Congress expressly stated its belief that collective bargaining not only “safeguards the public interest,” but “contributes to the effective conduct of public business,” and “facilitates and encourages the amicable settlement of disputes . . .” Under the provisions of the Act, federal employees represented by a union can be granted official time, or the ability to perform representational activities during work hours, for certain activities that are in the joint interest of both the union and the agency. Official time is allowed for negotiating collective bargaining agreements, handling employee grievances, and conducting and receiving training. It cannot be used for conducting internal union matters, organizing workers, soliciting members or any partisan political activities. It promotes efficiency and efficient resolution of complaints within the federal workforce.

It is important to note that as part of the Act of 1978, Congress requires federal employee unions to work on behalf of all employees in a bargaining unit regardless of whether or not they pay dues. Moreover, the Congress prohibits federal employee representatives from even collecting a fair-share payment or fee when they handle grievances for non-members or arbitrate cases on their behalf. In other words, non-members get the proverbial free lunch; they contribute not a dime, yet they benefit directly from the hard-fought bargaining gains and skilled representation that organizations representing federal employees are compelled by law to provide equally to both members and non-members.

In exchange for being saddled with these responsibilities, the Congress allowed federal employee unions to bargain with agencies over official time, by which federal employees who are also union representatives can fulfill obligations to their members and non-members while on duty status. Some Members of Congress have advocated cutting the salaries and benefits of those who serve the public as employees of the federal government. These employees are the individuals who secure our borders, keep terrorists behind bars, get Social Security checks out on time, ensure a safe food supply, make sure Americans have clean water and air, and care for our wounded veterans, but they have been unfairly painted as the cause of our country's economic troubles.

Use of reasonable amounts of official time has been supported by government officials of both political parties for some 50 years. The recent opposition to official time has nothing to do with deficit reduction and everything to do with taking away Federal Employees' right to union representation. It is an attempt to make the grievance process meaningless so that an employee who has been the victim of race or gender discrimination, sexual harassment, unfair denial of Family Medical Leave Act (FMLA) leave, or unsafe working conditions would have no representative to contact.

Private industry has known for years that a healthy and effective relationship between labor and management improves customer service and is often the key to survival in a competitive market. The same is true in the federal government. No effort to improve governmental performance—whether it's called reinvention, restructuring, or reorganizing—will thrive in the long haul if labor and management maintain an arms-length, adversarial relationship. In an era of downsizing and tight budgets, it is essential that unions have official time so that management and labor have a stable and productive working relationship that allows for collaboration in delivering the highest quality and most effective services to the American people.

This mean-spirited attack on Federal civilian employees is not only bad policy and demoralizing, but also erodes the faith of the American people that Congress can be counted on to provide them with even basic government services.

I urge you to vote “no” on the Gingrey Amendment #185, the Rokita Amendment #209 and any other amendment to eliminate the use of official time for union representation across the federal government.

Respectfully,

CHARLES (“CHUCK O”) ORZEHOSKIE,  
President, AFGE Council 238.  
JOHN J. O'GRADY,  
Treasurer, AFGE Council 238.

□ 1820

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. The amendment unfairly singles out the FAA unionized employees from all other Federal employees. Under Federal law, an employee representing a union has a right to receive "official time" to negotiate a collective bargaining agreement and participate in impasse proceedings. In addition, the law permits an agency and a union to negotiate the availability of official time as long as the time is "reasonable, necessary, and in the public interest."

Mr. Chairman, additionally, the purpose of the official time is to give Federal employees the opportunity to represent their colleagues on issues ranging from discrimination to managerial misconduct and to resolve disputes in a cooperative fashion at the lowest level rather than resorting to the costly litigation. The cost of arbitrating one case is estimated to be at least \$10,000, and that does not include the salary and expenses for the time spent by the two attorneys the FAA uses on every case.

Mr. Chairman, I would respectfully submit this is an issue that should be left to be negotiated between the agency and the employees.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. MICA), the committee chairman.

Mr. MICA. I would like to submit this letter of support for the RECORD.

ASSOCIATION OF AIR MEDICAL  
SERVICES,  
Alexandria, VA, March 25, 2011.

Hon. JOHN MICA,  
Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Washington, DC.

Hon. THOMAS PETRI,  
Chairman, Subcommittee on Aviation, Com-  
mittee on Transportation and Infrastruc-  
ture, House of Representatives, Washington,  
DC.

Hon. NICK RAHALL,  
Ranking Member, Committee on Transportation  
and Infrastructure, House of Representa-  
tives, Washington, DC.

Hon. JERRY COSTELLO,  
Ranking Member, Subcommittee on Aviation,  
Committee on Transportation and Infra-  
structure, House of Representatives, Wash-  
ington, DC.

DEAR CHAIRMAN MICA, RANKING MEMBER RAHALL, CHAIRMAN PETRI, RANKING MEMBER COSTELLO: The Association of Air Medical Services (AAMS) greatly appreciates your efforts to enact an overdue, long-term reauthorization of the Federal Aviation Administration (FAA). We are also appreciative of your comprehensive efforts to address the safety concerns of the air medical industry within the reauthorization legislation.

Like others in the air medical industry, AAMS is committed to efforts to improve the safety infrastructure for air medical providers, crews, and the patients they serve. Your bill contains a number of provisions that address rapidly-emerging technology and other practices that will surely benefit the industry's efforts for increased safety.

As you know, the FAA has been operating without a long-term authorization since 2007. The uncertainty of operating without a long-

term authorization makes it difficult for the FAA to move forward with badly needed investments to improve the aviation infrastructure, and in particular the low-altitude infrastructure. As such, it is critical the FAA reauthorization process is completed as quickly as possible. AAMS urges the House to act on FAA reauthorization as soon as possible so that the process can expeditiously move toward completion and bring long-needed stability to FAA operations.

Again, thank you for your efforts on this important issue. As always, please do not hesitate to call upon AAMS if we can be of further assistance.

Sincerely,

DANIEL G. HANKINS, MD,  
President.  
DAWN MANCUSO,  
Executive Director/CEO.

MARCH 30, 2011.

As proponents of safe and reliable lithium battery transportation regulations, we urge you to support language in the Mica Manager's Amendment to H.R. 658, which would ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization (ICAO). Harmonization of these regulations will enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S. For these reasons, we also strongly oppose the Filner Amendment, which would prevent harmonization.

Over 81% of laptops, 67% of cellular phones and 69% of the lithium batteries used to power these devices that are sold in the U.S. are shipped by air into the U.S. All told, billions of lithium and lithium battery-containing products are shipped safely every year. In fact, there has not been a reported incident in transportation involving such a battery or battery-powered product that was packaged in accordance with the ICAO regulations.

These batteries and products containing them are used in various forms in nearly every aspect of our lives. We depend on them in our jobs, personal lives, and for life-saving medical procedures. Moreover, the U.S. military uses a significant number of lithium battery-powered products to train soldiers at home and in battlefield operations abroad. Some everyday use products that contain lithium batteries include laptops, cellular phones, portable music/video devices, navigation/GPS systems, cameras, smoke/security alarms and power tools. In addition, a number of life-saving and life-enhancing medical devices are powered by these batteries such as pacemakers, defibrillators, spinal cord stimulators, portable oxygen concentrators and blood glucose monitors.

Unfortunately, the Department of Transportation (DOT) has published a proposed rulemaking that would require consumer-type lithium batteries and products containing them to be shipped as fully-regulated hazardous materials when shipped by air as cargo. We also understand DOT has drafted a second lithium battery rulemaking that may be published later this year. Our coalition believes that DOT's proposed rule on lithium batteries far exceeds what is necessary to achieve safety benefits and will impose drastic costs on consumers, retailers, and manufacturers of batteries, electronic equipment and medical devices. If DOT is allowed to move forward with their rulemakings, the following consequences would likely ensue:

\$1.1 billion impact on industry in the first year of implementation

Advantage foreign businesses over U.S. businesses

Delays in shipping lithium batteries and equipment needed by our military

U.S. consumers will be forced to pay higher prices for consumer electronics and countless other devices that rely on safe lithium batteries for their power source

Severe supply chain disruptions and delays as well as untold job loss

Delays in shipping life-saving medical equipment and increased medical costs

Re-routing of trade to other countries to avoid complying with onerous new U.S. regulations

Create safety concerns regarding confusion over which rules apply when shipping lithium battery products

As our nation works to climb out of an economic downturn, these anticipated consequences are unacceptable for manufacturers, technology innovators, retailers, medical-device manufacturers, air carriers and other impacted industries. The solution, and the best way to promote safety, is to harmonize U.S. regulations with the ICAO regulations. Again, we urge you to support the Mica Manager's Amendment to H.R. 658 and oppose the Filner Amendment's attempt to prevent harmonization.

AdvaMed, Airforwarders Association, Air Transport Association, Association of Home Appliance Manufacturers, AT&T, Boston Scientific, Cargo Airline Association, Consumer Electronics Association, Consumer Electronics Retailers Coalition, CTIA—The Wireless Association, Dangerous Goods Advisory Council, DHL, Express Association of America, FedEx Corporation, Garmin, Hewlett-Packard, International Air Transport Association.

Information Technology Industry Council, Johnson Controls, Motorola Mobility, Motorola Solutions, National Association of Manufacturers, National Electrical Manufacturers Association, National Retail Federation, Power Tool Institute, PRBA—The Rechargeable Battery Association, Retail Industry Leaders Association, Samsung SDI, Security Industry Association, Sony, UPS, U.S. Chamber of Commerce, The International Air Cargo Association.

Mr. GINGREY of Georgia. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROKITA).

The Acting CHAIR. The gentleman from Indiana is recognized for 2¼ minutes.

Mr. ROKITA. Mr. Chairman, I would like to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the time.

The highest honor and privilege of my professional career so far has, with all due respect, not been in this Chamber but was the 8 years that I served as Indiana's secretary of State. I have run a government agency. We run it on 1987 dollars, unadjusted for inflation. The secretary of State's office in Indiana right now spends no more money than it did in 1987—again, unadjusted for inflation. We had no more employees than we did in 1982. From that experience, I can say the worst thing you can do for government efficiency, if you really are interested in serving the people, is to have your employees distracted by anything else but the people's business.

The scope of this problem at the Federal level I find absolutely stunning. According to the Office of Policy Management, in 2008 the Federal workers



were paid 2.9 million hours spent on union business. Let me say that again. We pay, as American taxpayers, for 2.9 million hours of union negotiations. That means we have spent \$120 million for people to negotiate for a different or better job, not for them to even do their actual job.

Certain union representatives at the FAA are allowed to spend 80 hours each pay period doing union business, not the work of the people of this Nation. Last time I checked, that's 2-weeks' worth of work the entire pay period. So a union representative could spend each year being paid by the taxpayers and only working on union business. How is that fair to the American taxpayers, Mr. Chairman, who are footing this bill? This must stop.

In case the Members here haven't heard, this country is broke. We are borrowing money at a record pace and assigning the bill to our children and grandchildren, Mr. Chairman. We simply cannot continue to waste taxpayer dollars on work that benefits only a chosen few.

Please support this amendment, I urge my colleagues. Put money back into the pockets of American families, and let union negotiators work on their own time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COSTELLO. 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 Georgia will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-46 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MICA of Florida.

Amendment No. 7 by Mr. GARRETT of New Jersey.

Amendment No. 9 by Mr. DEFAZIO of Oregon.

Amendment No. 10 by Ms. HIRONO of Hawaii.

Amendment No. 17 by Mr. CAPUANO of Massachusetts.

Amendment No. 18 by Mr. GINGREY of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 168, not voting 13, as follows:

[Roll No. 207]

AYES—251

Adams	Gosar	Noem
Aderholt	Gowdy	Nugent
Akin	Granger	Nunes
Alexander	Graves (GA)	Nunnelee
Amash	Graves (MO)	Olson
Austria	Griffin (AR)	Palazzo
Bachmann	Griffith (VA)	Paul
Bachus	Grimm	Paulsen
Barletta	Guinta	Pearce
Bartlett	Guthrie	Pence
Bass (NH)	Hall	Peterson
Benishak	Hanna	Petri
Berg	Harper	Pitts
Biggert	Harris	Platts
Bilbray	Hartzler	Poe (TX)
Bilirakis	Hastings (WA)	Polis
Bishop (UT)	Hayworth	Pompeo
Black	Heck	Posey
Blackburn	Heller	Price (GA)
Bonner	Hensarling	Quayle
Bono Mack	Herger	Reed
Boren	Herrera Beutler	Rehberg
Boustany	Huelskamp	Reichert
Brady (TX)	Huizenga (MI)	Renacci
Camp	Hultgren	Ribble
Canseco	Hunter	Rigell
Cantor	Hurt	Rivera
Capito	Issa	Roby
Carter	Jenkins	Roe (TN)
Cassidy	Johnson (IL)	Rogers (AL)
Chabot	Johnson (OH)	Rogers (KY)
Chaffetz	Johnson, Sam	Rogers (MI)
Chandler	Jones	Rohrabacher
Coble	Jordan	Rokita
Coffman (CO)	Kelly	Rooney
Cohen	King (IA)	Ros-Lehtinen
Cole	King (NY)	Roskam
Conaway	Kingston	Ross (AR)
Cravaack	Kinzinger (IL)	Ross (FL)
Crawford	Kissell	Royce
Crenshaw	Kline	Runyan
Cuellar	Labrador	Ruppersberger
Culberson	Lamborn	Ryan (WI)
Davis (KY)	Lance	Scalise
Denham	Landry	Schilling
Dent	Lankford	Schmidt
DesJarlais	Latham	Schock
Diaz-Balart	LaTourette	Schrader
Dold	Latta	Schweikert
Donnelly (IN)	Lewis (CA)	Scott (SC)
Dreier	Lipinski	Scott, Austin
Duffy	LoBiondo	Scott, David
Duncan (SC)	Long	Sensenbrenner
Duncan (TN)	Lucas	Sessions
Ellmers	Luetkemeyer	Shimkus
Emerson	Lummis	Shuler
Farenthold	Lungren, Daniel	Shuster
Fincher	E.	Simpson
Fitzpatrick	Mack	Smith (NE)
Flake	Manzullo	Smith (NJ)
Fleischmann	Marchant	Smith (TX)
Fleming	Marino	Southerland
Flores	McCarthy (CA)	Stearns
Forbes	McCaul	Stivers
Fortenberry	McClintock	Stutzman
Fox	McCotter	Sullivan
Franks (AZ)	McHenry	Terry
Gallegly	McIntyre	Thompson (PA)
Gardner	McKeon	Thornberry
Garrett	McKinley	Tiberi
Gibbs	McMorris	Tipton
Gibson	Rodgers	Turner
Gingrey (GA)	Meehan	Upton
Gohmert	Meeke	Walberg
Goodlatte	Mica	Walden
	Miller (FL)	Walsh (IL)
	Miller (MI)	Webster
	Miller, Gary	West
	Mulvaney	Westmoreland
	Murphy (PA)	Whitfield
	Myrick	Wilson (SC)
	Neugebauer	Wittman

Wolf	Yoder	Young (IN)
Womack	Young (AK)	
Woodall	Young (FL)	

NOES—168

Ackerman	Frank (MA)	Nadler
Altmire	Fudge	Napolitano
Andrews	Garamendi	Neal
Baca	Gonzalez	Olver
Baldwin	Green, Al	Owens
Barrow	Green, Gene	Pallone
Bass (CA)	Grijalva	Pascarell
Becerra	Gutierrez	Pastor (AZ)
Berkley	Hanabusa	Payne
Berman	Hastings (FL)	Peters
Bishop (GA)	Heinrich	Pingree (ME)
Bishop (NY)	Higgins	Price (NC)
Blumenauer	Himes	Quigley
Boswell	Hinchev	Rahall
Brady (PA)	Hinojosa	Rangel
Braley (IA)	Hirono	Reyes
Brown (FL)	Holden	Richardson
Butterfield	Holt	Rothman (NJ)
Capps	Honda	Roybal-Allard
Capuano	Hoyer	Rush
Cardoza	Insee	Ryan (OH)
Carnahan	Israel	Sánchez, Linda
Carney	Jackson (IL)	T.
Carson (IN)	Jackson Lee	Sanchez, Loretta
Castor (FL)	(TX)	Sarbanes
Chu	Johnson (GA)	Schakowsky
Cicilline	Johnson, E. B.	Schiff
Clarke (MI)	Kaptur	Schwartz
Clarke (NY)	Keating	Scott (VA)
Clay	Kildee	Serrano
Cleaver	Kind	Sewell
Clyburn	Kucinich	Sherman
Connolly (VA)	Langevin	Sires
Conyers	Larsen (WA)	Slaughter
Cooper	Larson (CT)	Smith (WA)
Costa	Lee (CA)	Speier
Costello	Levin	Stark
Courtney	Lewis (GA)	Sutton
Critz	Loeb sack	Thompson (CA)
Crowley	Lofgren, Zoe	Thompson (MS)
Cummings	Lujan	Tierney
Davis (CA)	Lynch	Tonko
Davis (IL)	Maloney	Towns
DeFazio	Markey	Tsongas
DeGette	Matheson	Van Hollen
DeLauro	Matsui	Velázquez
Deutch	McCarthy (NY)	Visclosky
Dicks	McCollum	Walz (MN)
Dingell	McDermott	Wasserman
Doggert	McGovern	Schultz
Doyle	McNerney	Waters
Edwards	Michaud	Watt
Ellison	Miller (NC)	Waxman
Engel	Miller, George	Weiner
Eshoo	Moore	Welch
Farr	Murphy (CT)	Woolsey
Filner		Wu

NOT VOTING—13

Barton (TX)	Gerlach	Richmond
Burton (IN)	Giffords	Wilson (FL)
Campbell	Moran	Yarmuth
Fattah	Pelosi	
Frelinghuysen	Perlmutter	

□ 1848

Ms. ZOE LOFGREN of California and Mr. HOLDEN changed their vote from "aye" to "no."

Messrs. POLIS and ROSS of Arkansas changed their vote from "no" to "aye."

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated against:  
Ms. WILSON of Florida. Mr. Chair, on roll-call No. 207, had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. GARRETT  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 303, not voting 9, as follows:

[Roll No. 208]

AYES—120

Altmire	Gutierrez	Mulvaney
Andrews	Hanabusa	Murphy (CT)
Baca	Harris	Nunes
Baldwin	Hayworth	Pallone
Bartlett	Himes	Pascarell
Bass (CA)	Hinchev	Pastor (AZ)
Becerra	Hinojosa	Paul
Berman	Hirono	Payne
Boren	Holden	Peters
Brady (PA)	Holt	Pingree (ME)
Braley (IA)	Honda	Pitts
Butterfield	Hoyer	Polis
Capps	Jackson (IL)	Reyes
Capuano	Jackson Lee	Ribble
Carnahan	(TX)	Roskam
Carney	Johnson (GA)	Rothman (NJ)
Chu	Johnson, E. B.	Ruppersberger
Ciilline	Jordan	Ryan (WI)
Clarke (MI)	Kaptur	Sánchez, Linda
Clarke (NY)	Keating	T.
Coffman (CO)	Kildee	Sanchez, Loretta
Connolly (VA)	Kind	Schakowsky
Cummings	King (IA)	Schweikert
Davis (CA)	Kissell	Scott (VA)
Davis (IL)	Kucinich	Sewell
DeGette	Lance	Sires
DeLauro	Langevin	Slaughter
Dingell	Larson (CT)	Speier
Ellison	Lee (CA)	Thompson (CA)
Engel	Lofgren, Zoe	Tierney
Eshoo	Luján	Tonko
Farr	Lynch	Townsend
Filner	Matsui	Tsongas
Frank (MA)	McCarthy (CA)	Van Hollen
Fudge	McCarthy (NY)	Velázquez
Garamendi	McCotter	Walsh (IL)
Garrett	McDermott	Watt
Gibson	McNerney	Wilson (FL)
Gohmert	Meehan	Woolsey
Gonzalez	Miller (NC)	Wu
Grijalva	Miller, George	

NOES—303

Ackerman	Cansco	Doggett
Adams	Cantor	Doid
Aderholt	Capito	Donnelly (IN)
Akin	Cardoza	Doyle
Alexander	Carson (IN)	Dreier
Amash	Carter	Duffy
Austria	Cassidy	Duncan (SC)
Bachmann	Castor (FL)	Duncan (TN)
Bachus	Chabot	Edwards
Barletta	Chaffetz	Ellmers
Barrow	Chandler	Emerson
Bass (NH)	Clay	Farenthold
Benishek	Cleaver	Fincher
Berg	Clyburn	Fitzpatrick
Berkley	Coble	Flake
Biggert	Cohen	Fleischmann
Bilbray	Cole	Fleming
Bilirakis	Conaway	Flores
Bishop (GA)	Conyers	Forbes
Bishop (NY)	Cooper	Fortenberry
Bishop (UT)	Costa	Foxx
Black	Costello	Franks (AZ)
Blackburn	Courtney	Galleghy
Blumenauer	Cravaack	Gardner
Bonner	Crawford	Gibbs
Bono Mack	Crenshaw	Gingrey (GA)
Boswell	Critz	Goodlatte
Boustany	Crowley	Gosar
Brady (TX)	Cuellar	Gowdy
Brooks	Culberson	Granger
Broun (GA)	Davis (KY)	Graves (GA)
Brown (FL)	DeFazio	Graves (MO)
Buchanan	Denham	Green, Al
Bucshon	Dent	Green, Gene
Buerkle	DesJarlais	Griffin (AR)
Burgess	Deutch	Griffith (VA)
Calvert	Diaz-Balart	Grimm
Camp	Dicks	Guinta

Guthrie	McHenry	Rush
Hall	McIntyre	Ryan (OH)
Hanna	McKeon	Sarbanes
Harper	McKinley	Scalise
Hartzler	McMorris	Schiff
Hastings (FL)	Rodgers	Schilling
Hastings (WA)	Meeks	Schmidt
Heck	Mica	Schock
Heinrich	Michaud	Schrader
Heller	Miller (FL)	Schwartz
Hensarling	Miller (MI)	Scott (SC)
Herger	Miller, Gary	Scott, Austin
Herrera Beutler	Moore	Scott, David
Higgins	Moran	Sensenbrenner
Huelskamp	Murphy (PA)	Serrano
Huizenga (MI)	Myrick	Sessions
Hultgren	Nadler	Sherman
Hunter	Napolitano	Shimkus
Hurt	Neal	Shuler
Inslee	Neugebauer	Shuster
Israel	Noem	Simpson
Issa	Nugent	Smith (NE)
Jenkins	Nunnelee	Smith (NJ)
Johnson (IL)	Olson	Smith (TX)
Johnson (OH)	Olver	Smith (WA)
Johnson, Sam	Owens	Southerland
Jones	Palazzo	Stark
Kelly	Paulsen	Stearns
King (NY)	Pearce	Stivers
Kingston	Perce	Stutzman
Kinzinger (IL)	Perlmutter	Sullivan
Kline	Peterson	Sutton
Labrador	Petri	Terry
Lamborn	Platts	Thompson (MS)
Landry	Poe (TX)	Thompson (PA)
Lankford	Pompeo	Thornberry
Larsen (WA)	Posey	Tiberi
Latham	Price (GA)	Tipton
LaTourette	Price (NC)	Turner
Latta	Quayle	Upton
Levin	Quigley	Visclosky
Lewis (CA)	Rahall	Walberg
Lewis (GA)	Rangel	Walden
Lipinski	Reed	Walz (MN)
LoBiondo	Rehberg	Wasserman
Loeb sack	Reichert	Schultz
Long	Renacci	Waters
Lowey	Richardson	Waxman
Lucas	Rigell	Webster
Luetkemeyer	Rivera	Weiner
Lummis	Roby	Welch
Lungren, Daniel	Roe (TN)	West
E.	Rogers (AL)	Westmoreland
Mack	Rogers (KY)	Whitfield
Maloney	Rogers (MI)	Wilson (SC)
Manzullo	Rohrabacher	Wittman
Marchant	Rokita	Wolf
Marino	Rooney	Womack
Markey	Ros-Lehtinen	Woodall
Matheson	Ross (AR)	Yarmuth
McCaul	Ross (FL)	Yoder
McClintock	Roybal-Allard	Young (AK)
McCollum	Royce	Young (FL)
McGovern	Runyan	Young (IN)

NOT VOTING—9

Barton (TX)	Fattah	Giffords
Burton (IN)	Frelinghuysen	Pelosi
Campbell	Gerlach	Richmond

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Thirty seconds remain in this vote.

□ 1856

Mrs. NAPOLITANO, Ms. BROWN of Florida, Ms. RICHARDSON, and Messrs. RANGEL, WAXMAN, and RUSH changed their vote from “aye” to “no.”

Ms. SLAUGHTER and Mr. CICILLINE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MARKEY. Mr. Chair, during rollcall vote number 208 on H.R. 658, on the Garrett of NJ amendment, I mistakenly recorded my vote as “no” when I should have voted “yes.”

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 8, as follows:

[Roll No. 209]

AYES—161

Ackerman	Higgins	Pallone
Altmire	Himes	Pascarell
Andrews	Hinchev	Payne
Baldwin	Hinojosa	Pelosi
Bass (CA)	Hirono	Perlmutter
Becerra	Holden	Peters
Berkley	Holt	Peterson
Berman	Honda	Pingree (ME)
Bishop (NY)	Hoyer	Poe (TX)
Blumenauer	Inslee	Polis
Brady (PA)	Israel	Price (NC)
Braley (IA)	Jackson (IL)	Jackson (IL)
Brown (FL)	Jackson Lee	Quigley
Capps	(TX)	Rahall
Capuano	Johnson (GA)	Rangel
Cardoza	Johnson, E. B.	Richardson
Carnahan	Jones	Rothman (NJ)
Carney	Kaptur	Royal-Allard
Carson (IN)	Keating	Ruppersberger
Chu	Kildee	Rush
Ciilline	Kind	Sánchez, Linda
Clarke (MI)	Kissell	T.
Clarke (NY)	Kucinich	Sarbanes
Cleaver	Langevin	Schakowsky
Cohen	Larson (CT)	Schiff
Connolly (VA)	Lee (CA)	Schrader
Conyers	Levin	Schwartz
Costa	Lewis (GA)	Scott (VA)
Costello	Lipinski	Serrano
Courtney	LoBiondo	Sewell
Crowley	Lofgren, Zoe	Sherman
Cummings	Lowey	Shuler
Davis (CA)	Luján	Sires
Davis (IL)	Lynch	Slaughter
DeFazio	Mack	Speier
DeGette	Maloney	Stark
DeLauro	Markey	Sutton
Deutch	Matsui	Thompson (CA)
Dicks	McCarthy (NY)	Thompson (MS)
Dingell	McCollum	Tierney
Doggett	McCotter	Tonko
Donnelly (IN)	McGovern	Towns
Edwards	McNerney	Tsongas
Ellison	Michaud	Van Hollen
Engel	Miller (NC)	Velázquez
Eshoo	Miller, George	Visclosky
Filner	Moore	Walz (MN)
Fudge	Moran	Wasserman
Garamendi	Murphy (CT)	Schultz
Green, Al	Murphy (PA)	Waters
Grijalva	Nadler	Waxman
Gutierrez	Napolitano	Welch
Hanabusa	Neal	Wilson (FL)
Hastings (FL)	Olver	Woolsey
Heinrich	Owens	Wu

NOES—263

Adams	Biggert	Buchanan
Aderholt	Bilbray	Bucshon
Akin	Bilirakis	Buerkle
Alexander	Bishop (GA)	Burgess
Amash	Bishop (UT)	Butterfield
Austria	Black	Calvert
Baca	Blackburn	Camp
Bachmann	Bonner	Cansco
Bachus	Bono Mack	Cantor
Barletta	Boren	Capito
Barrow	Boswell	Carter
Bartlett	Boustany	Cassidy
Bass (NH)	Brady (TX)	Castor (FL)
Benishek	Brooks	Chabot
Berg	Broun (GA)	Chaffetz

Chandler Hultgren Rehberg  
 Clay Hunter Reichert  
 Clyburn Hurt Renacci  
 Coble Issa Reyes  
 Coffman (CO) Jenkins Ribble  
 Cole Johnson (IL) Rigell  
 Conaway Johnson (OH) Rivera  
 Cooper Johnson, Sam Roby  
 Cravaack Jordan Roe (TN)  
 Crawford Kelly Rogers (AL)  
 Crenshaw King (IA) Rogers (KY)  
 Critz King (NY) Rogers (MI)  
 Cuellar Kingston Rohrabacher  
 Culberson Kinzinger (IL) Rokita  
 Davis (KY) Kieme Rooney  
 Denham Labrador Ros-Lehtinen  
 Dent Lamborn Roskam  
 DesJarlais Lance Ross (AR)  
 Diaz-Balart Landry Ross (FL)  
 Dold Lankford Royce  
 Doyle Larsen (WA) Runyan  
 Dreier Latham Ryan (OH)  
 Duffy LaTourette Ryan (WI)  
 Duncan (SC) Latta Sanchez, Loretta  
 Duncan (TN) Lewis (CA)  
 Ellmers Loeb sack  
 Emerson Long Schilling  
 Farenthold Lucas Schmidt  
 Farr Luetkemeyer Schock  
 Fincher Lummis Schweikert  
 Fitzpatrick Scott (SC) Scott, Austin  
 Flake Lungren, Daniel E. Scott, David  
 Fleischmann Manzullo Sensenbrenner  
 Fleming Marchant Sessions  
 Flores Marino Shimkus  
 Forbes Matheson Shuster  
 Fortenberry McCarthy (CA) Simpson  
 Foss McCaul Smith (NE)  
 Frank (MA) McClintock Smith (NJ)  
 Franks (AZ) McDermott Smith (TX)  
 Gallegly McHenry Smith (WA)  
 Gardner McIntyre Southerland  
 Garrett McKinley Stearns  
 Gibbs McMorris Stivers  
 Gibson Meehan Stutzman  
 Gingrey (GA) Rodgers Sullivan  
 Gohmert Meehan Terry  
 Gonzalez Meeks Thompson (PA)  
 Goodlatte Mica Thornberry  
 Gosar Miller (FL) Tiberi  
 Gowdy Miller (MI) Tipton  
 Granger Miller, Gary Turner  
 Graves (GA) Mulvaney Upton  
 Graves (MO) Myrick Walberg  
 Green, Gene Neugebauer Walden  
 Griffin (AR) Noem Walsh (IL)  
 Griffith (VA) Nugent Watt  
 Grimm Nunes Webster  
 Guinta Nunnelee Weiner  
 Guthrie Olson West  
 Hall Palazzo Westmoreland  
 Hanna Pastor (AZ) Whitfield  
 Harper Paulsen Wilson (SC)  
 Harris Pearce Wittman  
 Hartzler Pence Wolf  
 Hastings (WA) Petri Womack  
 Hayworth Pitts Woodall  
 Heck Heller Yarmuth  
 Heller Platts Yoder  
 Hensarling Pompeo Young (AK)  
 Herger Posey Young (FL)  
 Herrera Beutler Price (GA) Young (IN)  
 Huelskamp Quayle  
 Huizenga (MI) Reed

NOT VOTING—8

Barton (TX) Fattah Giffords  
 Burton (IN) Frelinghuysen Richmond  
 Campbell Gerlach

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There are 30 seconds remaining in this vote.

□ 1900

Messrs. RUSH and CONYERS changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 17, as follows:

[ROLL NO. 210]

AYES—174

Ackerman Green, Al Neal  
 Andrews Green, Gene Olver  
 Baca Grijalva Pallone  
 Baldwin Gutierrez Pascrell  
 Barrow Hanabusa Pastor (AZ)  
 Bass (CA) Hastings (FL) Payne  
 Becerra Heinrich Pelosi  
 Berkley Higgins Perlmutter  
 Berman Himes Peters  
 Bishop (NY) Hinchey Pingree (ME)  
 Blumenauer Himojosa Polis  
 Boswell Hirono Price (NC)  
 Brady (PA) Holden Quigley  
 Braley (IA) Holt Rahall  
 Brown (FL) Honda Reyes  
 Butterfield Hoyer Richardson  
 Capps Inslee Rothman (NJ)  
 Capuano Israel Roybal-Allard  
 Carnahan Jackson (IL) Ruppersberger  
 Carney Jackson Lee  
 Carson (IN) (TX) Ryan (OH)  
 Castor (FL) Johnson (GA) Sanchez, Loretta  
 Chu Johnson, E. B. Sarbanes  
 Cicilline Jones Schakowsky  
 Clarke (MI) Kaptur Schiff  
 Clarke (NY) Keating Schwartz  
 Clay Kildee Scott (VA)  
 Cleaver Kind Scott, David  
 Clyburn Kissell Serrano  
 Cohen Kucinich Sherman  
 Connolly (VA) Langevin Shuler  
 Conyers Conyers Sires  
 Costello Larson (CT) Slaughter  
 Courtney Lee (CA) Smith (WA)  
 Critz Levin Speier  
 Crowley Lewis (GA) Lipinski  
 Cuellar West Loeb sack  
 Cummings Davis (CA) Lofgren, Zoe  
 Davis (IL) Lowey Lujan  
 DeFazio DeFazio Lynch  
 DeGette DeGette Maloney  
 DeLauro DeLauro Markey  
 Deutch Deutch Matsui  
 Dicks Dicks McCarthy (NY)  
 Dingell Dingell McColium  
 Doggett Doggett McDermott  
 Donnelly (IN) Donnelly (IN) McGovern  
 Doyle Doyle McMorris  
 Edwards Edwards McNerney  
 Ellison Ellison Meeks  
 Engel Engel Michaud  
 Eshoo Eshoo Miller, George  
 Farr Farr Moore  
 Filner Filner Moran  
 Frank (MA) Frank (MA) Murphy (CT)  
 Fudge Fudge Myrick  
 Garamendi Garamendi Nadler  
 Gonzalez Gonzalez Napolitano

NOES—241

Adams Bilbray Burgess  
 Aderholt Bilirakis Calvert  
 Akin Bishop (UT) Camp  
 Alexander Black Canseco  
 Altmire Blackburn Cantor  
 Amash Bonner Capito  
 Austria Bono Mack Cardoza  
 Bachmann Boren Carter  
 Bachus Boustany Cassidy  
 Barletta Brooks Chabot  
 Bartlett Broun (GA) Chaffetz  
 Bass (NH) Buchanan Chandler  
 Benishek Bucshon Coble  
 Biggert Buerkle Coffman (CO)

Johnson (IL) Price (GA)  
 Johnson (OH) Quayle  
 Johnson, Sam Reed  
 Jordan Rehberg  
 Kelly Reichert  
 King (IA) Renacci  
 King (NY) Ribble  
 Kingston Rigell  
 Kieme Rivera  
 Labrador Roby  
 Lamborn Roe (TN)  
 Lance Rogers (AL)  
 Landry Rogers (KY)  
 Lankford Rogers (MI)  
 Latham Rohrabacher  
 LaTourette Rokita  
 Latta Ros-Lehtinen  
 Lewis (CA) Roskam  
 LoBiondo Ross (AR)  
 Long Ross (FL)  
 Lucas Royce  
 Luetkemeyer Runyan  
 Lummis Ryan (WI)  
 Lungren, Daniel Scalise  
 E. Schilling  
 Mack Schmidt  
 Manzullo Schock  
 Marchant Schradler  
 Marino Schweikert  
 Matheson Scott (SC) Scott, Austin  
 McCarthy (CA) McCaul Sensenbrenner  
 McCaul McClintock Sessions  
 McClintock McCotter Shimkus  
 McHenry McHenry Shuster  
 McIntyre McIntyre Simpson  
 McKeon McKeon Smith (NE)  
 McKinley McKinley Smith (NJ)  
 McMorris McMorris Smith (TX)  
 Rodgers Rodgers Southerland  
 Meehan Meehan Stearns  
 Mica Mica Stivers  
 Miller (FL) Miller (FL) Stutzman  
 Miller (MI) Miller (MI) Sullivan  
 Miller (NC) Miller (NC) Terry  
 Miller, Gary Miller, Gary Thompson (PA)  
 Mulvaney Mulvaney Thornberry  
 Murphy (PA) Murphy (PA) Tiberi  
 Neugebauer Neugebauer Tipton  
 Noem Noem Turner  
 Nugent Nugent Upton  
 Nunes Nunes Walberg  
 Nunnelee Nunnelee Walden  
 Olson Olson Walsh (IL)  
 Owens Owens Webster  
 Palazzo Palazzo West  
 Paul Paul Westmoreland  
 Paulsen Paulsen Whitfield  
 Pearce Pearce Wilson (SC)  
 Pence Pence Wittman  
 Peterson Peterson Wolf  
 Petri Petri Womack  
 Poe (TX) Poe (TX) Woodall  
 Pompeo Pompeo Yoder  
 Posey Posey Young (AK)  
 Young (IN) Young (IN)

NOT VOTING—17

Barton (TX) Fattah Rangel  
 Berg Frelinghuysen Richmond  
 Bishop (GA) Gerlach Rooney  
 Brady (TX) Giffords Sánchez, Linda  
 Burton (IN) Herrera Beutler T.  
 Campbell Kinzinger (IL) Waxman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There are 30 seconds remaining in this vote.

□ 1903

So the amendment was rejected.  
 The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 235, not voting 10, as follows:

[Roll No. 211]

AYES—187

Ackerman	Filner	Pallone
Altmire	Frank (MA)	Pascarell
Andrews	Fudge	Pastor (AZ)
Baca	Garamendi	Payne
Baldwin	Gonzalez	Pelosi
Barrow	Griffith (VA)	Perlmutter
Bass (CA)	Grijalva	Peters
Becerra	Gutierrez	Pingree (ME)
Berkley	Hanabusa	Pitts
Berman	Heinrich	Platts
Bishop (GA)	Higgins	Polis
Bishop (NY)	Himes	Price (NC)
Blumenauer	Hinchee	Quigley
Bono Mack	Hinojosa	Rahall
Boren	Hirono	Rangel
Boswell	Holden	Reyes
Brady (PA)	Honda	Richardson
Braley (IA)	Hoyer	Rohrabacher
Brown (FL)	Inslee	Roybal-Allard
Butterfield	Israel	Ruppersberger
Capps	Jackson (IL)	Rush
Capuano	Jackson Lee	Ryan (OH)
Cardoza	(TX)	Sánchez, Linda T.
Carnahan	Johnson (GA)	Sanchez, Loretta
Carney	Johnson (IL)	Sarbanes
Carson (IN)	Jones	Schakowsky
Cassidy	Kaptur	Schiff
Castor (FL)	Keating	Schwartz
Chabot	Kildee	Scott (VA)
Chandler	Kind	Serrano
Chu	Kissell	Shewman
Cicilline	Kucinich	Shuler
Clarke (MI)	Langevin	Slaughter
Clarke (NY)	Larsen (WA)	Smith (WA)
Clay	Larson (CT)	Speier
Cleaver	Lee (CA)	Stark
Clyburn	Levin	Sutton
Cohen	Lewis (GA)	Thompson (CA)
Connolly (VA)	Lipinski	Thompson (MS)
Conyers	Loeback	Tierney
Cooper	Lofgren, Zoe	Towns
Costa	Lowey	Tsongas
Costello	Lujan	Van Hollen
Courtney	Lynch	Velázquez
Critz	Maloney	Visclosky
Crowley	Markey	Walz (MN)
Cuellar	Matsui	Wasserman
Cummings	McCarthy (NY)	Schultz
Davis (CA)	McCollum	Waters
Davis (IL)	McDermott	Watt
DeFazio	McGovern	Waxman
DeGette	McIntyre	Weiner
DeLauro	McNerney	Welch
Deutch	Michaud	Whitfield
Dicks	Miller (NC)	Wilson (FL)
Dingell	Miller, George	Wittman
Doggett	Moore	Woolsey
Donnelly (IN)	Moran	Wu
Doyle	Murphy (CT)	Yarmuth
Edwards	Nadler	Young (IN)
Ellison	Napolitano	
Engel	Neal	
Eshoo	Olver	
Farr	Owens	

NOES—235

Adams	Bilirakis	Canseco
Aderholt	Bishop (UT)	Cantor
Akin	Black	Capito
Alexander	Blackburn	Carter
Amash	Bonner	Chaffetz
Austria	Boustany	Coble
Bachmann	Brady (TX)	Coffman (CO)
Bachus	Brooks	Cole
Barletta	Broun (GA)	Conaway
Bartlett	Buchanan	Cravaack
Bass (NH)	Bucshon	Crawford
Benishkek	Buerkle	Crenshaw
Berg	Burgess	Culberson
Biggert	Calvert	Davis (KY)
Bilbray	Camp	Denham

Dent	Kelly	Reichert
DesJarlais	King (IA)	Renacci
Diaz-Balart	King (NY)	Ribble
Dold	Kingston	Rigell
Dreier	Kinzinger (IL)	Rivera
Duffy	Kline	Roby
Duncan (SC)	Labrador	Roe (TN)
Duncan (TN)	Lamborn	Rogers (AL)
Ellmers	Lance	Rogers (KY)
Emerson	Landry	Rogers (MI)
Farenthold	Lankford	Rokita
Fincher	Latham	Rooney
Fitzpatrick	LaTourette	Ros-Lehtinen
Flake	Latta	Roskam
Fleischmann	Lewis (CA)	Ross (AR)
Fleming	LoBiondo	Ross (FL)
Flores	Long	Rothman (NJ)
Forbes	Lucas	Royce
Fortenberry	Luetkemeyer	Runyan
Fox	Lummis	Ryan (WI)
Franks (AZ)	Lungren, Daniel E.	Scalise
Galleghy	Mack	Schilling
Gardner	Manullo	Schmidt
Garrett	Marchant	Schock
Gibbs	Marino	Schrader
Gibson	Matheson	Schweikert
Gingrey (GA)	McCarthy (CA)	Scott (SC)
Gohmert	McCaul	Scott, Austin
Goodlatte	McClintock	Scott, David
Gowdy	McCotter	Sensenbrenner
Granger	McHenry	Sessions
Graves (GA)	McKeon	Shimkus
Graves (MO)	McKinley	Shuster
Green, Al	McMorris	Simpson
Green, Gene	Rodgers	Sires
Griffin (AR)	Meehan	Smith (NE)
Grimm	Meeks	Smith (NJ)
Guinta	Mica	Smith (TX)
Guthrie	Miller (FL)	Southerland
Hall	Miller (MI)	Stearns
Hanna	Miller, Gary	Stivers
Harper	Mulvaney	Stutzman
Harris	Murphy (PA)	Sullivan
Hartzler	Neugebauer	Terry
Hastings (FL)	Noem	Thompson (PA)
Hastings (WA)	Nugent	Thornberry
Hayworth	Nunes	Tiberi
Heck	Nunnelee	Tipton
Heller	Olson	Tonko
Hensarling	Palazzo	Turner
Herger	Paul	Upton
Herrera Beutler	Paulsen	Walberg
Holt	Pearce	Walden
Huelskamp	Pence	Walsh (IL)
Huizenga (MI)	Peterson	Webster
Hultgren	Petri	West
Hunter	Poe (TX)	Westmoreland
Hurt	Pompeo	Wilson (SC)
Issa	Posey	Wolf
Jenkins	Price (GA)	Womack
Johnson (OH)	Quayle	Woodall
Johnson, E. B.	Reed	Yoder
Johnson, Sam	Rehberg	Young (AK)
Jordan		Young (FL)

NOT VOTING—10

Barton (TX)	Frelinghuysen	Myrick
Burton (IN)	Gerlach	Richmond
Campbell	Giffords	
Fattah	Gosar	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1907

Mr. BOREN changed his vote from “no” to “aye”.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 227, not voting 10, as follows:

[Roll No. 212]

AYES—195

Adams	Gosar	Nunes
Aderholt	Gowdy	Nunnelee
Akin	Granger	Olson
Alexander	Graves (GA)	Palazzo
Amash	Griffin (AR)	Paul
Austria	Griffith (VA)	Paulsen
Bachmann	Guinta	Pearce
Bachus	Guthrie	Pence
Bartlett	Hall	Petri
Benishkek	Hanna	Pitts
Berg	Harper	Poe (TX)
Biggert	Harris	Pompeo
Bilbray	Hartzler	Price (GA)
Bishop (GA)	Black	Quayle
Bishop (NY)	Hastings (WA)	Reed
Blumenauer	Hayworth	Ribble
Bono Mack	Bonner	Rigell
Boren	Heller	Roby
Boswell	Hensarling	Roe (TN)
Brady (PA)	Herger	Rogers (AL)
Braley (IA)	Herrera Beutler	Rogers (KY)
Brown (FL)	Huelskamp	Rogers (MI)
Butterfield	Huizenga (MI)	Rohrabacher
Capps	Hunter	Rokita
Capuano	Hurt	Rooney
Cardoza	Issa	Roskam
Carnahan	Jenkins	Ross (FL)
Carney	Johnson (OH)	Royce
Carson (IN)	Johnson, Sam	Runyan
Cassidy	Jones	Ryan (WI)
Castor (FL)	King (IA)	Scalise
Chabot	Kingston	Schilling
Chandler	Kinzing (IL)	Schmidt
Chu	Kline	Schock
Cicilline	Labrador	Schweikert
Clarke (MI)	Lamborn	Scott (SC)
Clarke (NY)	Landry	Scott, Austin
Clay	Lankford	Sensenbrenner
Cleaver	Latham	Sessions
Clyburn	Latta	Shuster
Cohen	Lewis (CA)	Simpson
Connolly (VA)	Long	Smith (NE)
Conyers	Lucas	Smith (TX)
Cooper	Luetkemeyer	Southerland
Costa	Lummis	Stearns
Costello	Lungren, Daniel E.	Stutzman
Courtney	Mack	Sullivan
Critz	Marchant	Thompson (PA)
Crowley	Marino	Thornberry
Cuellar	McCarthy (CA)	Tipton
Cummings	McCaul	Walberg
Davis (CA)	McClintock	Walden
Davis (IL)	McHenry	Walsh (IL)
DeFazio	McIntyre	Webster
DeGette	McKeon	West
DeLauro	McMorris	Westmoreland
Deutch	Rodgers	Whitfield
Dicks	Mica	Wilson (SC)
Dingell	Miller (FL)	Wittman
Doggett	Miller, Gary	Womack
Donnelly (IN)	Mulvaney	Woodall
Doyle	Neugebauer	Yoder
Edwards	Noem	Young (FL)
Ellison	Nugent	Young (IN)
Engel		
Eshoo		
Farr		

NOES—227

Ackerman	Bishop (GA)	Carnahan
Altmire	Bishop (NY)	Carson (IN)
Andrews	Blumenauer	Castor (FL)
Baca	Boren	Chandler
Baldwin	Boswell	Chu
Barletta	Brady (PA)	Cicilline
Barrow	Braley (IA)	Clarke (MI)
Bass (CA)	Brown (FL)	Clarke (NY)
Bass (NH)	Butterfield	Clay
Becerra	Capito	Cleaver
Berkley	Capps	Clyburn
Berman	Capuano	Cohen
Biggert	Cardoza	Connolly (VA)

Conyers	Kaptur	Rangel
Cooper	Keating	Rehberg
Costa	Kildee	Reichert
Costello	Kind	Renacci
Courtney	King (NY)	Reyes
Crawford	Kissell	Richardson
Critz	Kucinich	Rivera
Crowley	Lance	Ros-Lehtinen
Cummings	Langevin	Ross (AR)
Davis (CA)	Larsen (WA)	Rothman (NJ)
Davis (IL)	Larson (CT)	Roybal-Allard
Davis (KY)	LaTourette	Ruppersberger
DeFazio	Lee (CA)	Rush
DeGette	Levin	Ryan (OH)
DeLauro	Lewis (GA)	Sánchez, Linda
Dent	Lipinski	T.
Deutch	LoBiondo	Sanchez, Loretta
Diaz-Balart	Loeb sack	Sarbanes
Dicks	Lofgren, Zoe	Schakowsky
Dingell	Lowe y	Schiff
Doggett	Lujan	Schrader
Donnelly (IN)	Lynch	Schwartz
Doyle	Maloney	Scott (VA)
Edwards	Manzullo	Scott, David
Ellison	Markey	Serrano
Emerson	Matheson	Sewell
Engel	Matsui	Sherman
Eshoo	McCarthy (NY)	Shimkus
Farr	McCollum	Shuler
Filner	McCotter	Sires
Fitzpatrick	McDermott	Slaughter
Frank (MA)	McGovern	Smith (NJ)
Fudge	McKinley	Smith (WA)
Garamendi	McNerney	Speier
Gibbs	Meehan	Stark
Gibson	Mee ks	Stivers
Gonzalez	Michaud	Sutton
Graves (MO)	Miller (MI)	Terry
Green, Al	Miller (NC)	Thompson (CA)
Green, Gene	Miller, George	Thompson (MS)
Grijalva	Moore	Tiberi
Grimm	Moran	Tierney
Gutierrez	Murphy (CT)	Tonko
Hanabusa	Murphy (PA)	Towns
Hastings (FL)	Nadler	Tsongas
Heinrich	Napolitano	Turner
Higgins	Neal	Van Hollen
Himes	Olver	Velázquez
Hinche y	Owens	Visclosky
Hinojosa	Pallone	Walz (MN)
Hirono	Pascrell	Wasserman
Holden	Pastor (AZ)	Schultz
Holt	Payne	Waters
Honda	Pelosi	Watt
Hoyer	Perlmutter	Waxman
Hultgren	Peters	Weiner
Inslee	Peterson	Welch
Israel	Pingree (ME)	Wilson (FL)
Jackson (IL)	Platts	Wolf
Jackson Lee	Polis	Woolsey
(TX)	Posey	Yu
Johnson (GA)	Price (NC)	Yarmuth
Johnson (IL)	Quigley	Young (AK)
Johnson, E. B.	Rahall	

## NOT VOTING—10

Barton (TX)	Fattah	Myrick
Bishop (UT)	Frelinghuysen	Richmond
Burton (IN)	Gerlach	
Campbell	Giffords	

□ 1911

Mr. CHABOT and Ms. HERRERA BEUTLER changed their vote from "no" to "aye."

So amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Chair, I was unavoidably detained during the last series of rollcall votes. Had I been here, I would have voted "yea" on rollcall vote 207 (Mica Amendment); "nay" on rollcall vote 208 (Garrett Amendment); "nay" on rollcall vote 209 (DeFazio Amendment); "nay" on rollcall vote 210 (Hirono Amendment); "nay" on rollcall vote 211 (Capuano Amendment); and "aye" on rollcall vote 212 (Gingrey Amendment).

Mr. WOODALL. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

FLEISCHMANN) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-49) on the resolution (H. Res. 194) providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1081

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Mrs. ELLMERS) be removed as a cosponsor from H.R. 1081.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

(Mr. WOODALL asked and was given permission to address the House for 1 minute.)

Mr. WOODALL. Mr. Speaker, the Committee on Rules is scheduled to meet the week of April 4 to grant a rule, which could limit the amendment process for floor consideration of H.R. 910, the Energy Tax Prevention Act of 2011.

Any Member wishing to offer an amendment must submit an electronic copy of the amendment and a description via the Rules Committee's Web site. Members must also submit 30 hard copies of the amendment, one copy of a brief explanation of the amendment, and an amendment log-in form to the Rules Committee in room H-312 of the Capitol by 10 a.m. on Tuesday, April 5, 2011. Both electronic and hard copies must be received by the date and time specified. Members should draft their amendments to the text of the bills as ordered reported by the Committee on Energy and Commerce, which are available on the Rules Committee Web site.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members should also check with the Office of the Parliamentarian, the Committee on the Budget, and the Congressional Budget Office to be certain their amendments comply with the rules of the House and the Congressional Budget Act.

If Members have any questions, Mr. Speaker, I would encourage Members to contact me or members of the Rules Committee staff.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 658.

□ 1916

## 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 further consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 112-46, offered by the gentleman from Georgia (Mr. GINGREY), had been disposed of.

AMENDMENT NO. 19 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112-46.

Mr. GRAVES of Missouri. 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:

Page 234, after line 1, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

**SEC. 801. STATE TAXATION.**

Section 40116(d)(2)(A)(iv) is amended to read as follows:

"(iv) levy or collect a tax, fee, or charge, first taking effect after the date of enactment of the FAA Reauthorization and Reform Act of 2011, upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge that is—

"(I) generally imposed on sales or services by that jurisdiction; or

"(II) utilized for purposes specified under section 47107(b)."

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman