

112TH CONGRESS  
1ST SESSION

# H. R. 658

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IN THE SENATE OF THE UNITED STATES

APRIL 4, 2011

Received

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## AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “FAA Reauthorization and Reform Act of 2011”.

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

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

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. FAA operations.
- Sec. 104. 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. Puerto Rico minimum guarantee.
- Sec. 144. Apportionments.
- Sec. 145. Reducing apportionments.
- Sec. 146. Marshall Islands, Micronesia, and Palau.
- Sec. 147. Designating current and former military airports.
- Sec. 148. Contract tower program.
- Sec. 149. Resolution of disputes concerning airport fees.
- Sec. 150. Sale of private airports to public sponsors.
- Sec. 151. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 152. Midway Island Airport.
- Sec. 153. Miscellaneous amendments.
- Sec. 154. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 155. Priority review of construction projects in cold weather States.
- Sec. 156. Study on national plan of integrated airport systems.
- Sec. 157. Transfers of terminal area air navigation equipment to airport sponsors.
- Sec. 158. 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. Airspace redesign.
- Sec. 219. Study on feasibility of development of a public internet web-based resource on locations of potential aviation obstructions.
- Sec. 220. NextGen research and development center of excellence.
- Sec. 221. NextGen public-private partnerships.

#### 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 Standards Evaluation Program.
- Sec. 309. Cockpit smoke.
- Sec. 310. Safety of air ambulance operations.
- Sec. 311. Off-airport, low-altitude aircraft weather observation technology.
- Sec. 312. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 313. Prohibition on personal use of electronic devices on flight deck.
- Sec. 314. Noncertificated maintenance providers.
- Sec. 315. Inspection of foreign repair stations.
- Sec. 316. Sunset of line check.

#### Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Definitions.
- Sec. 322. Civil unmanned aircraft systems integration plan.
- Sec. 323. Special rules for certain unmanned aircraft systems.
- Sec. 324. Public unmanned aircraft systems.
- Sec. 325. Safety studies.
- Sec. 326. 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.
- Sec. 334. Aviation Whistleblower Investigation Office.
- Sec. 335. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 336. Certain existing flight time limitations and rest requirements.
- Sec. 337. Disclosure and use of information.
- Sec. 338. Liability protection for persons implementing safety management systems.

### 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.
- Sec. 429. Compensation for delayed baggage.
- 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 authority to conduct criminal history record checks.
- 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.
- Sec. 814. Air transportation of lithium cells and batteries.
- Sec. 815. Use of mineral revenue at certain airports.
- Sec. 816. Liability protection for volunteer pilot nonprofit organizations that fly for public benefit and to pilots and staff of such nonprofit organizations.
- Sec. 817. Aircraft situational display to industry.
- Sec. 818. Contracting.
- Sec. 819. Flood planning.
- Sec. 820. Termination of certain restrictions for Burke Lakefront Airport.
- Sec. 821. Santa Monica Airport, California.
- Sec. 822. Inspector General report on participation in FAA programs by disadvantaged small business concerns.
- Sec. 823. Historical aircraft documents.
- Sec. 824. Release from restrictions.
- Sec. 825. Sense of Congress.
- Sec. 826. Issuing regulations.

#### 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.

TITLE XIII—COMMERCIAL SPACE

Sec. 1301. Commercial space launch license requirements.

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

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

8 **SEC. 3. EFFECTIVE DATE.**

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

12 **TITLE I—AUTHORIZATIONS**

13 **Subtitle A—Funding of FAA**

14 **Programs**

15 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**

16 **NOISE COMPATIBILITY PLANNING AND PRO-**

17 **GRAMS.**

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

1 **“§ 48103. Airport planning and development and**  
2 **noise compatibility planning and pro-**  
3 **grams**

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

12 “(1) \$3,176,000,000 for fiscal year 2011;

13 “(2) \$3,000,000,000 for fiscal year 2012;

14 “(3) \$3,000,000,000 for fiscal year 2013; and

15 “(4) \$3,000,000,000 for fiscal year 2014.

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

19 “(c) LIMITATION.—Amounts made available under  
20 subsection (a) may not be used for carrying out the Air-  
21 port Cooperative Research Program or the Airports Tech-  
22 nology Research Program.”.

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



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

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
3 48101(a) is amended by striking paragraphs (1) through  
4 (6) and inserting the following:

5 “(1) \$2,700,000,000 for fiscal year 2011.

6 “(2) \$2,600,000,000 for fiscal year 2012.

7 “(3) \$2,600,000,000 for fiscal year 2013.

8 “(4) \$2,600,000,000 for fiscal year 2014.”.

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

10 (1) by striking subsections (c), (d), (e), (h), and  
11 (i); and

12 (2) by redesignating subsections (f) and (g) as  
13 subsections (c) and (d), respectively.

14 **SEC. 103. FAA OPERATIONS.**

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

18 “(A) \$9,403,000,000 for fiscal year 2011;

19 “(B) \$9,168,000,000 for fiscal year 2012;

20 “(C) \$9,168,000,000 for fiscal year 2013;

21 and

22 “(D) \$9,168,000,000 for fiscal year  
23 2014.”.

24 (b) AUTHORIZED EXPENDITURES.—Section  
25 106(k)(2) is amended—

1           (1) by striking subparagraphs (A), (B), (C),  
2           and (D);

3           (2) by redesignating subparagraphs (E), (F),  
4           and (G) as subparagraphs (A), (B), and (C), respec-  
5           tively; and

6           (3) in subparagraphs (A), (B), and (C) (as so  
7           redesignated) by striking “2004 through 2007” and  
8           inserting “2011 through 2014”.

9           (c) **AUTHORITY TO TRANSFER FUNDS.**—Section  
10 106(k) is amended by adding at the end the following:

11           “(3) **ADMINISTERING PROGRAM WITHIN AVAIL-**  
12           **ABLE FUNDING.**—Notwithstanding any other provi-  
13           sion of law, in each of fiscal years 2011 through  
14           2014, if the Secretary determines that the funds ap-  
15           propriated under paragraph (1) are insufficient to  
16           meet the salary, operations, and maintenance ex-  
17           penses of the Federal Aviation Administration, as  
18           authorized by this section, the Secretary shall reduce  
19           nonsafety-related activities of the Administration as  
20           necessary to reduce such expenses to a level that can  
21           be met by the funding available under paragraph  
22           (1).”.

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

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

5 “(A) IN GENERAL.—The total budget re-  
6 sources made available from the Airport and  
7 Airway Trust Fund each fiscal year pursuant to  
8 sections 48101, 48102, 48103, and 106(k)  
9 shall—

10 “(i) in fiscal year 2011, be equal to  
11 90 percent of the estimated level of re-  
12 cepts plus interest credited to the Airport  
13 and Airway Trust Fund for that fiscal  
14 year; and

15 “(ii) in fiscal year 2012 and each fis-  
16 cal year thereafter, be equal to the sum  
17 of—

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

22 “(II) the actual level of receipts  
23 plus interest credited to the Airport  
24 and Airway Trust Fund for the sec-  
25 ond preceding fiscal year minus the  
26 total amount made available for obli-

1                   gation from the Airport and Airway  
2                   Trust Fund for the second preceding  
3                   fiscal year.

4                   Such amounts may be used only for aviation in-  
5                   vestment programs listed in subsection (b).”.

6           (b) **ADDITIONAL AUTHORIZATIONS OF APPROPRIA-**  
7 **TIONS FROM THE GENERAL FUND.**—Section 48114(a)(2)  
8 is amended by striking “2007” and inserting “2014”.

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

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

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

16           (d) **ENFORCEMENT OF GUARANTEES.**—Section  
17 48114(c)(2) is amended by striking “2007” and inserting  
18 “2014”.

19 **SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANS-**  
20 **PORTATION SYSTEM PROJECTS.**

21           Section 44501(b) is amended—

22           (1) in paragraph (3) by striking “and” after  
23           the semicolon;

24           (2) in paragraph (4)(B) by striking “defense.”  
25           and inserting “defense; and”; and

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

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

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

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

10 **“§ 48105. Airport programs administrative expenses**

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

15 “(1) \$85,987,000 for fiscal year 2011.

16 “(2) \$80,676,000 for fiscal year 2012.

17 “(3) \$80,676,000 for fiscal year 2013.

18 “(4) \$80,676,000 for fiscal year 2014.

19 “(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—  
20 Amounts made available under subsection (a) may be used  
21 for administrative expenses relating to the airport im-  
22 provement program, passenger facility charge approval  
23 and oversight, national airport system planning, airport  
24 standards development and enforcement, airport certifi-

1 cation, airport-related environmental activities (including  
2 legal services), and other airport-related activities.

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

6 (b) CLERICAL AMENDMENT.—The analysis for chap-  
7 ter 481 is amended by striking the item relating to section  
8 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

9 **Subtitle B—Passenger Facility**  
10 **Charges**

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

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

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

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

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

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

22 (c) CORRECTION OF REFERENCES.—

23 (1) SECTION 40117.—Section 40117 is amend-  
24 ed—

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

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

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

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

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

12 (F) in the heading for paragraph (1) of  
13 subsection (m) by striking “FEES” and insert-  
14 ing “CHARGES”;

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

18 (H) by striking “fees” each place it ap-  
19 pears and inserting “charges”.

20 (2) OTHER REFERENCES.—Subtitle VII is  
21 amended by striking “fee” and inserting “charge”  
22 each place it appears in each of the following sec-  
23 tions:

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

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

1 (C) Section 47114(f).

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

3 (E) Section 47139(b).

4 (F) Section 47524(e).

5 (G) Section 47526(2).

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

“40117. Passenger facility charges.”.

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

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

12 “(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

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

20 “(2) INTERMODAL GROUND ACCESS PROJECT  
21 DEFINED.—In this subsection, the term ‘intermodal  
22 ground access project’ means a project for con-  
23 structing a local facility owned or operated by an eli-  
24 gible agency that is directly and substantially related



1 to the movement of passengers or property traveling  
2 in air transportation.

3 “(3) ELIGIBLE COSTS.—

4 “(A) IN GENERAL.—For purposes of para-  
5 graph (1), the eligible cost of an intermodal  
6 ground access project at an airport shall be the  
7 total cost of the project multiplied by the ratio  
8 that—

9 “(i) the number of individuals pro-  
10 jected to use the project to gain access to  
11 or depart from the airport; bears to

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

14 “(B) DETERMINATIONS REGARDING PRO-  
15 JECTED PROJECT USE.—

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

22 “(ii) PUBLIC TRANSPORTATION  
23 PROJECTS.—In the case of a project ap-  
24 proved under this section to be financed in  
25 part using funds administered by the Fed-

1           eral Transit Administration, the Secretary  
2           shall use the travel forecasting model for  
3           the project at the time the project is ap-  
4           proved by the Federal Transit Administra-  
5           tion to enter preliminary engineering to de-  
6           termine the projected use of the project for  
7           purposes of subparagraph (A).”.

8 **SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COL-**  
9 **LECTING PFCS.**

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

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

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

21           (3) examples of airport charges collected by do-  
22           mestic and international airports that are not in-  
23           cluded in ticket prices.

24       (b) REPORT.—Not later than 1 year after the date  
25       of enactment of this Act, the Comptroller General shall

1 submit to the Committee on Commerce, Science, and  
2 Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives a report on the study, including the Comp-  
5 troller General’s findings, conclusions, and recommenda-  
6 tions.

7 **SEC. 114. QUALIFICATIONS-BASED SELECTION.**

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

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

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

21 **SEC. 121. UPDATE ON OVERFLIGHTS.**

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

24 “(b) ESTABLISHMENT AND ADJUSTMENT OF  
25 FEES.—

1           “(1) IN GENERAL.—In establishing and adjust-  
2           ing fees under this section, the Administrator shall  
3           ensure that the fees are reasonably related to the  
4           Administration’s costs, as determined by the Admin-  
5           istrator, of providing the services rendered.

6           “(2) SERVICES FOR WHICH COSTS MAY BE RE-  
7           COVERED.—Services for which costs may be recov-  
8           ered under this section include the costs of air traf-  
9           fic control, navigation, weather services, training,  
10          and emergency services that are available to facili-  
11          tate safe transportation over the United States and  
12          the costs of other services provided by the Adminis-  
13          trator, or by programs financed by the Adminis-  
14          trator, to flights that neither take off nor land in the  
15          United States.

16          “(3) LIMITATIONS ON JUDICIAL REVIEW.—Not-  
17          withstanding section 702 of title 5 or any other pro-  
18          vision of law, the following actions and other matters  
19          shall not be subject to judicial review:

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

22                  “(B) The validity of a determination of  
23                  costs by the Administrator under paragraph  
24                  (1), and the processes and procedures applied

1 by the Administrator when reaching such deter-  
2 mination.

3 “(C) An allocation of costs by the Adminis-  
4 trator under paragraph (1) to services provided,  
5 and the processes and procedures applied by the  
6 Administrator when establishing such alloca-  
7 tion.

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

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

19 “(6) COSTS DEFINED.—In this subsection, the  
20 term ‘costs’ includes operation and maintenance  
21 costs, leasing costs, and overhead expenses associ-  
22 ated with the services provided and the facilities and  
23 equipment used in providing such services.

24 “(7) SPECIAL RULE FOR FISCAL YEARS 2011  
25 THROUGH 2015.—In each of fiscal years 2011

1 through 2015, section 45303(c) shall not apply to  
2 any increase in fees collected pursuant to a final rule  
3 described in paragraph (4).”.

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

6 “(e) ADJUSTMENT OF FEES.—In addition to adjust-  
7 ments under subsection (b), the Administrator may peri-  
8 odically adjust the fees established under this section.”.

9 **SEC. 122. REGISTRATION FEES.**

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

12 **“§ 45305. Registration, certification, and related fees**

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

19 “(1) Registering an aircraft.

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

22 “(3) Issuing an original dealer’s aircraft reg-  
23 istration certificate.

24 “(4) Issuing an additional dealer’s aircraft reg-  
25 istration certificate (other than the original).

1           “(5) Issuing a special registration number.

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

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

6           “(8) Issuing an airman certificate.

7           “(9) Issuing a replacement airman certificate.

8           “(10) Issuing an airman medical certificate.

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

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

16          “(c) FEES CREDITED AS OFFSETTING COLLEC-  
17 TIONS.—

18           “(1) IN GENERAL.—Notwithstanding section  
19 3302 of title 31, any fee authorized to be collected  
20 under this section shall—

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

24           “(B) be available for expenditure only to  
25 pay the costs of activities and services for which

1 the fee is imposed, including all costs associated  
2 with collecting the fee; and

3 “(C) remain available until expended.

4 “(2) CONTINUING APPROPRIATIONS.—The Ad-  
5 ministrator may continue to assess, collect, and  
6 spend fees established under this section during any  
7 period in which the funding for the Federal Aviation  
8 Administration is provided under an Act providing  
9 continuing appropriations in lieu of the Administra-  
10 tion’s regular appropriations.

11 “(3) ADJUSTMENTS.—The Administrator shall  
12 adjust a fee established under subsection (a) for a  
13 service or activity if the Administrator determines  
14 that the actual cost of the service or activity is high-  
15 er or lower than was indicated by the cost data used  
16 to establish such fee.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-  
18 ter 453 is amended by adding at the end the following:

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

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

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

23 “(1) IN GENERAL.—A fee”; and

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



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

6       **Subtitle D—Airport Improvement**  
7           **Program Modifications**

8       **SEC. 131. AIRPORT MASTER PLANS.**

9       Section 47101(g)(2) is amended—

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

12           (2) by redesignating subparagraph (C) as sub-  
13 paragraph (D); and

14           (3) by inserting after subparagraph (B) the fol-  
15 lowing:

16                   “(C) consider passenger convenience, air-  
17 port ground access, and access to airport facili-  
18 ties; and”.

19       **SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.**

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

22           “(4) AEROTROPOLIS TRANSPORTATION SYS-  
23 TEMS.—Encourage the development of aerotropolis  
24 transportation systems, which are planned and co-  
25 ordinated multimodal freight and passenger trans-

1 portation networks that, as determined by the Sec-  
2 retary, provide efficient, cost-effective, sustainable,  
3 and intermodal connectivity to a defined region of  
4 economic significance centered around a major air-  
5 port.”.

6 **SEC. 133. AIP DEFINITIONS.**

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

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

11 (2) in subparagraph (G) by inserting “and in-  
12 cluding acquiring glycol recovery vehicles,” after  
13 “aircraft,”; and

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

15 “(M) construction of mobile refueler park-  
16 ing within a fuel farm at a nonprimary airport  
17 meeting the requirements of section 112.8 of  
18 title 40, Code of Federal Regulations.

19 “(N) terminal development under section  
20 47119(a).

21 “(O) acquiring and installing facilities and  
22 equipment to provide air conditioning, heating,  
23 or electric power from terminal-based, nonexclu-  
24 sive use facilities to aircraft parked at a public  
25 use airport for the purpose of reducing energy

1 use or harmful emissions as compared to the  
2 provision of such air conditioning, heating, or  
3 electric power from aircraft-based systems.”.

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

6 “(5) ‘airport planning’ means planning as de-  
7 fined by regulations the Secretary prescribes and in-  
8 cludes—

9 “(A) integrated airport system planning;

10 “(B) developing an environmental manage-  
11 ment system; and

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

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

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

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

24 (3) by inserting after paragraph (7) the fol-  
25 lowing:

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

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

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

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

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

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

21                   “(28) ‘terminal development’ means—

22                           “(A) development of—

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

1           “(ii) access roads servicing exclusively  
2           airport traffic that leads directly to or  
3           from an airport passenger terminal build-  
4           ing; and

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

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

10 **SEC. 134. RECYCLING PLANS FOR AIRPORTS.**

11       Section 47106(a) is amended—

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

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

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

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

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

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

1           “(C) operation and maintenance require-  
2           ments;

3           “(D) the review of waste management con-  
4           tracts; and

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

7 **SEC. 135. CONTENTS OF COMPETITION PLANS.**

8           Section 47106(f)(2) is amended—

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

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

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

13 **SEC. 136. GRANT ASSURANCES.**

14          (a) **GENERAL WRITTEN ASSURANCES.**—Section  
15 47107(a)(16)(D)(ii) is amended by inserting before the  
16 semicolon at the end the following: “, except in the case  
17 of a relocation or replacement of an existing airport facil-  
18 ity that meets the conditions of section 47110(d)”.

19          (b) **WRITTEN ASSURANCES ON ACQUIRING LAND.**—

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

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

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

7           “(A) Reinvestment in an approved noise com-  
8           patibility project.

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

11          “(C) Reinvestment in an approved airport de-  
12          velopment project that is eligible for funding under  
13          section 47114, 47115, or 47117.

14          “(D) Transfer to a sponsor of another public  
15          airport to be reinvested in an approved noise com-  
16          patibility project at such airport.

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

19          (c)           CLERICAL           AMENDMENT.—Section  
20          47107(c)(2)(B)(iii) is amended by striking “the Fund”  
21          and inserting “the Airport and Airway Trust Fund estab-  
22          lished under section 9502 of the Internal Revenue Code  
23          of 1986”.

1 (d) EXTENSION OF COMPETITIVE ACCESS RE-  
2 PORTS.—Section 47107(s) is amended by striking para-  
3 graph (3).

4 **SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE**  
5 **ACCESS TO GENERAL AVIATION AIRPORTS.**

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

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

10 “(1) IN GENERAL.—Subject to paragraph (2), a  
11 sponsor of a general aviation airport shall not be  
12 considered to be in violation of this subtitle, or to be  
13 in violation of a grant assurance made under this  
14 section or under any other provision of law as a con-  
15 dition for the receipt of Federal financial assistance  
16 for airport development, solely because the sponsor  
17 enters into an agreement that grants to a person  
18 that owns residential real property adjacent to or  
19 near the airport access to the airfield of the airport  
20 for the following:

21 “(A) Aircraft of the person.

22 “(B) Aircraft authorized by the person.

23 “(2) THROUGH-THE-FENCE AGREEMENTS.—

24 “(A) IN GENERAL.—An agreement de-  
25 scribed in paragraph (1) between an airport



1 sponsor and a property owner (or an associa-  
2 tion representing such property owner) shall be  
3 a written agreement that prescribes the rights,  
4 responsibilities, charges, duration, and other  
5 terms the airport sponsor determines are nec-  
6 essary to establish and manage the airport  
7 sponsor's relationship with the property owner.

8 “(B) TERMS AND CONDITIONS.—An agree-  
9 ment described in paragraph (1) between an  
10 airport sponsor and a property owner (or an as-  
11 sociation representing such property owner)  
12 shall require the property owner, at minimum—

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

18 “(ii) to bear the cost of building and  
19 maintaining the infrastructure that, as de-  
20 termined by the airport sponsor, is nec-  
21 essary to provide aircraft located on the  
22 property adjacent to or near the airport  
23 access to the airfield of the airport;

1                   “(iii) to maintain the property for res-  
2                   idential, noncommercial use for the dura-  
3                   tion of the agreement; and

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

7           (b) **APPLICABILITY.**—The amendment made by sub-  
8   section (a) shall apply to an agreement between an airport  
9   sponsor and a property owner (or an association rep-  
10   resenting such property owner) entered into before, on, or  
11   after the date of enactment of this Act.

12   **SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.**

13           Section 47109 is amended—

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

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

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

24                   “(f) **SPECIAL RULE FOR ECONOMICALLY DEPRESSED**  
25   **COMMUNITIES.**—The Government’s share of allowable

1 project costs shall be 95 percent for a project at an airport  
2 that—

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

5 “(2) is located in an area that meets one or  
6 more of the criteria established in section 301(a) of  
7 the Public Works and Economic Development Act of  
8 1965 (42 U.S.C. 3161(a)), as determined by the  
9 Secretary of Commerce.”.

10 **SEC. 139. ALLOWABLE PROJECT COSTS.**

11 (a) ALLOWABLE PROJECT COSTS.—Section  
12 47110(b)(2)(D) is amended to read as follows:

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

17 “(i) the cost was incurred before execution  
18 of the grant agreement due to climactic condi-  
19 tions affecting the construction season in the vi-  
20 cinity of the airport;

21 “(ii) the cost is in accordance with an air-  
22 port layout plan approved by the Secretary and  
23 with all statutory and administrative require-  
24 ments that would have been applicable to the  
25 project if the project had been carried out after

1 execution of the grant agreement, including  
2 submission of a complete grant application to  
3 the appropriate regional or district office of the  
4 Federal Aviation Administration;

5 “(iii) the sponsor notifies the Secretary be-  
6 fore authorizing work to commence on the  
7 project;

8 “(iv) the sponsor has an alternative fund-  
9 ing source available to fund the project; and

10 “(v) the sponsor’s decision to proceed with  
11 the project in advance of execution of the grant  
12 agreement does not affect the priority assigned  
13 to the project by the Secretary for the alloca-  
14 tion of discretionary funds;”.

15 (b) INCLUSION OF MEASURES TO IMPROVE EFFI-  
16 CIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVE-  
17 MENT PROJECTS.—Section 47110(b) is amended—

18 (1) in paragraph (5) by striking “; and” and in-  
19 serting a semicolon;

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

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

23 “(7) if the cost is incurred on a measure to im-  
24 prove the efficiency of an airport building (such as  
25 a measure designed to meet one or more of the cri-

1       teria for being considered a high-performance green  
2       building as set forth under section 401(13) of the  
3       Energy Independence and Security Act of 2007 (42  
4       U.S.C. 17061(13))) and—

5               “(A) the measure is for a project for air-  
6       port development;

7               “(B) the measure is for an airport building  
8       that is otherwise eligible for construction assist-  
9       ance under this subchapter; and

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

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

16       “(d) RELOCATION OF AIRPORT-OWNED FACILI-  
17       TIES.—The Secretary may determine that the costs of re-  
18       locating or replacing an airport-owned facility are allow-  
19       able for an airport development project at an airport only  
20       if—

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

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

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

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

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

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

12   **SEC. 140. VETERANS’ PREFERENCE.**

13           Section 47112(c) is amended—

14           (1) in paragraph (1)—

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

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

19           “(C) ‘Afghanistan-Iraq war veteran’ means an  
20           individual who served on active duty (as defined in  
21           section 101 of title 38) in the Armed Forces in sup-  
22           port of Operation Enduring Freedom, Operation  
23           Iraqi Freedom, or Operation New Dawn for more  
24           than 180 consecutive days, any part of which oc-  
25           curred after September 11, 2001, and before the

1 date prescribed by presidential proclamation or by  
2 law as the last day of Operation Enduring Freedom,  
3 Operation Iraqi Freedom, or Operation New Dawn  
4 (whichever is later), and who was discharged or re-  
5 leased from active duty in the armed forces under  
6 honorable conditions.

7 “(D) ‘Persian Gulf veteran’ means an indi-  
8 vidual who served on active duty in the Armed  
9 Forces in the Southwest Asia theater of operations  
10 during the Persian Gulf War for more than 180 con-  
11 secutive days, any part of which occurred after Au-  
12 gust 2, 1990, and before the date prescribed by  
13 presidential proclamation or by law, and who was  
14 discharged or released from active duty in the armed  
15 forces under honorable conditions.”; and

16 (2) in paragraph (2) by striking “Vietnam-era  
17 veterans and disabled veterans” and inserting “Viet-  
18 nam-era veterans, Persian Gulf veterans, Afghani-  
19 stan-Iraq war veterans, disabled veterans, and small  
20 business concerns (as defined in section 3 of the  
21 Small Business Act (15 U.S.C. 632)) owned and  
22 controlled by disabled veterans”.

1 **SEC. 141. STANDARDIZING CERTIFICATION OF DISADVAN-**  
2 **TAGED BUSINESS ENTERPRISES.**

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

5 “(e) MANDATORY TRAINING PROGRAM.—

6 “(1) IN GENERAL.—Not later than 1 year after  
7 the date of enactment of this subsection, the Sec-  
8 retary shall establish a mandatory training program  
9 for persons described in paragraph (3) to provide  
10 streamlined training on certifying whether a small  
11 business concern qualifies as a small business con-  
12 cern owned and controlled by socially and economi-  
13 cally disadvantaged individuals under this section  
14 and section 47107(e).

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

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

21 “(A) who is required to provide a written  
22 assurance under this section or section  
23 47107(e) that the airport owner or operator will  
24 meet the percentage goal of subsection (b) of  
25 this section or section 47107(e)(1), as the case  
26 may be; or



1           “(B) who is responsible for determining  
2           whether or not a small business concern quali-  
3           fies as a small business concern owned and con-  
4           trolled by socially and economically disadvan-  
5           taged individuals under this section or section  
6           47107(e).”.

7 **SEC. 142. SPECIAL APPORTIONMENT RULES.**

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

11           “(7) **ELIGIBILITY TO RECEIVE PRIMARY AIR-**  
12 **PORT MINIMUM APPORTIONMENT AMOUNT.**—Not-  
13 withstanding any other provision of this subsection,  
14 the Secretary may apportion to an airport sponsor  
15 in a fiscal year an amount equal to the minimum ap-  
16 portionment available under subsection (c)(1)(B) if  
17 the Secretary finds that the airport—

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

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

4           (b) SPECIAL RULE FOR FISCAL YEARS 2011 AND  
5 2012.—Section 47114(c)(1) is amended—

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

7           (2) by inserting after subparagraph (E) the fol-  
8           lowing:

9           “(F) SPECIAL RULE FOR FISCAL YEARS  
10           2011 AND 2012.—Notwithstanding subparagraph  
11           (A), for an airport that had more than 10,000  
12           passenger boardings and scheduled passenger  
13           aircraft service in calendar year 2007, but in ei-  
14           ther calendar year 2009 or 2010, or in both  
15           years, the number of passenger boardings de-  
16           creased to a level below 10,000 boardings per  
17           year at such airport, the Secretary may appor-  
18           tion in each of fiscal years 2011 and 2012 to  
19           the sponsor of such airport an amount equal to  
20           the amount apportioned to that sponsor in fis-  
21           cal year 2009.”.

22 **SEC. 143. PUERTO RICO MINIMUM GUARANTEE.**

23           Section 47114 is amended by adding at the end the  
24           following:

1           “(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO  
2 RICO.—The Secretary shall apportion amounts for air-  
3 ports in Puerto Rico in accordance with this section. This  
4 subsection does not prohibit the Secretary from making  
5 project grants for airports in Puerto Rico from the discre-  
6 tionary fund under section 47115.”.

7 **SEC. 144. APPORTIONMENTS.**

8           Chapter 471 is amended by striking  
9 “\$3,200,000,000” and inserting “\$3,000,000,000” in  
10 each of the following sections:

11           (1) 47114(c)(1)(C).

12           (2) 47114(c)(2)(C).

13           (3) 47114(d)(3).

14           (4) 47114(e)(4).

15           (5) 47117(e)(1)(C).

16 **SEC. 145. REDUCING APPORTIONMENTS.**

17           Section 47114(f)(1) is amended by striking subpara-  
18 graphs (A) and (B) and inserting the following:

19           “(A) in the case of a charge of \$3.00 or  
20           less—

21           “(i) except as provided in clause (ii),  
22           50 percent of the projected revenues from  
23           the charge in the fiscal year but not by  
24           more than 50 percent of the amount that

1 otherwise would be apportioned under this  
2 section; or

3 “(ii) with respect to an airport in Ha-  
4 waii, 50 percent of the projected revenues  
5 from the charge in the fiscal year but not  
6 by more than 50 percent of the excess of—

7 “(I) the amount that otherwise  
8 would be apportioned under this sec-  
9 tion; over

10 “(II) the amount equal to the  
11 amount specified in subclause (I) mul-  
12 tiplied by the percentage of the total  
13 passenger boardings at the applicable  
14 airport that are comprised of inter-  
15 island passengers; and

16 “(B) in the case of a charge of more than  
17 \$3.00—

18 “(i) except as provided in clause (ii),  
19 75 percent of the projected revenues from  
20 the charge in the fiscal year but not by  
21 more than 75 percent of the amount that  
22 otherwise would be apportioned under this  
23 section; or

24 “(ii) with respect to an airport in Ha-  
25 waii, 75 percent of the projected revenues

1 from the charge in the fiscal year but not  
2 by more than 75 percent of the excess of—

3 “(I) the amount that otherwise  
4 would be apportioned under this sec-  
5 tion; over

6 “(II) the amount equal to the  
7 amount specified in subclause (I) mul-  
8 tiplied by the percentage of the total  
9 passenger boardings at the applicable  
10 airport that are comprised of inter-  
11 island passengers.”.

12 **SEC. 146. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

13 Section 47115(j) is amended by striking “fiscal years  
14 2004 through 2010, and for the portion of fiscal year  
15 2011 ending before April 1, 2011,” and inserting “fiscal  
16 years 2010 through 2014,”.

17 **SEC. 147. DESIGNATING CURRENT AND FORMER MILITARY**  
18 **AIRPORTS.**

19 (a) CONSIDERATIONS.—Section 47118(c) is amend-  
20 ed—

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

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

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

1           “(3) preserve or enhance minimum airfield in-  
2           frastructure facilities at former military airports to  
3           support emergency diversionary operations for trans-  
4           oceanic flights in locations—

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

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

11          (b) DESIGNATION OF GENERAL AVIATION AIR-  
12          PORTS.—Section 47118(g) is amended—

13               (1) in the subsection heading by striking “AIR-  
14          PORT” and inserting “AIRPORTS”; and

15               (2) by striking “one of the airports bearing a  
16          designation under subsection (a) may be a general  
17          aviation airport that was a former military installa-  
18          tion” and inserting “3 of the airports bearing des-  
19          ignations under subsection (a) may be general avia-  
20          tion airports that were former military installa-  
21          tions”.

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

24               “(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding  
25          any other provision of this chapter, a grant under section

1 47117(e)(1)(B) may be made for a federally owned airport  
2 designated under subsection (a) if the grant is for a  
3 project that is—

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

7 “(2) necessary to meet the minimum safety and  
8 emergency operational requirements established  
9 under part 139 of title 14, Code of Federal Regula-  
10 tions.”.

11 **SEC. 148. CONTRACT TOWER PROGRAM.**

12 (a) COST-BENEFIT REQUIREMENT.—Section  
13 47124(b) is amended—

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

16 “(1) CONTRACT TOWER PROGRAM.—

17 “(A) CONTINUATION AND EXTENSION.—

18 The Secretary shall continue the low activity  
19 (Visual Flight Rules) Level I air traffic control  
20 tower contract program established under sub-  
21 section (a) for towers existing on December 30,  
22 1987, and shall extend the program to other  
23 low activity air traffic control towers for which  
24 a qualified entity (as determined by the Sec-  
25 retary), a State, or a subdivision of the State

1 meeting the requirements set forth by the Sec-  
2 retary has requested to participate in the pro-  
3 gram.

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

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

21 (2) by striking “(2) The Secretary” and insert-  
22 ing the following:

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

24 (b) COSTS EXCEEDING BENEFITS.—Section  
25 47124(b)(3)(D) is amended—



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

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

4                   and

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

6                   “(ii) MAXIMUM LOCAL COST SHARE.—

7                   The maximum allowable local cost share  
8                   allocated under clause (i) for an airport  
9                   certified under part 139 of title 14, Code  
10                  of Federal Regulations, with fewer than  
11                  50,000 annual passenger enplanements  
12                  shall be capped at 20 percent of the cost  
13                  of operating an air traffic tower under the  
14                  program.

15                  “(iii) SUNSET.—Clause (ii) shall not

16                  be in effect after September 30, 2014.”.

17           (c) FUNDING; USE OF EXCESS FUNDS.—Section  
18 47124(b)(3) is amended by striking subparagraph (E) and  
19 inserting the following:

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

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

8           (d) FEDERAL SHARE.—Section 47124(b)(4)(C) is  
9           amended by striking “\$1,500,000” and inserting  
10          “\$2,000,000”.

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

13          “(c) SAFETY AUDITS.—The Secretary shall establish  
14          uniform standards and requirements for regular safety as-  
15          sessments of air traffic control towers that receive funding  
16          under this section.”.

17          **SEC. 149. RESOLUTION OF DISPUTES CONCERNING AIR-**  
18                  **PORT FEES.**

19          (a) IN GENERAL.—Section 47129 is amended—

20                  (1) by striking the section heading and insert-  
21                  ing the following:

22          **“§ 47129. Resolution of disputes concerning airport**  
23                  **fees”;**

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

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

4 (4) by striking “air carrier” each place it ap-  
5 pears and inserting “air carrier or foreign air car-  
6 rier”;

7 (5) by striking “air carrier’s” each place it ap-  
8 pears and inserting “air carrier’s or foreign air car-  
9 rier’s”;

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

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

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

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

18 **SEC. 150. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-**  
19 **SORS.**

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

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

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

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

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

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

6                   “(B) funding is provided under this sub-  
7 chapter for any portion of the public sponsor’s  
8 acquisition of airport land; and

9                   “(C) an amount equal to the remaining  
10 unamortized portion of any airport improve-  
11 ment grant made to that airport for purposes  
12 other than land acquisition, amortized over a  
13 20-year period, plus an amount equal to the  
14 Federal share of the current fair market value  
15 of any land acquired with an airport improve-  
16 ment grant made to that airport on or after Oc-  
17 tober 1, 1996, is repaid to the Secretary by the  
18 private owner.

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

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

1 **SEC. 151. REPEAL OF CERTAIN LIMITATIONS ON METRO-**  
2 **POLITAN WASHINGTON AIRPORTS AUTHOR-**  
3 **ITY.**

4 Section 49108, and the item relating to section  
5 49108 in the analysis for chapter 491, are repealed.

6 **SEC. 152. MIDWAY ISLAND AIRPORT.**

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

12 **SEC. 153. MISCELLANEOUS AMENDMENTS.**

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

16 (1) in subsection (a)—

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

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

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

25 (D) by striking paragraph (3);

26 (2) in subsection (b)—

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

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

5 (C) in paragraph (2) (as so redesignated)  
6 by striking “, Short Takeoff and Landing/Very  
7 Short Takeoff and Landing aircraft oper-  
8 ations,”; and

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

11 (b) CONSOLIDATION OF TERMINAL DEVELOPMENT  
12 PROVISIONS.—Section 47119 is amended—

13 (1) by redesignating subsections (a), (b), (c),  
14 and (d) as subsections (b), (c), (d), and (e), respec-  
15 tively;

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

18 “(a) TERMINAL DEVELOPMENT PROJECTS.—

19 “(1) IN GENERAL.—The Secretary of Transpor-  
20 tation may approve a project for terminal develop-  
21 ment (including multimodal terminal development)  
22 in a nonrevenue-producing public-use area of a com-  
23 mercial service airport—

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

4                   “(i) all the safety equipment required  
5                   for certification of the airport under sec-  
6                   tion 44706;

7                   “(ii) all the security equipment re-  
8                   quired by regulation; and

9                   “(iii) provided for access by pas-  
10                  sengers to the area of the airport for  
11                  boarding or exiting aircraft that are not  
12                  air carrier aircraft;

13           “(B) if the cost is directly related to mov-  
14           ing passengers and baggage in air commerce  
15           within the airport, including vehicles for moving  
16           passengers between terminal facilities and be-  
17           tween terminal facilities and aircraft; and

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

20           “(2) PROJECT IN REVENUE-PRODUCING AREAS  
21           AND NONREVENUE-PRODUCING PARKING LOTS.—In  
22           making a decision under paragraph (1), the Sec-  
23           retary may approve as allowable costs the expenses  
24           of terminal development in a revenue-producing area  
25           and construction, reconstruction, repair, and im-

1       provement in a nonrevenue-producing parking lot  
2       if—

3               “(A) except as provided in section  
4               47108(e)(3), the airport does not have more  
5               than .05 percent of the total annual passenger  
6               boardings in the United States; and

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

11             (3) in subsection (b)(4)(B) (as redesignated by  
12             paragraph (1) of this subsection) by striking “Sec-  
13             retary of Transportation” and inserting “Secretary”;

14             (4) in subsections (b)(3) and (b)(4)(A) (as re-  
15             designated by paragraph (1) of this subsection) by  
16             striking “section 47110(d)” and inserting “sub-  
17             section (a)”;

18             (5) in subsection (b)(5) (as redesignated by  
19             paragraph (1) of this subsection) by striking “sub-  
20             section (b)(1) and (2)” and inserting “subsections  
21             (c)(1) and (c)(2)”;

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



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

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

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

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

14          (c) ANNUAL REPORT.—Section 47131(a) is amend-  
15 ed—

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

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

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

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

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

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

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

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

5 (2) in subsection (b)—

6 (A) by striking “47102(3)(F),”; and

7 (B) by striking “47103(3)(F),”.

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

11 (f) OTHER CONFORMING AMENDMENTS.—

12 (1) Section 40117(a)(3)(B) is amended by  
13 striking “section 47110(d)” and inserting “section  
14 47119(a)”.

15 (2) Section 47108(e)(3) is amended—

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

18 (B) by striking “section 47110(d)” and in-  
19 serting “section 47119(a)”.

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

24 (h) DEFINITIONS.—

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

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

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

10 **SEC. 154. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**  
11 **IBLE LAND USE PLANNING AND PROJECTS**  
12 **BY STATE AND LOCAL GOVERNMENTS.**

13           Section 47141(f) is amended by striking “March 31,  
14 2011” and inserting “September 30, 2014”.

15 **SEC. 155. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**  
16 **IN COLD WEATHER STATES.**

17           The Administrator of the Federal Aviation Adminis-  
18 tration, to the extent practicable, shall schedule the Ad-  
19 ministrator’s review of construction projects so that  
20 projects to be carried out in States in which the weather  
21 during a typical calendar year prevents major construction  
22 projects from being carried out before May 1 are reviewed  
23 as early as possible.

1 **SEC. 156. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**  
2 **PORT SYSTEMS.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary of Transpor-  
5 tation shall begin a study to evaluate the formulation of  
6 the national plan of integrated airport systems (in this  
7 section referred to as the “plan”) under section 47103 of  
8 title 49, United States Code.

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

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

14 (2) The changes in airport capital needs as  
15 shown in the 2005–2009 and 2007–2011 plans,  
16 compared with the amounts apportioned or other-  
17 wise made available to individual airports between  
18 2005 and 2010.

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

24 (4) The effect of transfers of airport apportion-  
25 ments under title 49, United States Code.

1           (5) An analysis on the feasibility and advis-  
2           ability of apportioning amounts under section  
3           47114(c)(1) of title 49, United States Code, to the  
4           sponsor of each primary airport for each fiscal year  
5           an amount that bears the same ratio to the amount  
6           subject to the apportionment for fiscal year 2009 as  
7           the number of passenger boardings at the airport  
8           during the prior calendar year bears to the aggre-  
9           gate of all passenger boardings at all primary air-  
10          ports during that calendar year.

11          (6) A documentation and review of the methods  
12          used by airports to reach the 10,000 passenger  
13          enplanement threshold, including whether such air-  
14          ports subsidize commercial flights to reach such  
15          threshold, at every airport in the United States that  
16          reported between 10,000 and 15,000 passenger  
17          enplanements during each of the 2 most recent cal-  
18          endar years for which such data is available.

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

21          (c) REPORT TO CONGRESS.—

22          (1) SUBMISSION.—Not later than 36 months  
23          after the date that the Secretary begins the study  
24          under this section, the Secretary shall submit to the  
25          Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on  
2 Commerce, Science, and Transportation of the Sen-  
3 ate a report on the results of the study.

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

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

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

10 (C) recommendations for any changes to  
11 the methods of determining the amounts to be  
12 apportioned or otherwise made available to indi-  
13 vidual airports.

14 **SEC. 157. TRANSFERS OF TERMINAL AREA AIR NAVIGATION**  
15 **EQUIPMENT TO AIRPORT SPONSORS.**

16 (a) IN GENERAL.—Chapter 445 is amended by add-  
17 ing at the end the following:

18 **“§ 44518. Transfers of terminal area air navigation**  
19 **equipment to airport sponsors**

20 “(a) IN GENERAL.—Subject to the requirements of  
21 this section, the Administrator of the Federal Aviation Ad-  
22 ministrator may carry out a pilot program under which  
23 the Administrator may transfer ownership, operating, and  
24 maintenance responsibilities for terminal area air naviga-  
25 tion equipment at an airport to the airport sponsor.

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

5       “(c) TERMS AND CONDITIONS OF TRANSFER FOR  
6 AIRPORT SPONSORS.—As a condition of participating in  
7 the pilot program, the airport sponsor shall provide assur-  
8 ances satisfactory to the Administrator that the sponsor  
9 will—

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

14           “(2) permit the Administrator (or a person des-  
15 ignated by the Administrator) to conduct inspections  
16 of such terminal area air navigation equipment  
17 under a schedule established by the Administrator;  
18 and

19           “(3) acquire and maintain new terminal area  
20 air navigation equipment at the airport as needed to  
21 replace equipment at the end of its useful life or to  
22 meet new standards established by the Adminis-  
23 trator.

24       “(d) TERMS AND CONDITIONS OF TRANSFER FOR  
25 ADMINISTRATOR.—When the Administrator approves an

1 airport sponsor’s participation in the pilot program, the  
2 Administrator shall transfer, at no cost to the sponsor,  
3 all rights, title, and interests of the United States in and  
4 to the terminal area air navigation equipment to be trans-  
5 ferred to the sponsor under the program, including the  
6 real property on which the equipment is located.

7 “(e) TREATMENT OF AIRPORT COSTS.—Any costs in-  
8 curred by an airport sponsor for ownership and mainte-  
9 nance of terminal area air navigation equipment trans-  
10 ferred under this section shall be considered a cost of pro-  
11 viding airfield facilities and services under standards and  
12 guidelines issued by the Secretary of Transportation under  
13 section 47129(b)(2) and may be recovered in rates and  
14 charges assessed for use of the airport’s airfield.

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

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

19 “(2) TERMINAL AREA AIR NAVIGATION EQUIP-  
20 MENT.—The term ‘terminal area air navigation  
21 equipment’ means an air navigation facility as de-  
22 fined in section 40102 that exists to provide ap-  
23 proach and landing guidance to aircraft, but does  
24 not include buildings used for air traffic control  
25 functions.



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

3       (b) CLERICAL AMENDMENT.—The analysis for chap-  
4 ter 445 is amended by adding at the end the following:  
“44518. Transfers of terminal area air navigation equipment to airport spon-  
sors.”.

5 **SEC. 158. AIRPORT PRIVATIZATION PROGRAM.**

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

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

11           (2) paragraph (1)—

12               (A) by striking subparagraph (A) and in-  
13 sserting the following:

14                   “(A) IN GENERAL.—The Secretary may  
15 grant an exemption to an airport sponsor from  
16 the requirements of sections 47107(b) and  
17 47133 (and any other law, regulation, or grant  
18 assurance) to the extent necessary to permit the  
19 sponsor to recover from the sale or lease of the  
20 airport such amount as may be approved by the  
21 Secretary after the sponsor has consulted—

22                           “(i) in the case of a primary airport,  
23 with each air carrier and foreign air car-

1 rier serving the airport, as determined by  
2 the Secretary; and

3 “(ii) in the case of a nonprimary air-  
4 port, with at least 65 percent of the own-  
5 ers of aircraft based at that airport, as de-  
6 termined by the Secretary.”; and

7 (B) by striking subparagraph (C).

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

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

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

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

14 “(7) A fee imposed by the airport on an air car-  
15 rier or foreign air carrier may not include any por-  
16 tion for a return on investment or recovery of prin-  
17 cipal with respect to consideration paid to a public  
18 agency for the lease or sale of the airport unless that  
19 portion of the fee is approved by the air carrier or  
20 foreign air carrier.”.

21 (c) PARTICIPATION OF CERTAIN AIRPORTS.—Section  
22 47134 is amended—

23 (1) by striking subsection (d); and

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

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

6 **TITLE II—NEXTGEN AIR TRANS-**  
7 **PORTATION SYSTEM AND AIR**  
8 **TRAFFIC CONTROL MOD-**  
9 **ERNIZATION**

10 **SEC. 201. DEFINITIONS.**

11 In this title, the following definitions apply:

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

14 (2) ADS-B.—The term “ADS-B” means auto-  
15 matic dependent surveillance-broadcast.

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

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

1       tion from other transmitting aircraft and the ground  
2       infrastructure.

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

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

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

8       In allocating amounts appropriated pursuant to sec-  
9       tion 48101(a) of title 49, United States Code, the Sec-  
10      retary of Transportation shall give priority to the following  
11      NextGen activities:

12           (1) NextGen demonstrations and infrastructure.

13           (2) NextGen trajectory-based operations.

14           (3) NextGen reduced weather impact.

15           (4) NextGen high-density arrivals/departures.

16           (5) NextGen collaborative air traffic manage-  
17      ment.

18           (6) NextGen flexible terminals and airports.

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

21           (8) NextGen networked facilities.

22           (9) The Center for Advanced Aviation System  
23      Development.

24           (10) NextGen system development.

1           (11) Data communications system implementa-  
2           tion.

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

5           (13) Systemwide information management.

6           (14) NextGen facility consolidation and realign-  
7           ment.

8           (15) En route automation modernization.

9           (16) National airspace system voice switch.

10          (17) NextGen network enabled weather.

11 **SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
12 **REIMBURSABLE AGREEMENTS.**

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

15 **SEC. 204. CHIEF NEXTGEN OFFICER.**

16          Section 106 is amended by adding at the end the fol-  
17 lowing:

18          “(s) CHIEF NEXTGEN OFFICER.—

19               “(1) IN GENERAL.—

20                       “(A) APPOINTMENT.—There shall be a  
21 Chief NextGen Officer appointed by the Admin-  
22 istrator. The Chief NextGen Officer shall report  
23 directly to the Administrator and shall be sub-  
24 ject to the authority of the Administrator.

1           “(B) QUALIFICATIONS.—The Chief  
2 NextGen Officer shall have a demonstrated abil-  
3 ity in management and knowledge of or experi-  
4 ence in aviation and systems engineering.

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

7           “(D) REMOVAL.—The Chief NextGen Offi-  
8 cer shall serve at the pleasure of the Adminis-  
9 trator, except that the Administrator shall  
10 make every effort to ensure stability and con-  
11 tinuity in the leadership of the implementation  
12 of NextGen.

13           “(E) VACANCY.—Any individual appointed  
14 to fill a vacancy in the position of Chief  
15 NextGen Officer occurring before the expiration  
16 of the term for which the individual’s prede-  
17 cessor was appointed shall be appointed for the  
18 remainder of that term.

19           “(2) COMPENSATION.—

20           “(A) IN GENERAL.—The Chief NextGen  
21 Officer shall be paid at an annual rate of basic  
22 pay to be determined by the Administrator. The  
23 annual rate may not exceed the annual com-  
24 pensation paid under section 102 of title 3. The  
25 Chief NextGen Officer shall be subject to the

1 postemployment provisions of section 207 of  
2 title 18 as if the position of Chief NextGen Of-  
3 ficer were described in section 207(c)(2)(A)(i)  
4 of that title.

5 “(B) BONUS.—In addition to the annual  
6 rate of basic pay authorized by subparagraph  
7 (A), the Chief NextGen Officer may receive a  
8 bonus for any calendar year not to exceed 30  
9 percent of the annual rate of basic pay, based  
10 upon the Administrator’s evaluation of the  
11 Chief NextGen Officer’s performance in relation  
12 to the performance goals set forth in the per-  
13 formance agreement described in paragraph  
14 (3).

15 “(3) ANNUAL PERFORMANCE AGREEMENT.—  
16 The Administrator and the Chief NextGen Officer,  
17 in consultation with the Federal Aviation Manage-  
18 ment Advisory Council, shall enter into an annual  
19 performance agreement that sets forth measurable  
20 organization and individual goals for the Chief  
21 NextGen Officer in key operational areas. The  
22 agreement shall be subject to review and renegoti-  
23 ation on an annual basis.

24 “(4) ANNUAL PERFORMANCE REPORT.—The  
25 Chief NextGen Officer shall prepare and transmit to

1 the Secretary of Transportation, the Committee on  
2 Transportation and Infrastructure of the House of  
3 Representatives, the Committee on Science and  
4 Technology of the House of Representatives, and the  
5 Committee on Commerce, Science, and Transpor-  
6 tation of the Senate an annual management report  
7 containing such information as may be prescribed by  
8 the Secretary.

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

11 “(A) Implementing NextGen activities and  
12 budgets across all program offices of the Fed-  
13 eral Aviation Administration.

14 “(B) Coordinating the implementation of  
15 NextGen activities with the Office of Manage-  
16 ment and Budget.

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

21 “(D) With respect to the budget of the Ad-  
22 ministration—

23 “(i) developing a budget request of  
24 the Administration related to the imple-  
25 mentation of NextGen;



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

3                   “(iii) ensuring that the budget request  
4                   supports the annual and long-range stra-  
5                   tegic plans of the Administration with re-  
6                   spect to NextGen.

7                   “(E) Consulting with the Administrator on  
8                   the Capital Investment Plan of the Administra-  
9                   tion prior to its submission to Congress.

10                  “(F) Developing an annual NextGen imple-  
11                  mentation plan.

12                  “(G) Ensuring that NextGen implementa-  
13                  tion activities are planned in such a manner as  
14                  to require that system architecture is designed  
15                  to allow for the incorporation of novel and cur-  
16                  rently unknown technologies into NextGen in  
17                  the future and that current decisions do not  
18                  bias future decisions unfairly in favor of exist-  
19                  ing technology at the expense of innovation.

20                  “(H) Coordinating with the NextGen Joint  
21                  Planning and Development Office with respect  
22                  to facilitating cooperation among all Federal  
23                  agencies whose operations and interests are af-  
24                  fected by the implementation of NextGen.

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

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

10 **SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.**

11           Section 40102(a)(4) is amended—

12           (1) by redesignating subparagraph (D) as sub-  
13           paragraph (E);

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

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

18                   “(C) apparatus, equipment, software, or  
19                   service for distributing aeronautical and mete-  
20                   orological information to air traffic control fa-  
21                   cilities or aircraft;

22                   “(D) communication, navigation, or sur-  
23                   veillance equipment for air-to-ground or air-to-  
24                   air applications;”;

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

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

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

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

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

10 **SEC. 206. CLARIFICATION TO ACQUISITION REFORM AU-**  
11 **THORITY.**

12       Section 40110(c) is amended—

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

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

16           (3) by redesignating paragraph (5) as para-  
17 graph (4).

18 **SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
19 **TIES.**

20       Section 40113(e) is amended—

21           (1) in paragraph (1)—

22           (A) by inserting “(whether public or pri-  
23 vate)” after “authorities”; and

24           (B) by striking “safety.” and inserting  
25 “safety or efficiency. The Administrator is au-

1           thorized to participate in, and submit offers in  
2           response to, competitions to provide these serv-  
3           ices, and to contract with foreign aviation au-  
4           thorities to provide these services consistent  
5           with section 106(l)(6).”;

6           (2) in paragraph (2) by adding at the end the  
7           following: “The Administrator is authorized, not-  
8           withstanding any other provision of law or policy, to  
9           accept payments for services provided under this  
10          subsection in arrears.”; and

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

13                 “(3) CREDITING APPROPRIATIONS.—Funds re-  
14                 ceived by the Administrator pursuant to this section  
15                 shall—

16                         “(A) be credited to the appropriation cur-  
17                         rent when the amount is received;

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

20                         “(C) remain available until expended.”.

21 **SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYS-**  
22 **TEM JOINT PLANNING AND DEVELOPMENT**  
23 **OFFICE.**

24           (a) REDESIGNATION OF JPDO DIRECTOR TO ASSO-  
25           CIATE ADMINISTRATOR.—

1           (1) ASSOCIATE ADMINISTRATOR FOR NEXT  
2           GENERATION AIR TRANSPORTATION SYSTEM PLAN-  
3           NING, DEVELOPMENT, AND INTERAGENCY COORDI-  
4           NATION.—Section 709(a) of the Vision 100—Cen-  
5           tury of Aviation Reauthorization Act (49 U.S.C.  
6           40101 note; 117 Stat. 2582) is amended—

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

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

12           “(2) The head of the Office shall be the Associate  
13           Administrator for Next Generation Air Transportation  
14           System Planning, Development, and Interagency Coordi-  
15           nation, who shall be appointed by the Administrator of  
16           the Federal Aviation Administration. The Administrator  
17           shall appoint the Associate Administrator after consulting  
18           with the Chairman of the Next Generation Senior Policy  
19           Committee and providing advanced notice to the other  
20           members of that Committee.”.

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

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

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

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

5           “(I) establishing specific quantitative goals  
6 for the safety, capacity, efficiency, performance,  
7 and environmental impacts of each phase of  
8 Next Generation Air Transportation System  
9 planning and development activities and meas-  
10 uring actual operational experience against  
11 those goals, taking into account noise pollution  
12 reduction concerns of affected communities to  
13 the extent practicable in establishing the envi-  
14 ronmental goals;

15           “(J) working to ensure global interoper-  
16 ability of the Next Generation Air Transpor-  
17 tation System;

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

22           “(L) overseeing, with the Administrator  
23 and in consultation with the Chief NextGen Of-  
24 ficer, the selection of products or outcomes of

1 research and development activities that should  
2 be moved to a demonstration phase; and

3 “(M) maintaining a baseline modeling and  
4 simulation environment for testing and evalu-  
5 ating alternative concepts to satisfy Next Gen-  
6 eration Air Transportation System enterprise  
7 architecture requirements.”.

8 (3) COOPERATION WITH OTHER FEDERAL  
9 AGENCIES.—Section 709(a)(4) of such Act (as re-  
10 designated by paragraph (1) of this subsection) is  
11 amended—

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

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

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

22 “(i) carrying out the activities of the agency re-  
23 lating to the Next Generation Air Transportation  
24 System in coordination with the Office, including the  
25 execution of all aspects of the work of the agency in

1 developing and implementing the integrated work  
2 plan described in subsection (b)(5);

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

8 “(iii) ensuring that the agency meets its obliga-  
9 tions as set forth in any memorandum of under-  
10 standing executed by or on behalf of the agency re-  
11 lating to the Next Generation Air Transportation  
12 System.

13 “(C) The head of a Federal agency referred to in sub-  
14 paragraph (B) shall—

15 “(i) ensure that the responsibilities of the agen-  
16 cy relating to the Next Generation Air Transpor-  
17 tation System are clearly communicated to the sen-  
18 ior official of the agency designated under subpara-  
19 graph (B);

20 “(ii) ensure that the performance of the senior  
21 official in carrying out the responsibilities of the  
22 agency relating to the Next Generation Air Trans-  
23 portation System is reflected in the official’s annual  
24 performance evaluations and compensation;



1           “(iii) establish or designate an office within the  
2           agency to carry out its responsibilities under the  
3           memorandum of understanding under the super-  
4           vision of the designated official; and

5           “(iv) ensure that the designated official has suf-  
6           ficient budgetary authority and staff resources to  
7           carry out the agency’s Next Generation Air Trans-  
8           portation System responsibilities as set forth in the  
9           integrated plan under subsection (b).

10          “(D) Not later than 6 months after the date of enact-  
11          ment of this subparagraph, the head of each Federal agen-  
12          cy that has responsibility for carrying out any activity  
13          under the integrated plan under subsection (b) shall exe-  
14          cute a memorandum of understanding with the Office obli-  
15          gating that agency to carry out the activity.”.

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

19                 “(6)(A) The Office shall work with the Director of  
20                 the Office of Management and Budget to develop a process  
21                 whereby the Director will identify projects related to the  
22                 Next Generation Air Transportation System across the  
23                 agencies referred to in paragraph (4)(A) and consider the  
24                 Next Generation Air Transportation System as a unified,  
25                 cross-agency program.

1       “(B) The Director of the Office of Management and  
2 Budget, to the extent practicable, shall—

3           “(i) ensure that—

4               “(I) each Federal agency covered by the  
5 plan has sufficient funds requested in the Presi-  
6 dent’s budget, as submitted under section  
7 1105(a) of title 31, United States Code, for  
8 each fiscal year covered by the plan to carry out  
9 its responsibilities under the plan; and

10               “(II) the development and implementation  
11 of the Next Generation Air Transportation Sys-  
12 tem remains on schedule;

13           “(ii) include, in the President’s budget, a state-  
14 ment of the portion of the estimated budget of each  
15 Federal agency covered by the plan that relates to  
16 the activities of the agency under the Next Genera-  
17 tion Air Transportation System; and

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

22       “(7) The Associate Administrator of the Next Gen-  
23 eration Air Transportation System Planning, Develop-  
24 ment, and Interagency Coordination shall be a voting

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

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

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

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

8 (B) by striking “beyond those currently in-  
9 cluded in the Federal Aviation Administration’s  
10 operational evolution plan”;

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

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

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

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

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

1           “(B) details on a year-by-year basis of spe-  
2           cific accomplishments, activities, research re-  
3           quirements, rulemakings, policy decisions, and  
4           other milestones of progress for each Federal  
5           agency or entity conducting activities relating to  
6           the Next Generation Air Transportation Sys-  
7           tem;

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

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

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

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

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

15          “(H) a description of potentially signifi-  
16          cant operational or workforce changes resulting  
17          from deployment of the Next Generation Air  
18          Transportation System.”.

19          (c) NEXTGEN IMPLEMENTATION PLAN.—Section  
20          709(d) of such Act (117 Stat. 2584) is amended to read  
21          as follows:

22          “(d) NEXTGEN IMPLEMENTATION PLAN.—The Ad-  
23          ministrators shall develop and publish annually the docu-  
24          ment known as the NextGen Implementation Plan, or any  
25          successor document, that provides a detailed description

1 of how the agency is implementing the Next Generation  
2 Air Transportation System.”.

3 (d) CONTINGENCY PLANNING.—The Associate Ad-  
4 ministrator for the Next Generation Air Transportation  
5 System Planning, Development, and Interagency Coordi-  
6 nation shall, as part of the design of the System, develop  
7 contingency plans for dealing with the degradation of the  
8 System in the event of a natural disaster, major equip-  
9 ment failure, or act of terrorism.

10 **SEC. 209. NEXT GENERATION AIR TRANSPORTATION SEN-**  
11 **IOR POLICY COMMITTEE.**

12 (a) MEETINGS.—Section 710(a) of the Vision 100—  
13 Century of Aviation Reauthorization Act (49 U.S.C.  
14 40101 note; 117 Stat. 2584) is amended by inserting be-  
15 fore the period at the end the following “and shall meet  
16 at least twice each year”.

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

19 “(e) ANNUAL REPORT.—

20 “(1) SUBMISSION TO CONGRESS.—Not later  
21 than 1 year after the date of enactment of this sub-  
22 section, and annually thereafter on the date of sub-  
23 mission of the President’s budget request to Con-  
24 gress under section 1105(a) of title 31, United  
25 States Code, the Secretary shall submit to Congress

1 a report summarizing the progress made in carrying  
2 out the integrated work plan required by section  
3 709(b)(5) and any changes in that plan.

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

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

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

12 “(C) a detailed description of—

13 “(i) the success or failure of each item  
14 of the integrated work plan for the pre-  
15 vious year and relevant information as to  
16 why any milestone was not met; and

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

21 “(D) an explanation of any change to fu-  
22 ture years in the integrated work plan and the  
23 reasons for such change; and

24 “(E) an identification of the levels of fund-  
25 ing for each agency participating in the inte-

1           grated work plan devoted to programs and ac-  
2           tivities under the plan for the previous fiscal  
3           year and in the President’s budget request.”.

4 **SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
5 **TORY.**

6           Section 40110(a) is amended by striking paragraphs  
7 (2) and (3) and inserting the following:

8           “(2) may construct and improve laboratories  
9           and other test facilities; and

10           “(3) may dispose of any interest in property for  
11           adequate compensation, and the amount so received  
12           shall—

13                   “(A) be credited to the appropriation cur-  
14                   rent when the amount is received;

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

17                   “(C) remain available until expended.”.

18 **SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**  
19 **CAST SERVICES.**

20           (a) REVIEW BY DOT INSPECTOR GENERAL.—

21                   (1) IN GENERAL.—The Inspector General of  
22                   the Department of Transportation shall conduct a  
23                   review concerning the Federal Aviation Administra-  
24                   tion’s award and oversight of any contracts entered



1 into by the Administration to provide ADS-B serv-  
2 ices for the national airspace system.

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

5 (A) an examination of how the Administra-  
6 tion manages program risks;

7 (B) an assessment of expected benefits at-  
8 tributable to the deployment of ADS-B serv-  
9 ices, including the Administration’s plans for  
10 implementation of advanced operational proce-  
11 dures and air-to-air applications, as well as the  
12 extent to which ground radar will be retained;

13 (C) an assessment of the Administration’s  
14 analysis of specific operational benefits, and  
15 benefit/costs analyses of planned operational  
16 benefits conducted by the Administration, for  
17 ADS-B In and ADS-B Out avionics equipage  
18 for airspace users;

19 (C) a determination of whether the Admin-  
20 istration has established sufficient mechanisms  
21 to ensure that all design, acquisition, operation,  
22 and maintenance requirements have been met  
23 by the contractor;

24 (D) an assessment of whether the Admin-  
25 istration and any contractors are meeting cost,

1 schedule, and performance milestones, as meas-  
2 ured against the original baseline of the Admin-  
3 istration’s program for providing ADS–B serv-  
4 ices;

5 (E) an assessment of how security issues  
6 are being addressed in the overall design and  
7 implementation of the ADS–B system; and

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

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

19 (b) RULEMAKINGS.—

20 (1) ADS–B IN.—Not later than 1 year after  
21 the date of enactment of this Act, the Administrator  
22 of the Federal Aviation Administration shall initiate  
23 a rulemaking proceeding to issue guidelines and reg-  
24 ulations relating to ADS–B In technology that—

1 (A) identify the ADS-B In technology that  
2 will be required under NextGen;

3 (B) subject to paragraph (2), require all  
4 aircraft operating in capacity constrained air-  
5 space, at capacity constrained airports, or in  
6 any other airspace deemed appropriate by the  
7 Administrator to be equipped with ADS-B In  
8 technology by 2020; and

9 (C) identify—

10 (i) the type of avionics required of air-  
11 craft for all classes of airspace;

12 (ii) the expected costs associated with  
13 the avionics; and

14 (iii) the expected uses and benefits of  
15 the avionics.

16 (2) READINESS VERIFICATION.—Before the Ad-  
17 ministrator completes an ADS-B In equipage rule-  
18 making proceeding or issues and interim or final  
19 rule pursuant to paragraph (1), the Chief NextGen  
20 Officer shall verify that—

21 (A) the necessary ground infrastructure is  
22 installed and functioning properly;

23 (B) certification standards have been ap-  
24 proved; and

1           (C) appropriate operational platforms  
2           interface safely and efficiently.

3           (c) USE OF ADS-B TECHNOLOGY.—

4           (1) PLANS.—Not later than 18 months after  
5           the date of enactment of this Act, the Administrator  
6           shall develop, in consultation with appropriate em-  
7           ployee and industry groups, a plan for the use of  
8           ADS-B technology for surveillance and active air  
9           traffic control.

10          (2) CONTENTS.—The plan shall—

11           (A) include provisions to test the use of  
12           ADS-B technology for surveillance and active  
13           air traffic control in specific regions of the  
14           United States with the most congested airspace;

15           (B) identify the equipment required at air  
16           traffic control facilities and the training re-  
17           quired for air traffic controllers;

18           (C) identify procedures, to be developed in  
19           consultation with appropriate employee and in-  
20           dustry groups, to conduct air traffic manage-  
21           ment in mixed equipage environments; and

22           (D) establish a policy in test regions re-  
23           ferred to in subparagraph (A), in consultation  
24           with appropriate employee and industry groups,  
25           to provide incentives for equipage with ADS-B

1           technology, including giving priority to aircraft  
2           equipped with such technology before the 2020  
3           equipage deadline.

4 **SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**  
5           **FOR NEXTGEN.**

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

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

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

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

24           (3) determine how risks with automation efforts  
25 for the NextGen can be mitigated based on the expe-

1       riences of other public or private entities in devel-  
2       oping complex, software-intensive systems.

3       (c) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Administrator shall submit  
5 to the Committee on Transportation and Infrastructure  
6 of the House of Representatives and the Committee on  
7 Commerce, Science, and Transportation of the Senate a  
8 report containing the results of the review conducted pur-  
9 suant to subsection (a).

10 **SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.**

11       (a) AIRPORT PROCEDURES.—

12               (1) IN GENERAL.—Not later than 6 months  
13 after the date of enactment of this Act, the Adminis-  
14 trator of the Federal Aviation Administration shall  
15 publish a report, after consultation with representa-  
16 tives of appropriate Administration employee groups,  
17 airport operators, air carriers, general aviation rep-  
18 resentatives, flight path service providers, and air-  
19 craft manufacturers that includes the following:

20                       (A) RNP/RNAV OPERATIONS.—The re-  
21 quired navigation performance and area naviga-  
22 tion operations, including the procedures to be  
23 developed, certified, and published and the air  
24 traffic control operational changes, to maximize  
25 the efficiency and capacity of NextGen commer-

1           cial operations at the 35 operational evolution  
2           partnership airports identified by the Adminis-  
3           tration.

4           (B) COORDINATION AND IMPLEMENTATION  
5           ACTIVITIES.—A description of the activities and  
6           operational changes and approvals required to  
7           coordinate and utilize those procedures at those  
8           airports.

9           (C) IMPLEMENTATION PLAN.—A plan for  
10          implementing those procedures that estab-  
11          lishes—

12                 (i) clearly defined budget, schedule,  
13                 project organization, and leadership re-  
14                 quirements;

15                 (ii) specific implementation and tran-  
16                 sition steps; and

17                 (iii) baseline and performance metrics  
18                 for—

19                         (I) measuring the Administra-  
20                         tion’s progress in implementing the  
21                         plan, including the percentage utiliza-  
22                         tion of required navigation perform-  
23                         ance in the national airspace system;  
24                         and

1 (II) achieving measurable fuel  
2 burn and carbon dioxide emissions re-  
3 ductions compared to current per-  
4 formance; and

5 (iv) expedited environmental review  
6 procedures for timely environmental ap-  
7 proval of area navigation and required  
8 navigation performance that offer signifi-  
9 cant efficiency improvements as deter-  
10 mined by baseline and performance metrics  
11 under clause (iii).

12 (D) ADDITIONAL PROCEDURES.—A proc-  
13 ess for the identification, certification, and pub-  
14 lication of additional required navigation per-  
15 formance and area navigation procedures that  
16 may be required at such airports in the future.

17 (2) IMPLEMENTATION SCHEDULE.—The Ad-  
18 ministrator shall certify, publish, and implement—

19 (A) 30 percent of the required procedures  
20 not later than 18 months after the date of en-  
21 actment of this Act;

22 (B) 60 percent of the procedures not later  
23 than 36 months after the date of enactment of  
24 this Act; and



1                   (C) 100 percent of the procedures before  
2                   June 30, 2015.

3           (b) ESTABLISHMENT OF PRIORITIES.—The Adminis-  
4 trator shall extend the charter of the Performance Based  
5 Navigation Aviation Rulemaking Committee as necessary  
6 to establish priorities for the development, certification,  
7 publication, and implementation of the navigation per-  
8 formance and area navigation procedures based on their  
9 potential safety and efficiency benefits to other airports  
10 in the national airspace system, including small and me-  
11 dium hub airports.

12           (c) COORDINATED AND EXPEDITED REVIEW.—Navi-  
13 gation performance and area navigation procedures devel-  
14 oped, certified, published, and implemented under this sec-  
15 tion shall be presumed to be covered by a categorical ex-  
16 clusion (as defined in section 1508.4 of title 40, Code of  
17 Federal Regulations) under chapter 3 of FAA Order  
18 1050.1E unless the Administrator determines that ex-  
19 traordinary circumstances exist with respect to the proce-  
20 dure.

21           (d) DEPLOYMENT PLAN FOR NATIONWIDE DATA  
22 COMMUNICATIONS SYSTEM.—Not later than 1 year after  
23 the date of enactment of this Act, the Administrator shall  
24 submit to the Committee on Commerce, Science, and  
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-  
2 resentatives a plan for implementation of a nationwide  
3 data communications system. The plan shall include—

4 (1) clearly defined budget, schedule, project or-  
5 ganization, and leadership requirements;

6 (2) specific implementation and transition  
7 steps; and

8 (3) baseline and performance metrics for meas-  
9 uring the Administration’s progress in implementing  
10 the plan.

11 (e) IMPROVED PERFORMANCE STANDARDS.—

12 (1) ASSESSMENT OF WORK BEING PERFORMED  
13 UNDER NEXTGEN IMPLEMENTATION PLAN.—The  
14 Administrator shall clearly outline in the NextGen  
15 Implementation Plan document of the Administra-  
16 tion the work being performed under the plan to de-  
17 termine—

18 (A) whether utilization of ADS-B, RNP,  
19 and other technologies as part of NextGen im-  
20 plementation will display the position of aircraft  
21 more accurately and frequently so as to enable  
22 a more efficient use of existing airspace and re-  
23 sult in reduced consumption of aviation fuel  
24 and aircraft engine emissions; and

1 (B) the feasibility of reducing aircraft sep-  
2 aration standards in a safe manner as a result  
3 of the implementation of such technologies.

4 (2) AIRCRAFT SEPARATION STANDARDS.—If the  
5 Administrator determines that the standards re-  
6 ferred to in paragraph (1)(B) can be reduced safely,  
7 the Administrator shall include in the NextGen Im-  
8 plementation Plan a timetable for implementation of  
9 such reduced standards.

10 (f) THIRD-PARTY USAGE.—The Administration shall  
11 establish a program under which the Administration will  
12 use third parties in the development, testing, and mainte-  
13 nance of flight procedures.

14 **SEC. 214. PERFORMANCE METRICS.**

15 (a) IN GENERAL.—Not later than 180 days after the  
16 date of enactment of this Act, the Administrator of the  
17 Federal Aviation Administration shall establish and begin  
18 tracking national airspace system performance metrics, in-  
19 cluding, at a minimum, metrics with respect to—

20 (1) actual arrival and departure rates per hour  
21 measured against the currently published aircraft  
22 arrival rate and aircraft departure rate for the 35  
23 operational evolution partnership airports;

24 (2) average gate-to-gate times;

25 (3) fuel burned between key city pairs;

1           (4) operations using the advanced navigation  
2           procedures, including performance based navigation  
3           procedures;

4           (5) the average distance flown between key city  
5           pairs;

6           (6) the time between pushing back from the  
7           gate and taking off;

8           (7) continuous climb or descent;

9           (8) average gate arrival delay for all arrivals;

10          (9) flown versus filed flight times for key city  
11          pairs;

12          (10) implementation of NextGen Implementa-  
13          tion Plan, or any successor document, capabilities  
14          designed to reduce emissions and fuel consumption;

15          (11) the Administration's unit cost of providing  
16          air traffic control services; and

17          (12) runway safety, including runway incur-  
18          sions, operational errors, and loss of standard sepa-  
19          ration events.

20          (b) BASELINES.—The Administrator, in consultation  
21          with aviation industry stakeholders, shall identify base-  
22          lines for each of the metrics established under subsection  
23          (a) and appropriate methods to measure deviations from  
24          the baselines.

1 (c) PUBLICATION.—The Administrator shall make  
2 data obtained under subsection (a) available to the public  
3 in a searchable, sortable, and downloadable format  
4 through the Web site of the Administration and other ap-  
5 propriate media.

6 (d) REPORT.—Not later than 180 days after the date  
7 of enactment of this Act, the Administrator shall submit  
8 to the Committee on Commerce, Science, and Transpor-  
9 tation of the Senate and the Committee on Transportation  
10 and Infrastructure of the House of Representatives a re-  
11 port that contains—

12 (1) a description of the metrics that will be  
13 used to measure the Administration’s progress in  
14 implementing NextGen capabilities and operational  
15 results;

16 (2) information on any additional metrics devel-  
17 oped; and

18 (3) a process for holding the Administration ac-  
19 countable for meeting or exceeding the metrics base-  
20 lines identified in subsection (b).

21 **SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.**

22 Not later than 180 days after the date of enactment  
23 of this Act, the Administrator of the Federal Aviation Ad-  
24 ministration shall develop a plan to accelerate and stream-

1 line the process for certification of NextGen technologies,  
2 including—

3 (1) establishment of updated project plans and  
4 timelines;

5 (2) identification of the specific activities need-  
6 ed to certify NextGen technologies, including the es-  
7 tablishment of NextGen technical requirements for  
8 the manufacture of equipage, installation of equi-  
9 page, airline operational procedures, pilot training  
10 standards, air traffic control procedures, and air  
11 traffic controller training;

12 (3) identification of staffing requirements for  
13 the Air Certification Service and the Flight Stand-  
14 ards Service, taking into consideration the leveraging  
15 of assistance from third parties and designees;

16 (4) establishment of a program under which the  
17 Administration will use third parties in the certifi-  
18 cation process; and

19 (5) establishment of performance metrics to  
20 measure the Administration's progress.

21 **SEC. 216. SURFACE SYSTEMS ACCELERATION.**

22 (a) IN GENERAL.—The Chief Operating Officer of  
23 the Air Traffic Organization shall—

24 (1) evaluate the Airport Surface Detection  
25 Equipment-Model X program for its potential con-

1       tribution to implementation of the NextGen initia-  
2       tive;

3           (2) evaluate airport surveillance technologies  
4       and associated collaborative surface management  
5       software for potential contributions to implementa-  
6       tion of NextGen surface management;

7           (3) accelerate implementation of the program  
8       referred to in paragraph (1); and

9           (4) carry out such additional duties as the Ad-  
10       ministrator of the Federal Aviation Administration  
11       may require.

12       (b) **EXPEDITED CERTIFICATION AND UTILIZA-**  
13       **TION.**—The Administrator shall—

14           (1) consider options for expediting the certifi-  
15       cation of Ground-Based Augmentation System tech-  
16       nology; and

17           (2) develop a plan to utilize such a system at  
18       the 35 operational evolution partnership airports by  
19       September 30, 2012.

20       **SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**  
21       **CONTROL MODERNIZATION PROJECTS.**

22       (a) **PROCESS FOR EMPLOYEE INCLUSION.**—Notwith-  
23       standing any other law or agreement, the Administrator  
24       of the Federal Aviation Administration shall establish a  
25       process or processes for including qualified employees to

1 serve in a collaborative and expert capacity in the planning  
2 and development of air traffic control modernization  
3 projects, including NextGen.

4 (b) ADHERENCE TO DEADLINES.—Participants in  
5 these processes shall adhere to all deadlines and mile-  
6 stones established pursuant to this title.

7 (c) NO CHANGE IN EMPLOYEE STATUS.—Participa-  
8 tion in these processes by an employee shall not—

9 (1) serve as a waiver of any bargaining obliga-  
10 tions or rights;

11 (2) entitle the employee to any additional com-  
12 pensation or benefits; or

13 (3) entitle the employee to prevent or unduly  
14 delay the exercise of management prerogatives.

15 (d) WORKING GROUPS.—Except in extraordinary cir-  
16 cumstances, the Administrator shall not pay overtime re-  
17 lated to work group participation.

18 (e) REPORT.—Not later than 180 days after the date  
19 of enactment of this Act, the Administrator shall report  
20 to Committee on Transportation and Infrastructure of the  
21 House of Representatives and the Committee on Com-  
22 merce, Science, and Transportation of the Senate con-  
23 cerning the disputes between participating employees and  
24 Administration management that have led to delays to the  
25 implementation of NextGen, including information on the



1 source of the dispute, the resulting length of delay, and  
2 associated cost increases.

3 **SEC. 218. AIRSPACE REDESIGN.**

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

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

11 (2) The critical importance of airspace redesign  
12 efforts is underscored by the fact that they are high-  
13 lighted in strategic plans of the Administration, in-  
14 cluding Flight Plan 2009–2013 and the NextGen  
15 Implementation Plan.

16 (3) Funding cuts have led to delays and defer-  
17 rals of critical capacity enhancing airspace redesign  
18 efforts.

19 (4) Several new runways planned for the period  
20 of fiscal years 2011 and 2012 will not provide esti-  
21 mated capacity benefits without additional funds.

22 (b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/  
23 PHILADELPHIA METROPOLITAN AREA AIRSPACE REDE-  
24 SIGN.—

1           (1) MONITORING.—The Administrator of the  
2           Federal Aviation Administration, in conjunction with  
3           the Port Authority of New York and New Jersey  
4           and the Philadelphia International Airport, shall  
5           monitor the noise impacts of the New York/New  
6           Jersey/Philadelphia Metropolitan Area Airspace Re-  
7           design.

8           (2) REPORT.—Not later than 1 year following  
9           the first day of completion of the New York/New  
10          Jersey/Philadelphia Metropolitan Area Airspace Re-  
11          design, the Administrator shall submit to Congress  
12          a report on the findings of the Administrator with  
13          respect to monitoring conducted under paragraph  
14          (1).

15 **SEC. 219. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**  
16                                   **PUBLIC INTERNET WEB-BASED RESOURCE**  
17                                   **ON LOCATIONS OF POTENTIAL AVIATION OB-**  
18                                   **STRUCTIONS.**

19          (a) STUDY.—The Administrator of the Federal Avia-  
20          tion Administration shall carry out a study on the feasi-  
21          bility of developing a publicly searchable, Internet Web-  
22          based resource that provides information regarding the  
23          height and latitudinal and longitudinal locations of guy-  
24          wire and free-standing tower obstructions.

1 (b) CONSIDERATIONS.—In conducting the study, the  
2 Administrator shall consult with affected industries and  
3 appropriate Federal agencies.

4 (c) REPORT.—Not later than 1 year after the date  
5 of enactment of this Act, the Administrator shall submit  
6 a report to the appropriate committees of Congress on the  
7 results of the study.

8 **SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**  
9 **TER OF EXCELLENCE.**

10 (a) IN GENERAL.—The Administrator of the Federal  
11 Aviation Administration may enter into an agreement, on  
12 a competitive basis, to assist the establishment of a center  
13 of excellence for the research and development of NextGen  
14 technologies.

15 (b) FUNCTIONS.—The Administrator shall ensure  
16 that the center established under subsection (a)—

17 (1) leverages resources and partnerships, in-  
18 cluding appropriate programs of the Administration,  
19 to enhance the research and development of  
20 NextGen technologies by academia and industry; and

21 (2) provides educational, technical, and analyt-  
22 ical assistance to the Administration and other Fed-  
23 eral departments and agencies with responsibilities  
24 to research and develop NextGen technologies.

1 **SEC. 221. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.**

2 (a) DEVELOPMENT OF PLAN.—Not later than 120  
3 days after the date of enactment of this Act, the Adminis-  
4 trator of the Federal Aviation Administration shall de-  
5 velop a plan to expedite the equipage of general aviation  
6 and commercial aircraft with NextGen technologies.

7 (b) CONTENTS.—At a minimum, the plan shall—

8 (1) be based on public-private partnership prin-  
9 ciples; and

10 (2) leverage the use of private sector capital.

11 (c) REPORT.—Not later than 150 days after the date  
12 of enactment of this Act, the Administrator shall submit  
13 to Congress a report containing the plan.

14 **TITLE III—SAFETY**

15 **Subtitle A—General Provisions**

16 **SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
17 **TIFICATES.**

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

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

1 party to the judicial review proceedings. The findings of  
2 fact of the Board in any such case are conclusive if sup-  
3 ported by substantial evidence.”.

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

7 **SEC. 302. RELEASE OF DATA RELATING TO ABANDONED**  
8 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
9 **TYPE CERTIFICATES.**

10 Section 44704(a) is amended by adding at the end  
11 the following:

12 “(5) RELEASE OF DATA.—

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

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

1 more years, except that the Administrator  
2 may reduce this time if required to address  
3 an unsafe condition associated with the  
4 product;

5 “(ii) after using due diligence, the Ad-  
6 ministrator is unable to find the owner of  
7 record, or the owner of record’s heir, of the  
8 type certificate or supplemental type cer-  
9 tificate; and

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

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

23 “(C) REQUIREMENT TO MAINTAIN DATA.—  
24 The Administrator shall maintain engineering  
25 data in the possession of the Administration re-

1           lating to a type certificate or a supplemental  
2           type certificate that has been inactive for 3 or  
3           more years.”.

4 **SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CER-**  
5 **TIFICATES.**

6           (a) IN GENERAL.—Section 44704(e) is amended to  
7 read as follows:

8           “(e) DESIGN AND PRODUCTION ORGANIZATION CER-  
9 TIFICATES.—

10           “(1) ISSUANCE.—Beginning January 1, 2013,  
11 the Administrator may issue a certificate to a design  
12 organization, production organization, or design and  
13 production organization to authorize the organiza-  
14 tion to certify compliance of aircraft, aircraft en-  
15 gines, propellers, and appliances with the require-  
16 ments and minimum standards prescribed under sec-  
17 tion 44701(a). An organization holding a certificate  
18 issued under this subsection shall be known as a cer-  
19 tified design and production organization (in this  
20 subsection referred to as a ‘CDPO’).

21           “(2) APPLICATIONS.—On receiving an applica-  
22 tion for a CDPO certificate, the Administrator shall  
23 examine and rate the organization submitting the  
24 application, in accordance with regulations to be pre-  
25 scribed by the Administrator, to determine whether

1 the organization has adequate engineering, design,  
2 and production capabilities, standards, and safe-  
3 guards to make certifications of compliance as de-  
4 scribed in paragraph (1).

5 “(3) ISSUANCE OF CERTIFICATES BASED ON  
6 CDPO FINDINGS.—The Administrator may rely on  
7 certifications of compliance by a CDPO when mak-  
8 ing determinations under this section.

9 “(4) PUBLIC SAFETY.—The Administrator shall  
10 include in a CDPO certificate terms required in the  
11 interest of safety.

12 “(5) NO EFFECT ON POWER OF REVOCATION.—  
13 Nothing in this subsection affects the authority of  
14 the Secretary of Transportation to revoke a certifi-  
15 cate.”.

16 (b) APPLICABILITY.—Before January 1, 2013, the  
17 Administrator of the Federal Aviation Administration may  
18 continue to issue certificates under section 44704(e) of  
19 title 49, United States Code, as in effect on the day before  
20 the date of enactment of this Act.

21 (c) CLERICAL AMENDMENTS.—Chapter 447 is  
22 amended—

23 (1) in the heading for section 44704 by striking  
24 “**and design organization certificates**” and



1 inserting “, **and design and production or-**  
2 **ganization certificates**”; and

3 (2) in the analysis for such chapter by striking  
4 the item relating to section 44704 and inserting the  
5 following:

“44704. Type certificates, production certificates, airworthiness certificates, and  
design and production organization certificates.”.

6 **SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND**  
7 **REFORM.**

8 (a) GENERAL.—The Administrator of the Federal  
9 Aviation Administration, in consultation with representa-  
10 tives of the aviation industry, shall conduct an assessment  
11 of the certification and approval process under section  
12 44704 of title 49, United States Code.

13 (b) CONTENTS.—In conducting the assessment, the  
14 Administrator shall consider—

15 (1) the expected number of applications for  
16 product certifications and approvals the Adminis-  
17 trator will receive under section 44704 of such title  
18 in the 1-year, 5-year, and 10-year periods following  
19 the date of enactment of this Act;

20 (2) process reforms and improvements nec-  
21 essary to allow the Administrator to review and ap-  
22 prove the applications in a fair and timely fashion;

1           (3) the status of recommendations made in pre-  
2           vious reports on the Administration’s certification  
3           process;

4           (4) methods for enhancing the effective use of  
5           delegation systems, including organizational designa-  
6           tion authorization;

7           (5) methods for training the Administration’s  
8           field office employees in the safety management sys-  
9           tem and auditing; and

10          (6) the status of updating airworthiness re-  
11          quirements, including implementing recommenda-  
12          tions in the Administration’s report entitled “Part  
13          23—Small Airplane Certification Process Study”  
14          (OK–09–3468, dated July 2009).

15          (c) RECOMMENDATIONS.—In conducting the assess-  
16          ment, the Administrator shall make recommendations to  
17          improve efficiency and reduce costs through streamlining  
18          and reengineering the certification process under section  
19          44704 of such title to ensure that the Administrator can  
20          conduct certifications and approvals under such section in  
21          a manner that supports and enables the development of  
22          new products and technologies and the global competitive-  
23          ness of the United States aviation industry.

24          (d) REPORT.—Not later than 180 days after the date  
25          of enactment of this Act, the Administrator shall submit

1 to the Committee on Transportation and Infrastructure  
2 of the House of Representatives and the Committee on  
3 Commerce, Science, and Transportation of the Senate a  
4 report on the results of the assessment, together with an  
5 explanation of how the Administrator will implement rec-  
6 ommendations made under subsection (c) and measure the  
7 effectiveness of the recommendations.

8 (e) IMPLEMENTATION OF RECOMMENDATIONS.—Not  
9 later than 1 year after the date of enactment of this Act,  
10 the Administrator shall begin to implement the rec-  
11 ommendations made under subsection (c).

12 **SEC. 305. CONSISTENCY OF REGULATORY INTERPRETA-**  
13 **TION.**

14 (a) ESTABLISHMENT OF ADVISORY PANEL.—Not  
15 later than 90 days after the date of enactment of this Act,  
16 the Administrator of the Federal Aviation Administration  
17 shall establish an advisory panel comprised of both Gov-  
18 ernment and industry representatives to—

19 (1) review the October 2010 report by the Gov-  
20 ernment Accountability Office on certification and  
21 approval processes (GAO–11–14); and

22 (2) develop recommendations to address the  
23 findings in the report and other concerns raised by  
24 interested parties, including representatives of the  
25 aviation industry.

1 (b) MATTERS TO BE CONSIDERED.—The advisory  
2 panel shall—

3 (1) determine the root causes of inconsistent in-  
4 terpretation of regulations by the Administration’s  
5 Flight Standards Service and Aircraft Certification  
6 Service;

7 (2) develop recommendations to improve the  
8 consistency of interpreting regulations by the Ad-  
9 ministration’s Flight Standards Service and Aircraft  
10 Certification Service; and

11 (3) develop recommendations to improve com-  
12 munications between the Administration’s Flight  
13 Standards Service and Aircraft Certification Service  
14 and applicants and certificate and approval holders  
15 for the identification and resolution of potentially  
16 adverse issues in an expeditious and fair manner.

17 (c) REPORT.—Not later than 6 months after the date  
18 of enactment of this Act, the Administrator shall transmit  
19 to the Committee on Transportation and Infrastructure  
20 of the House of Representatives and the Committee on  
21 Commerce, Science, and Transportation of the Senate a  
22 report on the findings of the advisory panel, together with  
23 an explanation of how the Administrator will implement  
24 the recommendations of the advisory panel and measure  
25 the effectiveness of the recommendations.

1 **SEC. 306. RUNWAY SAFETY.**

2 (a) STRATEGIC RUNWAY SAFETY PLAN.—

3 (1) IN GENERAL.—Not later than 6 months  
4 after the date of enactment of this Act, the Adminis-  
5 trator of the Federal Aviation Administration shall  
6 develop and submit to Congress a report containing  
7 a strategic runway safety plan.

8 (2) CONTENTS OF PLAN.—The strategic run-  
9 way safety plan—

10 (A) shall include, at a minimum—

11 (i) goals to improve runway safety;

12 (ii) near and long term actions de-  
13 signed to reduce the severity, number, and  
14 rate of runway incursions, losses of stand-  
15 ard separation, and operational errors;

16 (iii) time frames and resources needed  
17 for the actions described in clause (ii);

18 (iv) a continuous evaluative process to  
19 track performance toward the goals re-  
20 ferred to in clause (i); and

21 (v) a review of every commercial serv-  
22 ice airport (as defined in section 47102 of  
23 title 49, United States Code) in the United  
24 States and proposed action to improve air-  
25 port lighting, provide better signs, and im-  
26 prove runway and taxiway markings; and

1 (B) shall address the increased runway  
2 safety risk associated with the expected in-  
3 creased volume of air traffic.

4 (b) PROCESS.—Not later than 6 months after the  
5 date of enactment of this Act, the Administrator shall de-  
6 velop a process for tracking and investigating operational  
7 errors, losses of standard separation, and runway incur-  
8 sions that includes procedures for—

9 (1) identifying who is responsible for tracking  
10 operational errors, losses of standard separation,  
11 and runway incursions, including a process for lower  
12 level employees to report to higher supervisory levels  
13 and for frontline managers to receive the informa-  
14 tion in a timely manner;

15 (2) conducting periodic random audits of the  
16 oversight process; and

17 (3) ensuring proper accountability.

18 (c) PLAN FOR INSTALLATION AND DEPLOYMENT OF  
19 SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY  
20 INCURSIONS.—Not later than December 31, 2011, the Ad-  
21 ministrator shall submit to Congress a report containing  
22 a plan for the installation and deployment of systems the  
23 Administrator is installing to alert controllers or flight  
24 crewmembers, or both, of potential runway incursions.  
25 The plan shall be integrated into the annual NextGen Im-

1 plementation Plan document of the Administration or any  
2 successor document.

3 **SEC. 307. IMPROVED PILOT LICENSES.**

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

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

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

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

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

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

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

4 (e) REPORT.—

5 (1) IN GENERAL.—Not later than 1 year after  
6 the date of enactment of this Act, and annually  
7 thereafter, the Administrator shall submit to the  
8 Committee on Transportation and Infrastructure of  
9 the House of Representatives and the Committee on  
10 Commerce, Science, and Transportation of the Sen-  
11 ate a report on the issuance of improved pilot li-  
12 censes under this section.

13 (2) EXPIRATION.—The Administrator shall not  
14 be required to submit annual reports under this sub-  
15 section after the date on which the Administrator  
16 begins issuing improved pilot licenses under this sec-  
17 tion or December 31, 2015, whichever occurs first.

18 **SEC. 308. FLIGHT STANDARDS EVALUATION PROGRAM.**

19 (a) IN GENERAL.—Not later than 180 days after the  
20 date of enactment of this Act, the Administrator of the  
21 Federal Aviation Administration shall modify the Flight  
22 Standards Evaluation Program—

23 (1) to include periodic and random reviews as  
24 part of the Administration’s oversight of air carriers;  
25 and



1           (2) to prohibit an individual from participating  
2           in a review or audit of an office with responsibility  
3           for an air carrier under the program if the indi-  
4           vidual, at any time in the 5-year period preceding  
5           the date of the review or audit, had responsibility for  
6           inspecting, or overseeing the inspection of, the oper-  
7           ations of that carrier.

8           (b) ANNUAL REPORT.—Not later than 1 year after  
9           the date of enactment of this Act, and annually thereafter,  
10          the Administrator shall submit to the Committee on Com-  
11          merce, Science, and Transportation of the Senate and the  
12          Committee on Transportation and Infrastructure of the  
13          House of Representatives a report on the Flight Stand-  
14          ards Evaluation Program, including the Administrator’s  
15          findings and recommendations with respect to the pro-  
16          gram.

17          (c) FLIGHT STANDARDS EVALUATION PROGRAM DE-  
18          FINED.—In this section, the term “Flight Standards Eval-  
19          uation Program” means the program established by the  
20          Federal Aviation Administration in FS 1100.1B CHG3,  
21          including any subsequent revisions thereto.

22          **SEC. 309. COCKPIT SMOKE.**

23          (a) STUDY.—The Comptroller General shall conduct  
24          a study on the effectiveness of oversight activities of the  
25          Federal Aviation Administration relating to the use of new

1 technologies to prevent or mitigate the effects of dense,  
2 continuous smoke in the cockpit of a commercial aircraft.

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

6 **SEC. 310. SAFETY OF AIR AMBULANCE OPERATIONS.**

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

9 **“§ 44730. Helicopter air ambulance operations**

10 “(a) COMPLIANCE REGULATIONS.—

11 “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), not later than 6 months after the date of  
13 enactment of this section, part 135 certificate hold-  
14 ers providing air ambulance services shall comply,  
15 whenever medical personnel are onboard the aircraft,  
16 with regulations pertaining to weather minimums  
17 and flight and duty time under part 135.

18 “(2) EXCEPTION.—If a certificate holder de-  
19 scribed in paragraph (1) is operating, or carrying  
20 out training, under instrument flight rules, the  
21 weather reporting requirement at the destination  
22 shall not apply until such time as the Administrator  
23 of the Federal Aviation Administration determines  
24 that portable, reliable, and accurate ground-based

1 weather measuring and reporting systems are avail-  
2 able.

3 “(b) RULEMAKING.—The Administrator shall con-  
4 duct a rulemaking proceeding to improve the safety of  
5 flight crewmembers, medical personnel, and passengers  
6 onboard helicopters providing air ambulance services  
7 under part 135.

8 “(c) MATTERS TO BE ADDRESSED.—In conducting  
9 the rulemaking proceeding under subsection (b), the Ad-  
10 ministrator shall address the following:

11 “(1) Flight request and dispatch procedures, in-  
12 cluding performance-based flight dispatch proce-  
13 dures.

14 “(2) Pilot training standards, including—

15 “(A) mandatory training requirements, in-  
16 cluding a minimum time for completing the  
17 training requirements;

18 “(B) training subject areas, such as com-  
19 munications procedures and appropriate tech-  
20 nology use; and

21 “(C) establishment of training standards  
22 in—

23 “(i) crew resource management;

24 “(ii) flight risk evaluation;

1                   “(iii) preventing controlled flight into  
2                   terrain;

3                   “(iv) recovery from inadvertent flight  
4                   into instrument meteorological conditions;

5                   “(v) operational control of the pilot in  
6                   command; and

7                   “(vi) use of flight simulation training  
8                   devices and line-oriented flight training.

9                   “(3) Safety-enhancing technology and equip-  
10                  ment, including—

11                  “(A) helicopter terrain awareness and  
12                  warning systems;

13                  “(B) radar altimeters;

14                  “(C) devices that perform the function of  
15                  flight data recorders and cockpit voice record-  
16                  ers, to the extent feasible; and

17                  “(D) safety equipment that should be worn  
18                  or used by flight crewmembers and medical per-  
19                  sonnel on a flight, including the possible use of  
20                  shoulder harnesses, helmets, seatbelts, and fire  
21                  resistant clothing to enhance crash surviv-  
22                  ability.

23                  “(4) Such other matters as the Administrator  
24                  considers appropriate.

1       “(d) MINIMUM REQUIREMENTS.—In issuing a final  
2 rule under subsection (b), the Administrator, at a min-  
3 imum, shall provide for the following:

4           “(1) FLIGHT RISK EVALUATION PROGRAM.—  
5       The Administrator shall ensure that a part 135 cer-  
6 tificate holder providing helicopter air ambulance  
7 services—

8           “(A) establishes a flight risk evaluation  
9       program, based on FAA Notice 8000.301  
10       issued by the Administration on August 1,  
11       2005, including any updates thereto;

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

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

18           “(2) OPERATIONAL CONTROL CENTER.—The  
19       Administrator shall ensure that a part 135 certifi-  
20       cate holder providing helicopter air ambulance serv-  
21       ices using 10 or more helicopters has an operational  
22       control center that meets such requirements as the  
23       Administrator may prescribe.

24       “(e) RULEMAKING.—The Administrator shall—

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

4           “(2) not later than 16 months after the last  
5           day of the comment period on the proposed rule,  
6           issue a final rule.

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

9           “(1) PART 135.—The term ‘part 135’ means  
10          part 135 of title 14, Code of Federal Regulations.

11          “(2) PART 135 CERTIFICATE HOLDER.—The  
12          term ‘part 135 certificate holder’ means a person  
13          holding a certificate issued under part 135.

14       **“§ 44731. Collection of data on helicopter air ambu-**  
15                               **lance operations**

16          “(a) IN GENERAL.—The Administrator of the Fed-  
17          eral Aviation Administration shall require a part 135 cer-  
18          tificate holder providing helicopter air ambulance services  
19          to submit to the Administrator, not later than 1 year after  
20          the date of enactment of this section, and annually there-  
21          after, a report containing, at a minimum, the following  
22          data:

23               “(1) The number of helicopters that the certifi-  
24               cate holder uses to provide helicopter air ambulance  
25               services and the base locations of the helicopters.

1           “(2) The number of flights and hours flown, by  
2 registration number, during which helicopters oper-  
3 ated by the certificate holder were providing heli-  
4 copter air ambulance services.

5           “(3) The number of flight requests for a heli-  
6 copter providing air ambulance services that were  
7 accepted or declined by the certificate holder and the  
8 type of each such flight request (such as scene re-  
9 sponse, interfacility transport, organ transport, or  
10 ferry or repositioning flight).

11           “(4) The number of accidents, if any, involving  
12 helicopters operated by the certificate holder while  
13 providing air ambulance services and a description  
14 of the accidents.

15           “(5) The number of flights and hours flown  
16 under instrument flight rules by helicopters operated  
17 by the certificate holder while providing air ambu-  
18 lance services.

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

22           “(7) The number of incidents, if any, in which  
23 a helicopter was not directly dispatched and arrived  
24 to transport patients but was not utilized for patient  
25 transport.

1       “(b) REPORTING PERIOD.—Data contained in a re-  
2 port submitted by a part 135 certificate holder under sub-  
3 section (a) shall relate to such reporting period as the Ad-  
4 ministrator determines appropriate.

5       “(c) DATABASE.—Not later than 6 months after the  
6 date of enactment of this section, the Administrator shall  
7 develop a method to collect and store the data collected  
8 under subsection (a), including a method to protect the  
9 confidentiality of any trade secret or proprietary informa-  
10 tion provided in response to this section.

11       “(d) REPORT TO CONGRESS.—Not later than 24  
12 months after the date of enactment of this section, and  
13 annually thereafter, the Administrator shall submit to the  
14 Committee on Transportation and Infrastructure of the  
15 House of Representatives and the Committee on Com-  
16 merce, Science, and Transportation of the Senate a report  
17 containing a summary of the data collected under sub-  
18 section (a).

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

23       (b) AUTHORIZED EXPENDITURES.—Section  
24 106(k)(2)(C) (as redesignated by this Act) is amended by  
25 inserting before the period the following: “and the develop-



1 ment and maintenance of helicopter approach proce-  
2 dures”.

3 (c) CLERICAL AMENDMENT.—The analysis for chap-  
4 ter 447 is amended by adding at the end the following:

“444730. Helicopter air ambulance operations.

“444731. Collection of data on helicopter air ambulance operations.”.

5 **SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**  
6 **ER OBSERVATION TECHNOLOGY.**

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

10 (b) SPECIFIC REVIEW.—The review shall include, at  
11 a minimum, an examination of off-airport, low-altitude  
12 weather reporting needs, an assessment of technical alter-  
13 natives (including automated weather observation sta-  
14 tions), an investment analysis, and recommendations for  
15 improving weather reporting.

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

19 **SEC. 312. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**  
20 **TO USE NIGHT VISION GOGGLES.**

21 (a) STUDY.—The Administrator of the Federal Avia-  
22 tion Administration shall carry out a study on the feasi-  
23 bility of requiring pilots of helicopters providing air ambu-  
24 lance services under part 135 of title 14, Code of Federal

1 Regulations, to use night vision goggles during nighttime  
2 operations.

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

9 (c) REPORT TO CONGRESS.—Not later than 1 year  
10 after the date of enactment of this Act, the Administrator  
11 shall submit to the Committee on Transportation and In-  
12 frastructure of the House of Representatives and the Com-  
13 mittee on Commerce, Science, and Transportation of the  
14 Senate a report on the results of the study.

15 **SEC. 313. PROHIBITION ON PERSONAL USE OF ELEC-**  
16 **TRONIC DEVICES ON FLIGHT DECK.**

17 (a) IN GENERAL.—Chapter 447 (as amended by this  
18 Act) is further amended by adding at the end the fol-  
19 lowing:

20 **“§ 44732. Prohibition on personal use of electronic**  
21 **devices on flight deck**

22 “(a) IN GENERAL.—It is unlawful for a flight crew-  
23 member of an aircraft used to provide air transportation  
24 under part 121 of title 14, Code of Federal Regulations,  
25 to use a personal wireless communications device or laptop

1 computer while at the flight crewmember’s duty station  
2 on the flight deck of such an aircraft while the aircraft  
3 is being operated.

4 “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
5 the use of a personal wireless communications device or  
6 laptop computer for a purpose directly related to operation  
7 of the aircraft, or for emergency, safety-related, or em-  
8 ployment-related communications, in accordance with pro-  
9 cedures established by the air carrier and the Adminis-  
10 trator of the Federal Aviation Administration.

11 “(c) ENFORCEMENT.—In addition to the penalties  
12 provided under section 46301 applicable to any violation  
13 of this section, the Administrator of the Federal Aviation  
14 Administration may enforce compliance with this section  
15 under section 44709 by amending, modifying, suspending,  
16 or revoking a certificate under this chapter.

17 “(d) PERSONAL WIRELESS COMMUNICATIONS DE-  
18 VICE DEFINED.—In this section, the term ‘personal wire-  
19 less communications device’ means a device through which  
20 personal wireless services (as defined in section  
21 332(e)(7)(C)(i) of the Communications Act of 1934 (47  
22 U.S.C. 332(e)(7)(C)(i))) are transmitted.”.

23 (b) PENALTY.—Section 44711(a) is amended—

24 (1) by striking “or” after the semicolon in  
25 paragraph (8);

1           (2) by striking “title.” in paragraph (9) and in-  
2           serting “title; or”; and

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

4           “(10) violate section 44732 or any regulation  
5           issued thereunder.”.

6           (c) CONFORMING AMENDMENT.—The analysis for  
7           chapter 447 (as amended by this Act) is further amended  
8           by adding at the end the following:

          “44732. Prohibition on personal use of electronic devices on flight deck.”.

9           (d) REGULATIONS.—Not later than 90 days after the  
10          date of enactment of this Act, the Administrator of the  
11          Federal Aviation Administration shall initiate a rule-  
12          making procedure for regulations to carry out section  
13          44732 of title 49, United States Code, and shall issue a  
14          final rule thereunder not later than 2 years after the date  
15          of enactment of this Act.

16          (e) STUDY.—

17               (1) IN GENERAL.—The Administrator of the  
18          Federal Aviation Administration shall review rel-  
19          evant air carrier data and carry out a study—

20                       (A) to identify common sources of distrac-  
21                       tion for the flight crewmembers on the flight  
22                       deck of a commercial aircraft; and

23                       (B) to determine the safety impacts of  
24                       such distractions.

1           (2) REPORT.—Not later than 1 year after the  
2           date of enactment of this Act, the Administrator  
3           shall submit to the Committee on Commerce,  
4           Science, and Transportation of the Senate and the  
5           Committee on Transportation and Infrastructure of  
6           the House of Representatives a report that con-  
7           tains—

8                   (A) the findings of the study conducted  
9                   under paragraph (1); and

10                   (B) recommendations regarding how to re-  
11                   duce distractions for flight crewmembers on the  
12                   flight deck of a commercial aircraft.

13 **SEC. 314. NONCERTIFICATED MAINTENANCE PROVIDERS.**

14           (a) REGULATIONS.—Not later than 3 years after the  
15           date of enactment of this Act, the Administrator of the  
16           Federal Aviation Administration shall issue regulations re-  
17           quiring that covered work on an aircraft used to provide  
18           air transportation under part 121 of title 14, Code of Fed-  
19           eral Regulations, be performed by persons in accordance  
20           with subsection (b).

21           (b) PERSONS AUTHORIZED TO PERFORM CERTAIN  
22           WORK.—A person may perform covered work on aircraft  
23           used to provide air transportation under part 121 of title  
24           14, Code of Federal Regulations, only if the person is em-  
25           ployed by—

1 (1) a part 121 air carrier;

2 (2) a part 145 repair station or a person au-  
3 thorized under section 43.17 of title 14, Code of  
4 Federal Regulations; or

5 (3) subject to subsection (c), a person that—

6 (A) provides contract maintenance work-  
7 ers, services, or maintenance functions to a part  
8 145 repair station or part 121 air carrier; and

9 (B) meets the requirements of the part  
10 121 air carrier or the part 145 repair station.

11 (c) TERMS AND CONDITIONS.—Covered work per-  
12 formed by a person who is employed by a person described  
13 in subsection (b)(3) shall be subject to the following terms  
14 and conditions:

15 (1) The part 121 air carrier or the part 145 re-  
16 pair station shall be directly in charge of the covered  
17 work being performed.

18 (2) The covered work shall be carried out in ac-  
19 cordance with the part 121 air carrier’s maintenance  
20 manual.

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

23 (1) COVERED WORK.—The term “covered  
24 work” means a required inspection item, as defined  
25 by the Administrator.

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

5           (3) PART 145 REPAIR STATION.—The term  
6           “part 145 repair station” means a repair station  
7           that holds a certificate issued under part 145 of title  
8           14, Code of Federal Regulations.

9   **SEC. 315. INSPECTION OF FOREIGN REPAIR STATIONS.**

10          (a) IN GENERAL.—Chapter 447 (as amended by this  
11          Act) is further amended by adding at the end the fol-  
12          lowing:

13    **“§ 44733. Inspection of foreign repair stations**

14          “(a) IN GENERAL.—Not later than 1 year after the  
15          date of enactment of this section, the Administrator of the  
16          Federal Aviation Administration shall establish and imple-  
17          ment a safety assessment system for each part 145 repair  
18          station based on the type, scope, and complexity of work  
19          being performed by the repair station, which shall—

20                  “(1) ensure that repair stations outside the  
21                  United States are subject to appropriate inspections  
22                  that are based on identified risks and consistent  
23                  with United States requirements;

24                  “(2) accept consideration of inspection results  
25                  and findings submitted by foreign civil aviation au-

1       thorities operating under a maintenance safety or  
2       maintenance implementation agreement with the  
3       United States in meeting the requirements of the  
4       safety assessment system; and

5             “(3) require all maintenance safety or mainte-  
6       nance implementation agreements with the United  
7       States to provide an opportunity for the Federal  
8       Aviation Administration to conduct independent in-  
9       spections of covered part 145 repair stations when  
10       safety concerns warrant such inspections.

11       “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The  
12       Administrator shall notify the Committee on Commerce,  
13       Science, and Transportation of the Senate and the Com-  
14       mittee on Transportation and Infrastructure of the House  
15       of Representatives on or before the 30th day after initi-  
16       ating formal negotiations with a foreign aviation authority  
17       or other appropriate foreign government agency on a new  
18       maintenance safety or maintenance implementation agree-  
19       ment.

20       “(c) ANNUAL REPORT.—Not later than 1 year after  
21       the date of enactment of this section, and annually there-  
22       after, the Administrator shall publish a report on the Ad-  
23       ministration’s oversight of part 145 repair stations and  
24       implementation of the safety assessment system required  
25       by subsection (a), which shall—



1           “(1) describe in detail any improvements in the  
2 Federal Aviation Administration’s ability to identify  
3 and track where part 121 air carrier repair work is  
4 performed;

5           “(2) include a staffing model to determine the  
6 best placement of inspectors and the number of in-  
7 spectors needed for the oversight and implementa-  
8 tion;

9           “(3) describe the training provided to inspectors  
10 with respect to the oversight and implementation;

11           “(4) include an assessment of the quality of  
12 monitoring and surveillance by the Federal Aviation  
13 Administration of work provided by its inspectors  
14 and the inspectors of foreign authorities operating  
15 under a maintenance safety or maintenance imple-  
16 mentation agreement with the United States; and

17           “(5) specify the number of sample inspections  
18 performed by Federal Aviation Administration in-  
19 spectors at each repair station that is covered by a  
20 maintenance safety or maintenance implementation  
21 agreement with the United States.

22           “(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-  
23 ING PROGRAM REQUIREMENTS.—

24           “(1) IN GENERAL.—The Secretary of State and  
25 the Secretary of Transportation shall request, joint-

1 ly, the governments of foreign countries that are  
2 members of the International Civil Aviation Organi-  
3 zation to establish international standards for alco-  
4 hol and controlled substances testing of persons that  
5 perform safety-sensitive maintenance functions on  
6 commercial air carrier aircraft.

7 “(2) APPLICATION TO PART 121 AIRCRAFT  
8 WORK.—Not later than 1 year after the date of en-  
9 actment of this section, the Administrator shall pro-  
10 mulgate a proposed rule requiring that all part 145  
11 repair station employees responsible for safety-sen-  
12 sitive maintenance functions on part 121 air carrier  
13 aircraft are subject to an alcohol and controlled sub-  
14 stances testing program that is determined accept-  
15 able by the Administrator and is consistent with the  
16 applicable laws of the country in which the repair  
17 station is located.

18 “(e) INSPECTIONS.—The Administrator shall require  
19 part 145 repair stations to be inspected as frequently as  
20 determined warranted by the safety assessment system re-  
21 quired by subsection (a), regardless of where the station  
22 is located, and in a manner consistent with United States  
23 obligations under international agreements.

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

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

5           “(2) PART 145 REPAIR STATION.—The term  
6           ‘part 145 repair station’ means a repair station that  
7           holds a certificate issued under part 145 of title 14,  
8           Code of Federal Regulations.”.

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

          “44733. Inspection of foreign repair stations.”.

12          **SEC. 316. SUNSET OF LINE CHECK.**

13          Section 44729(h) is amended by adding at the end  
14          the following:

15                 “(4) SUNSET OF LINE CHECK.—Paragraph (2)  
16                 shall cease to be effective following the one-year pe-  
17                 riod beginning on the date of enactment of the FAA  
18                 Reauthorization and Reform Act of 2011 unless the  
19                 Secretary certifies that the requirements of para-  
20                 graph (2) are necessary to ensure safety.”.

21                 **Subtitle B—Unmanned Aircraft**  
22                                 **Systems**

23          **SEC. 321. DEFINITIONS.**

24          In this subtitle, the following definitions apply:

1           (1) CERTIFICATE OF WAIVER; CERTIFICATE OF  
2 AUTHORIZATION.—The term “certificate of waiver”  
3 or “certificate of authorization” means a Federal  
4 Aviation Administration grant of approval for a spe-  
5 cific flight operation.

6           (2) SENSE AND AVOID CAPABILITY.—The term  
7 “sense and avoid capability” means the capability of  
8 an unmanned aircraft to remain a safe distance  
9 from and to avoid collisions with other airborne air-  
10 craft.

11           (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—  
12 The term “public unmanned aircraft system” means  
13 an unmanned aircraft system that meets the quali-  
14 fications and conditions required for operation of a  
15 public aircraft, as defined by section 40102 of title  
16 49, United States Code.

17           (4) SMALL UNMANNED AIRCRAFT.—The term  
18 “small unmanned aircraft” means an unmanned air-  
19 craft weighing less than 55 pounds.

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

23           (6) UNMANNED AIRCRAFT.—The term “un-  
24 manned aircraft” means an aircraft that is operated

1 without the possibility of direct human intervention  
2 from within or on the aircraft.

3 (7) UNMANNED AIRCRAFT SYSTEM.—The term  
4 “unmanned aircraft system” means an unmanned  
5 aircraft and associated elements (including commu-  
6 nication links and the components that control the  
7 unmanned aircraft) that are required for the pilot in  
8 command to operate safely and efficiently in the na-  
9 tional airspace system.

10 **SEC. 322. CIVIL UNMANNED AIRCRAFT SYSTEMS INTEGRA-**  
11 **TION PLAN.**

12 (a) INTEGRATION PLAN.—

13 (1) COMPREHENSIVE PLAN.—Not later than  
14 270 days after the date of enactment of this Act, the  
15 Secretary of Transportation, in consultation with  
16 representatives of the aviation industry, Federal  
17 agencies that employ unmanned aircraft systems  
18 technology in the national airspace system, and the  
19 unmanned aircraft systems industry, shall develop a  
20 comprehensive plan to safely integrate civil un-  
21 manned aircraft systems into the national airspace  
22 system.

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

1 (A) review technologies and research that  
2 will assist in facilitating the safe integration of  
3 civil unmanned aircraft systems into the na-  
4 tional airspace system;

5 (B) provide recommendations or projec-  
6 tions for the rulemaking to be conducted under  
7 subsection (b)—

8 (i) to define the acceptable standards  
9 for operations and certification of civil un-  
10 manned aircraft systems;

11 (ii) to ensure that civil unmanned air-  
12 craft systems include a sense and avoid ca-  
13 pability, if necessary for safety purposes;

14 (iii) to develop standards and require-  
15 ments for unmanned aircraft systems sense  
16 and avoid performance; and

17 (iv) to develop standards and require-  
18 ments for the operator and pilot of a com-  
19 mercial unmanned aircraft system, includ-  
20 ing standards and requirements for reg-  
21 istration and licensing;

22 (C) recommend how best to enhance the  
23 technologies and subsystems necessary to pro-  
24 vide for the safe and routine operations of com-

1           merchial unmanned aircraft systems in the na-  
2           tional airspace system; and

3                   (D) recommend how a phased-in approach  
4           for the integration of civil unmanned aircraft  
5           systems into the national airspace system can  
6           best be achieved and a timeline upon which  
7           such a phase-in shall occur.

8           (3) DEADLINE.—The plan to be developed  
9           under paragraph (1) shall provide for the safe inte-  
10          gration of civil unmanned aircraft systems into the  
11          national airspace system not later than September  
12          30, 2015.

13          (4) REPORT TO CONGRESS.—The Secretary  
14          shall submit to Congress—

15                   (A) not later than 1 year after the date of  
16           enactment of this Act, a copy of the plan devel-  
17           oped under paragraph (1); and

18                   (B) annually thereafter, a report on the ac-  
19           tivities of the Secretary under this section.

20          (b) RULEMAKING.—Not later than 18 months after  
21          the date on which the integration plan is submitted to  
22          Congress under subsection (a)(4), the Administrator of  
23          the Federal Aviation Administration shall publish in the  
24          Federal Register a notice of proposed rulemaking to im-  
25          plement the recommendations of the integration plan.

1 **SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**  
2 **CRAFT SYSTEMS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Secretary of Transpor-  
5 tation shall determine if certain unmanned aircraft sys-  
6 tems may operate safely in the national airspace system.  
7 The Secretary may make such determination before com-  
8 pletion of the plan and rulemaking required by section 322  
9 of this Act or the guidance required by section 324 of this  
10 Act.

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

14 (1) which types of unmanned aircraft systems,  
15 if any, as a result of their size, weight, speed, oper-  
16 ational capability, proximity to airports and popu-  
17 lation areas, and operation within visual line-of-sight  
18 do not create a hazard to users of the national air-  
19 space system or the public or pose a threat to na-  
20 tional security; and

21 (2) whether a certificate of waiver, certificate of  
22 authorization, or airworthiness certification under  
23 section 44704 of title 49, United States Code, is re-  
24 quired for the operation of unmanned aircraft sys-  
25 tems identified under paragraph (1).



1           (c) REQUIREMENTS FOR SAFE OPERATION.—If the  
2 Secretary determines under this section that certain un-  
3 manned aircraft systems may operate safely in the na-  
4 tional airspace system, the Secretary shall establish re-  
5 quirements for the safe operation of such aircraft systems  
6 in the national airspace system.

7 **SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

8           (a) GUIDANCE.—Not later than 270 days after the  
9 date of enactment of this Act, the Secretary of Transpor-  
10 tation shall issue guidance regarding the operation of pub-  
11 lic unmanned aircraft systems to—

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

14                   (2) provide for a collaborative process with pub-  
15 lic agencies to allow for an incremental expansion of  
16 access to the national airspace system as technology  
17 matures, as the necessary safety analysis and data  
18 become available, and until standards are completed  
19 and technology issues are resolved;

20                   (3) facilitate the capability of public agencies to  
21 develop and use test ranges, subject to operating re-  
22 strictions required by the Federal Aviation Adminis-  
23 tration, to test and operate unmanned aircraft sys-  
24 tems; and

1           (4) provide guidance on a public entity’s re-  
2           responsibility when operating an unmanned aircraft  
3           without a civil airworthiness certificate issued by the  
4           Federal Aviation Administration.

5           (b) STANDARDS FOR OPERATION AND CERTIFI-  
6           CATION.—Not later than December 31, 2015, the Sec-  
7           retary shall develop and implement operational and certifi-  
8           cation requirements for operational procedures for public  
9           unmanned aircraft systems in the national airspace sys-  
10          tem.

11          (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

12           (1) IN GENERAL.—Not later than 90 days after  
13           the date of enactment of this Act, the Secretary  
14           shall enter into agreements with appropriate govern-  
15           ment agencies to simplify the process for issuing cer-  
16           tificates of waiver or authorization with respect to  
17           applications seeking authorization to operate public  
18           unmanned aircraft systems in the national airspace  
19           system.

20           (2) CONTENTS.—The agreements shall—

21           (A) with respect to an application de-  
22           scribed in paragraph (1)—

23           (i) provide for an expedited review of  
24           the application;

1 (ii) require a decision by the Adminis-  
2 trator on approval or disapproval within 60  
3 business days of the date of submission of  
4 the application; and

5 (iii) allow for an expedited appeal if  
6 the application is disapproved;

7 (B) allow for a one-time approval of simi-  
8 lar operations carried out during a fixed period  
9 of time; and

10 (C) allow a government public safety agen-  
11 cy to operate unmanned aircraft weighing 4.4  
12 pounds or less, within the line of sight of the  
13 operator, less than 400 feet above the ground  
14 during daylight conditions, within Class G air-  
15 space, outside of 5 statute miles from any air-  
16 port, heliport, seaplane base or spaceport, or  
17 any location with aviation activities.

18 **SEC. 325. SAFETY STUDIES.**

19 The Administrator of the Federal Aviation Adminis-  
20 tration shall carry out all safety studies necessary to sup-  
21 port the integration of unmanned aircraft systems into the  
22 national airspace system.

23 **SEC. 326. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.**

24 (a) IN GENERAL.—Not later than 1 year after the  
25 date of enactment of this Act, the Administrator of the

1 Federal Aviation Administration shall establish a program  
2 to integrate unmanned aircraft systems into the national  
3 airspace system at not fewer than 4 test ranges.

4 (b) PROGRAM REQUIREMENTS.—In establishing the  
5 program under subsection (a), the Administrator shall—

6 (1) safely designate nonexclusionary airspace  
7 for integrated manned and unmanned flight oper-  
8 ations in the national airspace system;

9 (2) develop certification standards and air traf-  
10 fic requirements for unmanned flight operations at  
11 test ranges;

12 (3) coordinate with and leverage the resources  
13 of the National Aeronautics and Space Administra-  
14 tion and the Department of Defense;

15 (4) address both civil and public unmanned air-  
16 craft systems;

17 (5) ensure that the program is coordinated with  
18 the Next Generation Air Transportation System;  
19 and

20 (6) provide for verification of the safety of un-  
21 manned aircraft systems and related navigation pro-  
22 cedures before integration into the national airspace  
23 system.

1 (c) TEST RANGE LOCATIONS.—In determining the  
2 location of the 4 test ranges of the program under sub-  
3 section (a), the Administrator shall—

4 (1) take into consideration geographic and cli-  
5 matic diversity; and

6 (2) after consulting with the Administrator of  
7 the National Aeronautics and Space Administration  
8 and the Secretary of the Air Force, take into consid-  
9 eration the location of available research radars.

## 10 **Subtitle C—Safety and Protections**

### 11 **SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT** 12 **STANDARDS INSPECTORS.**

13 (a) IN GENERAL.—Section 44711 is amended by  
14 adding at the end the following:

15 “(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT  
16 STANDARDS INSPECTORS.—

17 “(1) PROHIBITION.—A person holding an oper-  
18 ating certificate issued under title 14, Code of Fed-  
19 eral Regulations, may not knowingly employ, or  
20 make a contractual arrangement that permits, an in-  
21 dividual to act as an agent or representative of the  
22 certificate holder in any matter before the Federal  
23 Aviation Administration if the individual, in the pre-  
24 ceding 2-year period—

1           “(A) served as, or was responsible for over-  
2           sight of, a flight standards inspector of the Ad-  
3           ministration; and

4           “(B) had responsibility to inspect, or over-  
5           see inspection of, the operations of the certifi-  
6           cate holder.

7           “(2) WRITTEN AND ORAL COMMUNICATIONS.—  
8           For purposes of paragraph (1), an individual shall  
9           be considered to be acting as an agent or representa-  
10          tive of a certificate holder in a matter before the Ad-  
11          ministration if the individual makes any written or  
12          oral communication on behalf of the certificate hold-  
13          er to the Administration (or any of its officers or  
14          employees) in connection with a particular matter,  
15          whether or not involving a specific party and without  
16          regard to whether the individual has participated in,  
17          or had responsibility for, the particular matter while  
18          serving as a flight standards inspector of the Admin-  
19          istration.”.

20          (b) APPLICABILITY.—The amendment made by sub-  
21          section (a) shall not apply to an individual employed by  
22          a certificate holder as of the date of enactment of this  
23          Act.

1 **SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT**  
2 **SYSTEM DATABASE.**

3 (a) **REVIEWS.**—The Administrator of the Federal  
4 Aviation Administration shall establish a process by which  
5 the air transportation oversight system database of the  
6 Administration is reviewed by regional teams of employees  
7 of the Administration, including at least one employee on  
8 each team representing aviation safety inspectors, on a  
9 monthly basis to ensure that—

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

12 (2) appropriate corrective actions are taken in  
13 accordance with Administration regulations, advisory  
14 directives, policies, and procedures.

15 (b) **MONTHLY TEAM REPORTS.**—

16 (1) **IN GENERAL.**—A regional team of employ-  
17 ees conducting a monthly review of the air transpor-  
18 tation oversight system database under subsection  
19 (a) shall submit to the Administrator, the Associate  
20 Administrator for Aviation Safety, and the Director  
21 of Flight Standards Service a report each month on  
22 the results of the review.

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

1 (A) any trends in regulatory compliance  
2 discovered by the team of employees in con-  
3 ducting the monthly review; and

4 (B) any corrective actions taken or pro-  
5 posed to be taken in response to the trends.

6 (c) BIENNIAL REPORTS TO CONGRESS.—The Ad-  
7 ministrator, on a biennial basis, shall submit to the Com-  
8 mittee on Transportation and Infrastructure of the House  
9 of Representatives and the Committee on Commerce,  
10 Science, and Transportation of the Senate a report on the  
11 results of the reviews of the air transportation oversight  
12 system database conducted under this section, including  
13 copies of reports received under subsection (b).

14 **SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING**  
15 **SYSTEM.**

16 (a) VOLUNTARY DISCLOSURE REPORTING PROGRAM  
17 DEFINED.—In this section, the term “Voluntary Dis-  
18 closure Reporting Program” means the program established  
19 by the Federal Aviation Administration through Advisory  
20 Circular 00–58A, dated September 8, 2006, including any  
21 subsequent revisions thereto.

22 (b) VERIFICATION.—The Administrator of the Fed-  
23 eral Aviation Administration shall modify the Voluntary  
24 Disclosure Reporting Program to require inspectors to—



1           (1) verify that air carriers are implementing  
2           comprehensive solutions to correct the underlying  
3           causes of the violations voluntarily disclosed by such  
4           air carriers; and

5           (2) confirm, before approving a final report of  
6           a violation, that a violation with the same root  
7           causes, has not been previously discovered by an in-  
8           spector or self-disclosed by the air carrier.

9           (c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DIS-  
10          CLOSURES.—The Administrator shall establish a process  
11          by which voluntary self-disclosures received from air car-  
12          riers are reviewed and approved by a supervisor after the  
13          initial review by an inspector.

14          (d) INSPECTOR GENERAL STUDY.—

15               (1) IN GENERAL.—The Inspector General of  
16               the Department of Transportation shall conduct a  
17               study of the Voluntary Disclosure Reporting Pro-  
18               gram.

19               (2) REVIEW.—In conducting the study, the In-  
20               spector General shall examine, at a minimum, if the  
21               Administration—

22                       (A) conducts comprehensive reviews of vol-  
23                       untary disclosure reports before closing a vol-  
24                       untary disclosure report under the provisions of  
25                       the program;

1 (B) evaluates the effectiveness of corrective  
2 actions taken by air carriers; and

3 (C) effectively prevents abuse of the vol-  
4 untary disclosure reporting program through its  
5 secondary review of self-disclosures before they  
6 are accepted and closed by the Administration.

7 (3) REPORT.—Not later than 1 year after the  
8 date of enactment of this Act, the Inspector General  
9 shall submit to the Committee on Transportation  
10 and Infrastructure of the House of Representatives  
11 and Committee on Commerce, Science, and Trans-  
12 portation of the Senate a report on the results of the  
13 study conducted under this section.

14 **SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OF-**  
15 **FICE.**

16 Section 106 (as amended by this Act) is further  
17 amended by adding at the end the following:

18 “(t) AVIATION SAFETY WHISTLEBLOWER INVES-  
19 TIGATION OFFICE.—

20 “(1) ESTABLISHMENT.—There is established in  
21 the Federal Aviation Administration (in this section  
22 referred to as the ‘Agency’) an Aviation Safety  
23 Whistleblower Investigation Office (in this sub-  
24 section referred to as the ‘Office’).

25 “(2) DIRECTOR.—

1           “(A) APPOINTMENT.—The head of the Of-  
2           fice shall be the Director, who shall be ap-  
3           pointed by the Secretary of Transportation.

4           “(B) QUALIFICATIONS.—The Director  
5           shall have a demonstrated ability in investiga-  
6           tions and knowledge of or experience in avia-  
7           tion.

8           “(C) TERM.—The Director shall be ap-  
9           pointed for a term of 5 years.

10          “(D) VACANCY.—Any individual appointed  
11          to fill a vacancy in the position of the Director  
12          occurring before the expiration of the term for  
13          which the individual’s predecessor was ap-  
14          pointed shall be appointed for the remainder of  
15          that term.

16          “(3) COMPLAINTS AND INVESTIGATIONS.—

17               “(A) AUTHORITY OF DIRECTOR.—The Di-  
18               rector shall—

19                       “(i) receive complaints and informa-  
20                       tion submitted by employees of persons  
21                       holding certificates issued under title 14,  
22                       Code of Federal Regulations, and employ-  
23                       ees of the Agency concerning the possible  
24                       existence of an activity relating to a viola-  
25                       tion of an order, regulation, or standard of

1 the Agency or any other provision of Fed-  
2 eral law relating to aviation safety;

3 “(ii) assess complaints and informa-  
4 tion submitted under clause (i) and deter-  
5 mine whether a substantial likelihood ex-  
6 ists that a violation of an order, regulation,  
7 or standard of the Agency or any other  
8 provision of Federal law relating to avia-  
9 tion safety has occurred; and

10 “(iii) based on findings of the assess-  
11 ment conducted under clause (ii), make  
12 recommendations to the Administrator in  
13 writing for further investigation or correc-  
14 tive actions.

15 “(B) DISCLOSURE OF IDENTITIES.—The  
16 Director shall not disclose the identity of an in-  
17 dividual who submits a complaint or informa-  
18 tion under subparagraph (A)(i) unless—

19 “(i) the individual consents to the dis-  
20 closure in writing; or

21 “(ii) the Director determines, in the  
22 course of an investigation, that the disclo-  
23 sure is required by regulation, statute, or  
24 court order, or is otherwise unavoidable, in  
25 which case the Director shall provide the

1 individual reasonable advanced notice of  
2 the disclosure.

3 “(C) INDEPENDENCE OF DIRECTOR.—The  
4 Secretary, the Administrator, or any officer or  
5 employee of the Agency may not prevent or pro-  
6 hibit the Director from initiating, carrying out,  
7 or completing any assessment of a complaint or  
8 information submitted under subparagraph  
9 (A)(i) or from reporting to Congress on any  
10 such assessment.

11 “(D) ACCESS TO INFORMATION.—In con-  
12 ducting an assessment of a complaint or infor-  
13 mation submitted under subparagraph (A)(i),  
14 the Director shall have access to all records, re-  
15 ports, audits, reviews, documents, papers, rec-  
16 ommendations, and other material necessary to  
17 determine whether a substantial likelihood ex-  
18 ists that a violation of an order, regulation, or  
19 standard of the Agency or any other provision  
20 of Federal law relating to aviation safety may  
21 have occurred.

22 “(4) RESPONSES TO RECOMMENDATIONS.—Not  
23 later than 60 days after the date on which the Ad-  
24 ministrator receives a report with respect to an in-  
25 vestigation, the Administrator shall respond to a rec-

1 ommendation made by the Director under subpara-  
2 graph (A)(iii) in writing and retain records related  
3 to any further investigations or corrective actions  
4 taken in response to the recommendation.

5 “(5) INCIDENT REPORTS.—If the Director de-  
6 termines there is a substantial likelihood that a vio-  
7 lation of an order, regulation, or standard of the  
8 Agency or any other provision of Federal law relat-  
9 ing to aviation safety has occurred that requires im-  
10 mediate corrective action, the Director shall report  
11 the potential violation expeditiously to the Adminis-  
12 trator and the Inspector General of the Department  
13 of Transportation.

14 “(6) REPORTING OF CRIMINAL VIOLATIONS TO  
15 INSPECTOR GENERAL.—If the Director has reason-  
16 able grounds to believe that there has been a viola-  
17 tion of Federal criminal law, the Director shall re-  
18 port the violation expeditiously to the Inspector Gen-  
19 eral.

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

23 “(A) information on the number of submis-  
24 sions of complaints and information received by

1 the Director under paragraph (3)(A)(i) in the  
2 preceding 12-month period;

3 “(B) summaries of those submissions;

4 “(C) summaries of further investigations  
5 and corrective actions recommended in response  
6 to the submissions; and

7 “(D) summaries of the responses of the  
8 Administrator to such recommendations.”.

9 **SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**

10 **APPLICABLE TO FLIGHT CREWMEMBERS.**

11 (a) RULEMAKING ON APPLICABILITY OF PART 121  
12 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART  
13 91 OPERATIONS.—Not later than 180 days after the date  
14 of enactment of this Act, the Administrator of the Federal  
15 Aviation Administration shall initiate a rulemaking pro-  
16 ceeding, if such a proceeding has not already been initi-  
17 ated, to require a flight crewmember who is employed by  
18 an air carrier conducting operations under part 121 of  
19 title 14, Code of Federal Regulations, and who accepts  
20 an additional assignment for flying under part 91 of such  
21 title from the air carrier or from any other air carrier con-  
22 ducting operations under part 121 or 135 of such title,  
23 to apply the period of the additional assignment (regard-  
24 less of whether the assignment is performed by the flight  
25 crewmember before or after an assignment to fly under

1 part 121 of such title) toward any limitation applicable  
2 to the flight crewmember relating to duty periods or flight  
3 times under part 121 of such title.

4 (b) RULEMAKING ON APPLICABILITY OF PART 135  
5 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART  
6 91 OPERATIONS.—Not later than 1 year after the date  
7 of enactment of this Act, the Administrator shall initiate  
8 a rulemaking proceeding to require a flight crewmember  
9 who is employed by an air carrier conducting operations  
10 under part 135 of title 14, Code of Federal Regulations,  
11 and who accepts an additional assignment for flying under  
12 part 91 of such title from the air carrier or any other air  
13 carrier conducting operations under part 121 or 135 of  
14 such title, to apply the period of the additional assignment  
15 (regardless of whether the assignment is performed by the  
16 flight crewmember before or after an assignment to fly  
17 under part 135 of such title) toward any limitation appli-  
18 cable to the flight crewmember relating to duty periods  
19 or flight times under part 135 of such title.

20 (c) SEPARATE RULEMAKING PROCEEDINGS RE-  
21 QUIRED.—The rulemaking proceeding required under sub-  
22 section (b) shall be separate from the rulemaking pro-  
23 ceeding required under subsection (a).



1 **SEC. 336. CERTAIN EXISTING FLIGHT TIME LIMITATIONS**  
2 **AND REST REQUIREMENTS.**

3 (a) IN GENERAL.—Notwithstanding any interpreta-  
4 tion issued by the Administrator of the Federal Aviation  
5 Administration, the requirements regarding sections 263  
6 and 267(d) of part 135 of title 14, Code of Federal Regu-  
7 lations, for part 135 certificate holders providing air am-  
8 bulance services and pilots and flight crewmembers of all-  
9 cargo aircraft regarding certain flight times and rest peri-  
10 ods shall remain in effect as such requirements were in  
11 effect on January 1, 2011.

12 (b) RESTRICTION ON REGULATIONS.—The Adminis-  
13 trator may not issue, finalize, or implement a rule regard-  
14 ing sections 263 and 267(d) of part 135 of title 14, Code  
15 of Federal Regulations, as proposed in docket No. FAA-  
16 2010–1259, Interpretations of Rest Requirements, pub-  
17 lished in the Federal Register on December 23, 2010, or  
18 any similar rule regarding such sections for part 135 cer-  
19 tificate holders providing air ambulance services and pilots  
20 and flight crewmembers of all-cargo aircraft.

21 **SEC. 337. DISCLOSURE AND USE OF INFORMATION.**

22 (a) IN GENERAL.—Chapter 447 (as amended by this  
23 Act) is further amended by adding at the end the fol-  
24 lowing:

1 **“§ 44734. Disclosure and use of information**

2       “(a) IN GENERAL.—Notwithstanding any other pro-  
3 vision of law, and except as provided in this section, the  
4 following reports and data shall not be subject to discovery  
5 or subpoena or admitted into evidence in a Federal or  
6 State court proceeding or considered for other purposes  
7 in any such proceeding:

8               “(1) A report developed under the Aviation  
9 Safety Action Program.

10              “(2) Data produced or collected under the  
11 Flight Operational Quality Assurance Program.

12              “(3) A report developed under the Line Oper-  
13 ations Safety Audit Program.

14              “(4) Hazard identification, risk assessment,  
15 risk control, and safety assurance data produced or  
16 collected for purposes of—

17                   “(A) assessing and improving aviation  
18 safety; or

19                   “(B) developing and implementing a safety  
20 management system acceptable to the Adminis-  
21 trator.

22              “(5) Reports, analyses, and directed studies  
23 based in whole or in part on reports or data de-  
24 scribed in paragraphs (1) through (4), including  
25 those prepared under the Aviation Safety Informa-  
26 tion Analysis and Sharing Program.

1           “(b) PROTECTION OF VOLUNTARILY SUBMITTED IN-  
2 FORMATION.—Any report or data described in subsection  
3 (a) that is voluntarily provided to the Federal Aviation Ad-  
4 ministration shall be considered to be voluntarily sub-  
5 mitted information within the meaning of section 40123,  
6 and shall not be disclosed to the public pursuant to section  
7 552(b)(3)(B) of title 5.

8           “(c) FAA REPORTS.—Notwithstanding any other  
9 provision of this section, the Administrator of the Federal  
10 Aviation Administration may release documents to the  
11 public that include summaries, aggregations, or statistical  
12 analyses based on reports or data described in subsection  
13 (a).

14           “(d) SAFETY RECOMMENDATIONS.—Nothing in this  
15 section shall be construed to prevent the National Trans-  
16 portation Safety Board, in connection with an ongoing ac-  
17 cident investigation, from referring to relevant information  
18 contained in reports or data described in subsection (a)  
19 in making safety recommendations.

20           “(e) WAIVER.—Subsection (a) shall not apply with  
21 respect to a report developed, or data produced or col-  
22 lected, by or on behalf of a person if that person waives  
23 the privileges provided under subsection (a). A waiver  
24 under this subsection shall be made in writing or occa-

1 sioned by the person’s own use of the information in pre-  
2 senting a claim or defense.”.

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

“44734. Disclosure and use of information.”.

6 **SEC. 338. LIABILITY PROTECTION FOR PERSONS IMPLE-**  
7 **MENTING SAFETY MANAGEMENT SYSTEMS.**

8 (a) IN GENERAL.—Chapter 447 (as amended by this  
9 Act) is further amended by adding at the end the fol-  
10 lowing:

11 **“§ 44735. Liability protection for persons imple-**  
12 **menting safety management systems**

13 **“(a) PERSONS IMPLEMENTING SAFETY MANAGE-**  
14 **MENT SYSTEMS.—**

15 **“(1) IN GENERAL.—**Notwithstanding any other  
16 provision of law, a person that is required by the  
17 Administrator of the Federal Aviation Administra-  
18 tion to implement a safety management system may  
19 not be held liable for damages in connection with a  
20 claim filed in a State or Federal court (including a  
21 claim for compensatory, punitive, contributory, or in-  
22 demnity damages) relating to the person’s prepara-  
23 tion or implementation of, or an event or occurrence  
24 contemplated by, the safety management system.

1           “(2) LIMITATION.—Nothing in this section  
2 shall relieve a person from liability for damages re-  
3 sulting from the person’s own willful or reckless acts  
4 or omissions as demonstrated by clear and con-  
5 vincing evidence.

6           “(b) ACCOUNTABLE EXECUTIVES.—

7           “(1) IN GENERAL.—Notwithstanding any other  
8 provision of law, a person who is employed by a per-  
9 son described in subsection (a) and who is respon-  
10 sible for performing the functions of an accountable  
11 executive pursuant to a safety management system  
12 required by the Administrator—

13           “(A) shall be deemed to be acting in the  
14 person’s official capacity as an officer or em-  
15 ployee of the person described in subsection (a)  
16 when performing such functions; and

17           “(B) except as provided in paragraph (2),  
18 may not be held personally liable for damages  
19 in connection with a claim filed in a State or  
20 Federal court (including a claim for compen-  
21 satory, punitive, contributory, or indemnity  
22 damages) relating to the person’s responsibil-  
23 ities pursuant to the safety management sys-  
24 tem.

1           “(2) LIMITATION.—Nothing in this subsection  
2 shall relieve a person performing the functions of an  
3 accountable executive pursuant to a safety manage-  
4 ment system from personal liability for damages re-  
5 sulting from the person’s willful or reckless acts or  
6 omissions as demonstrated by clear and convincing  
7 evidence.”.

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

“44735. Liability protection for persons implementing safety management sys-  
tems.”.

11           **TITLE IV—AIR SERVICE**  
12                           **IMPROVEMENTS**  
13           **Subtitle A—Essential Air Service**

14           **SEC. 401. ESSENTIAL AIR SERVICE MARKETING.**

15           Section 41733(c)(1) is amended—

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

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

20                   (3) by inserting after subparagraph (D) the fol-  
21           lowing:

22                   “(E) whether the air carrier has included a  
23           plan in its proposal to market its services to the  
24           community; and”.

1 **SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMI-**  
2 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**  
3 **SENTIAL AIR SERVICE.**

4 Section 41733 is amended by adding at the end the  
5 following:

6 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-  
7 NATION OF ELIGIBILITY.—

8 “(1) IN GENERAL.—The Secretary shall notify  
9 each community receiving basic essential air service  
10 for which compensation is being paid under this sub-  
11 chapter on or before the 45th day before issuing any  
12 final decision to end the payment of such compensa-  
13 tion due to a determination by the Secretary that  
14 providing such service requires a rate of subsidy per  
15 passenger in excess of the subsidy cap.

16 “(2) PROCEDURES TO AVOID TERMINATION.—  
17 The Secretary shall establish, by order, procedures  
18 by which each community notified of an impending  
19 loss of subsidy under paragraph (1) may work di-  
20 rectly with an air carrier to ensure that the air car-  
21 rier is able to submit a proposal to the Secretary to  
22 provide essential air service to such community for  
23 an amount of compensation that would not exceed  
24 the subsidy cap.

1           “(3) ASSISTANCE PROVIDED.—The Secretary  
2 shall provide, by order, to each community notified  
3 under paragraph (1) information regarding—

4                   “(A) the procedures established pursuant  
5 to paragraph (2); and

6                   “(B) the maximum amount of compensa-  
7 tion that could be provided under this sub-  
8 chapter to an air carrier serving such commu-  
9 nity that would comply with the subsidy cap.

10           “(4) SUBSIDY CAP DEFINED.—In this sub-  
11 section, the term ‘subsidy cap’ means the subsidy  
12 cap established by section 332 of Public Law 106–  
13 69 (113 Stat. 1022).”.

14 **SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

15           (a)       COMPENSATION       GUIDELINES.—Section  
16 41737(a)(1) is amended—

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

19                   (2) in subparagraph (C) by striking the period  
20 at the end and inserting a semicolon; and

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

22                   “(D) include provisions under which the Sec-  
23 retary may encourage an air carrier to improve air  
24 service for which compensation is being paid under  
25 this subchapter by incorporating financial incentives



1 in an essential air service contract based on specified  
2 performance goals, including goals related to improv-  
3 ing on-time performance, reducing the number of  
4 flight cancellations, establishing convenient connec-  
5 tions to flights providing service beyond hub air-  
6 ports, and increasing marketing efforts; and

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

12 (b) DEADLINE FOR ISSUANCE OF REVISED GUID-  
13 ANCE.—Not later than 18 months after the date of enact-  
14 ment of this Act, the Secretary of Transportation shall  
15 issue revised guidelines governing the rate of compensa-  
16 tion payable under subchapter II of chapter 417 of title  
17 49, United States Code, that incorporate the amendments  
18 made by this section.

19 (c) REPORT.—Not later than 2 years after the date  
20 of issuance of revised guidelines pursuant to subsection  
21 (b), the Secretary shall submit to the Committee on  
22 Transportation and Infrastructure of the House of Rep-  
23 resentatives and the Committee on Commerce, Science,  
24 and Transportation of the Senate a report on the extent  
25 to which the revised guidelines have been implemented and

1 the impact, if any, such implementation has had on air  
2 carrier performance and community satisfaction with air  
3 service for which compensation is being paid under sub-  
4 chapter II of chapter 417 of title 49, United States Code.

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

6 (a) AUTHORIZATION.—Section 41742(a)(1) is  
7 amended—

8 (1) by striking “the sum of \$50,000,000 is”  
9 and inserting “the following sums are”; and

10 (2) by striking “subchapter for each fiscal  
11 year.” and inserting “subchapter:

12 “(A) \$50,000,000 for each fiscal year  
13 through fiscal year 2013.

14 “(B) The amount necessary, as determined  
15 by the Secretary, to carry out the essential air  
16 service program in Alaska and Hawaii for fiscal  
17 year 2014 and each fiscal year thereafter.”.

18 (b) ADDITIONAL FUNDS.—Section 41742(a)(2) is  
19 amended by striking “there is authorized to be appro-  
20 priated \$77,000,000 for each fiscal year” and inserting  
21 “there is authorized to be appropriated out of the Airport  
22 and Airway Trust Fund established under section 9502  
23 of the Internal Revenue Code of 1986 \$97,500,000 for  
24 fiscal year 2011, \$60,000,000 for fiscal year 2012, and  
25 \$30,000,000 for fiscal year 2013”.

1 (c) ADMINISTERING PROGRAM WITHIN AVAILABLE  
2 FUNDING.—Section 41742(b) is amended to read as fol-  
3 lows:

4 “(b) ADMINISTERING PROGRAM WITHIN AVAILABLE  
5 FUNDING.—Notwithstanding any other provision of law,  
6 the Secretary is authorized to take such actions as may  
7 be necessary to administer the essential air service pro-  
8 gram under this subchapter within the amount of funding  
9 made available for the program.”.

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

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

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

14 (2) in subparagraph (E) by striking “fashion.”  
15 and inserting “fashion; and”; and

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

17 “(F) multiple communities cooperate to  
18 submit a regional or multistate application to  
19 consolidate air service into one regional air-  
20 port.”.

21 (b) AUTHORITY TO MAKE AGREEMENTS.—Section  
22 41743(e) is amended to read as follows:

23 “(e) AUTHORITY TO MAKE AGREEMENTS.—Subject  
24 to the availability of amounts made available under section

1 41742(a)(4)(A), the Secretary may make agreements to  
2 provide assistance under this section.”.

3 **SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**  
4 **CANTLY INCREASED COSTS.**

5 (a) EMERGENCY ACROSS-THE-BOARD ADJUST-  
6 MENT.—Subject to the availability of funds, the Secretary  
7 of Transportation may increase the rates of compensation  
8 payable to air carriers under subchapter II of chapter 417  
9 of title 49, United States Code, to compensate such car-  
10 riers for increased aviation fuel costs without regard to  
11 any agreement or requirement relating to the renegoti-  
12 ation of contracts or any notice requirement under section  
13 41734 of such title.

14 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-  
15 DIVIDUAL CONTRACTS.—

16 (1) IN GENERAL.—Section 41734(d) is amend-  
17 ed by striking “continue to pay” and all that follows  
18 through “compensation sufficient” and inserting  
19 “provide the carrier with compensation sufficient”.

20 (2) EFFECTIVE DATE.—The amendment made  
21 by paragraph (1) shall apply to compensation to air  
22 carriers for air service provided after the 30th day  
23 following the date of enactment of this Act.

24 (c) SUBSIDY CAP.—Subject to the availability of  
25 funds, the Secretary may waive, on a case-by-case basis,

1 the subsidy-per-passenger cap established by section 332  
2 of Public Law 106–69 (113 Stat. 1022). A waiver issued  
3 under this subsection shall remain in effect for a limited  
4 period of time, as determined by the Secretary.

5 **SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PRO-**  
6 **GRAM.**

7 Section 41747, and the item relating to section  
8 41747 in the analysis for chapter 417, are repealed.

9 **SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.**

10 (a) IN GENERAL.—Subchapter II of chapter 417 is  
11 amended by adding at the end the following:

12 **“§ 41749. Sunset**

13 “(a) IN GENERAL.—Except as provided in subsection  
14 (b), the authority of the Secretary of Transportation to  
15 carry out the essential air service program under this sub-  
16 chapter shall sunset on October 1, 2013.

17 “(b) ALASKA AND HAWAII.—The Secretary may con-  
18 tinue to carry out the essential air service program under  
19 this subchapter in Alaska and Hawaii following the sunset  
20 date specified in subsection (a).”.

21 (b) CONFORMING AMENDMENT.—The analysis for  
22 chapter 417 is amended by inserting after the item relat-  
23 ing to section 41748 the following:

“41749. Sunset.”.

1     **Subtitle B—Passenger Air Service**  
2                     **Improvements**

3     **SEC. 421. SMOKING PROHIBITION.**

4             (a) IN GENERAL.—Section 41706 is amended—

5                 (1) in the section heading by striking “**sched-**  
6                 **uled**” and inserting “**passenger**”; and

7                 (2) by striking subsections (a) and (b) and in-  
8             serting the following:

9             “(a) SMOKING PROHIBITION IN INTERSTATE AND  
10     INTRASTATE AIR TRANSPORTATION.—An individual may  
11     not smoke—

12                 “(1) in an aircraft in scheduled passenger inter-  
13             state or intrastate air transportation; or

14                 “(2) in an aircraft in nonscheduled passenger  
15             interstate or intrastate air transportation, if a flight  
16             attendant is a required crewmember on the aircraft  
17             (as determined by the Administrator of the Federal  
18             Aviation Administration).

19             “(b) SMOKING PROHIBITION IN FOREIGN AIR  
20     TRANSPORTATION.—The Secretary of Transportation  
21     shall require all air carriers and foreign air carriers to pro-  
22     hibit smoking—

23                 “(1) in an aircraft in scheduled passenger for-  
24             eign air transportation; and

1           “(2) in an aircraft in nonscheduled passenger  
2 foreign air transportation, if a flight attendant is a  
3 required crewmember on the aircraft (as determined  
4 by the Administrator or a foreign government).”.

5           (b) CLERICAL AMENDMENT.—The analysis for chap-  
6 ter 417 is amended by striking the item relating to section  
7 41706 and inserting the following:

“41706. Prohibitions against smoking on passenger flights.”.

8 **SEC. 422. MONTHLY AIR CARRIER REPORTS.**

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

11           “(c) DIVERTED AND CANCELLED FLIGHTS.—

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

20           “(2) APPLICABILITY.—An air carrier that is re-  
21 quired to file a monthly airline service quality per-  
22 formance report pursuant to part 234 of title 14,  
23 Code of Federal Regulations, shall be subject to the  
24 requirement of paragraph (1).

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

4                   “(A) For a diverted flight—

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

7                           “(ii) the scheduled destination of the  
8                           flight;

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

10                          “(iv) the airport to which the flight  
11                          was diverted;

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

14                          “(vi) the time, if any, passengers  
15                          deplaned the aircraft at the diverted air-  
16                          port; and

17                          “(vii) if the flight arrives at the sched-  
18                          uled destination airport—

19                                   “(I) the gate-departure time at  
20                                   the diverted airport;

21                                   “(II) the wheels-off time at the  
22                                   diverted airport;

23                                   “(III) the wheels-on time at the  
24                                   scheduled arrival airport; and



1                   “(IV) the gate-arrival time at the  
2                   scheduled arrival airport.

3                   “(B) For flights cancelled after gate de-  
4                   parture—

5                   “(i) the flight number of the cancelled  
6                   flight;

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

9                   “(iii) the date and time of the can-  
10                  celled flight;

11                  “(iv) the gate-departure time of the  
12                  cancelled flight; and

13                  “(v) the time the aircraft returned to  
14                  the gate.

15                  “(4) PUBLICATION.—The Secretary shall com-  
16                  pile the information provided in the monthly reports  
17                  filed pursuant to paragraph (1) in a single monthly  
18                  report and publish such report on the Internet Web  
19                  site of the Department of Transportation.”.

20                  (b) EFFECTIVE DATE.—Beginning not later than 90  
21                  days after the date of enactment of this Act, the Secretary  
22                  of Transportation shall require monthly reports pursuant  
23                  to the amendment made by subsection (a).

1 **SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASH-**  
2 **INGTON NATIONAL AIRPORT.**

3 (a) **BEYOND-PERIMETER EXEMPTIONS.**—Section  
4 41718(a) is amended—

5 (1) by striking “Secretary” the first place it ap-  
6 pears and inserting “Secretary of Transportation”;  
7 and

8 (2) by striking “24” and inserting “34”.

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

11 (c) **SLOTS.**—Section 41718(c) is amended—

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

14 (2) by inserting after paragraph (2) the fol-  
15 lowing:

16 “(3) **SLOTS.**—The Secretary shall reduce the  
17 hourly air carrier slot quota for Ronald Reagan  
18 Washington National Airport under section  
19 93.123(a) of title 14, Code of Federal Regulations,  
20 by a total of 10 slots that are available for alloca-  
21 tion. Such reductions shall be taken in the 6:00  
22 a.m., 10:00 p.m., or 11:00 p.m. hours, as deter-  
23 mined by the Secretary, in order to grant exemp-  
24 tions under subsection (a).”.

25 (d) **SCHEDULING PRIORITY.**—Section 41718 is  
26 amended—

1           (1) by redesignating subsections (e) and (f) as  
2           subsections (f) and (g), respectively; and

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

5           “(e) SCHEDULING PRIORITY.—Operations conducted  
6 by new entrant air carriers and limited incumbent air car-  
7 riers shall be provided a scheduling priority over oper-  
8 ations conducted by other air carriers granted exemptions  
9 pursuant to this section, with the highest scheduling pri-  
10 ority provided to beyond-perimeter operations conducted  
11 by the new entrant air carriers and limited incumbent air  
12 carriers.”.

13 **SEC. 424. MUSICAL INSTRUMENTS.**

14           (a) IN GENERAL.—Subchapter I of chapter 417 is  
15 amended by adding at the end the following:

16 **“§ 41724. Musical instruments**

17           “(a) IN GENERAL.—

18           “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-  
19 GAGE.—An air carrier providing air transportation  
20 shall permit a passenger to carry a violin, guitar, or  
21 other musical instrument in the aircraft cabin if—

22           “(A) the instrument can be stowed safely  
23 in a suitable baggage compartment in the air-  
24 craft cabin or under a passenger seat, in ac-  
25 cordance with the requirements for carriage of

1 carry-on baggage or cargo established by the  
2 Administrator; and

3 “(B) there is space for such stowage at the  
4 time the passenger boards the aircraft.

5 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-  
6 GAGE.—An air carrier providing air transportation  
7 shall permit a passenger to carry a musical instru-  
8 ment that is too large to meet the requirements of  
9 paragraph (1) in the aircraft cabin if—

10 “(A) the instrument is contained in a case  
11 or covered so as to avoid injury to other pas-  
12 sengers;

13 “(B) the weight of the instrument, includ-  
14 ing the case or covering, does not exceed 165  
15 pounds or the applicable weight restrictions for  
16 the aircraft;

17 “(C) the instrument can be stowed in ac-  
18 cordance with the requirements for carriage of  
19 carry-on baggage or cargo established by the  
20 Administrator;

21 “(D) neither the instrument nor the case  
22 contains any object not otherwise permitted to  
23 be carried in an aircraft cabin because of a law  
24 or regulation of the United States; and

1           “(E) the passenger wishing to carry the in-  
2           strument in the aircraft cabin has purchased an  
3           additional seat to accommodate the instrument.

4           “(3) LARGE INSTRUMENTS AS CHECKED BAG-  
5           GAGE.—An air carrier shall transport as baggage a  
6           musical instrument that is the property of a pas-  
7           senger traveling in air transportation that may not  
8           be carried in the aircraft cabin if—

9           “(A) the sum of the length, width, and  
10          height measured in inches of the outside linear  
11          dimensions of the instrument (including the  
12          case) does not exceed 150 inches or the applica-  
13          ble size restrictions for the aircraft;

14          “(B) the weight of the instrument does not  
15          exceed 165 pounds or the applicable weight re-  
16          strictions for the aircraft; and

17          “(C) the instrument can be stowed in ac-  
18          cordance with the requirements for carriage of  
19          carry-on baggage or cargo established by the  
20          Administrator.

21          “(b) REGULATIONS.—Not later than 2 years after  
22          the date of enactment of this section, the Secretary shall  
23          issue final regulations to carry out subsection (a).

1       “(c) EFFECTIVE DATE.—The requirements of this  
2 section shall become effective on the date of issuance of  
3 the final regulations under subsection (b).”.

4       (b) CONFORMING AMENDMENT.—The analysis for  
5 such subchapter is amended by adding at the end the fol-  
6 lowing:

“41724. Musical instruments.”.

7 **SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.**

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

10 **“CHAPTER 423—PASSENGER AIR SERVICE**  
11 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

12 **“§ 42301. Emergency contingency plans**

13       “(a) SUBMISSION OF AIR CARRIER AND AIRPORT  
14 PLANS.—Not later than 90 days after the date of enact-  
15 ment of this section, each of the following air carriers and  
16 airport operators shall submit to the Secretary of Trans-  
17 portation for review and approval an emergency contin-  
18 gency plan in accordance with the requirements of this  
19 section:

20               “(1) An air carrier providing covered air trans-  
21 portation at a large hub or medium hub airport.

1           “(2) An operator of a large hub or medium hub  
2 airport.

3           “(3) An operator of an airport used by an air  
4 carrier described in paragraph (1) for diversions.

5           “(b) AIR CARRIER PLANS.—

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

9           “(A) each large hub and medium hub air-  
10 port at which the carrier provides covered air  
11 transportation; and

12           “(B) each large hub and medium hub air-  
13 port at which the carrier has flights for which  
14 the carrier has primary responsibility for inven-  
15 tory control.

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

20           “(A) provide food, potable water, restroom  
21 facilities, and access to medical treatment for  
22 passengers onboard an aircraft at the airport  
23 that is on the ground for an extended period of  
24 time without access to the terminal;

1           “(B) allow passengers to deplane following  
2           excessive tarmac delays; and

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

5           “(c) AIRPORT PLANS.—An emergency contingency  
6 plan submitted by an airport operator under subsection  
7 (a) shall contain a description of how the operator, to the  
8 maximum extent practicable, will—

9           “(1) provide for the deplanement of passengers  
10          following excessive tarmac delays;

11          “(2) provide for the sharing of facilities and  
12          make gates available at the airport in an emergency;  
13          and

14          “(3) provide a sterile area following excessive  
15          tarmac delays for passengers who have not yet  
16          cleared United States Customs and Border Protec-  
17          tion.

18          “(d) UPDATES.—

19          “(1) AIR CARRIERS.—An air carrier shall up-  
20          date the emergency contingency plan submitted by  
21          the carrier under subsection (a) every 3 years and  
22          submit the update to the Secretary for review and  
23          approval.

24          “(2) AIRPORTS.—An airport operator shall up-  
25          date the emergency contingency plan submitted by



1 the operator under subsection (a) every 5 years and  
2 submit the update to the Secretary for review and  
3 approval.

4 “(e) APPROVAL.—

5 “(1) IN GENERAL.—Not later than 60 days  
6 after the date of the receipt of an emergency contin-  
7 gency plan submitted under subsection (a) or an up-  
8 date submitted under subsection (d), the Secretary  
9 shall review and approve or, if necessary, require  
10 modifications to the plan or update to ensure that  
11 the plan or update will effectively address emer-  
12 gencies and provide for the health and safety of pas-  
13 sengers.

14 “(2) FAILURE TO APPROVE OR REQUIRE MODI-  
15 FICATIONS.—If the Secretary fails to approve or re-  
16 quire modifications to a plan or update under para-  
17 graph (1) within the timeframe specified in that  
18 paragraph, the plan or update shall be deemed to be  
19 approved.

20 “(3) ADHERENCE REQUIRED.—An air carrier  
21 or airport operator shall adhere to an emergency  
22 contingency plan of the carrier or operator approved  
23 under this section.

24 “(f) MINIMUM STANDARDS.—The Secretary may es-  
25 tablish, as necessary or desirable, minimum standards for

1 elements in an emergency contingency plan required to be  
2 submitted under this section.

3 “(g) PUBLIC ACCESS.—An air carrier or airport op-  
4 erator required to submit an emergency contingency plan  
5 under this section shall ensure public access to the plan  
6 after its approval under this section on the Internet Web  
7 site of the carrier or operator or by such other means as  
8 determined by the Secretary.

9 “(h) DEFINITIONS.—In this section, the following  
10 definitions apply:

11 “(1) COVERED AIR TRANSPORTATION.—The  
12 term ‘covered air transportation’ means scheduled or  
13 public charter passenger air transportation provided  
14 by an air carrier that operates an aircraft that as  
15 originally designed has a passenger capacity of 30 or  
16 more seats.

17 “(2) TARMAC DELAY.—The term ‘tarmac delay’  
18 means the period during which passengers are on  
19 board an aircraft on the tarmac—

20 “(A) awaiting takeoff after the aircraft  
21 doors have been closed or after passengers have  
22 been boarded if the passengers have not been  
23 advised they are free to deplane; or

24 “(B) awaiting deplaning after the aircraft  
25 has landed.

1 **“§ 42302. Consumer complaints**

2 “(a) IN GENERAL.—The Secretary of Transportation  
3 shall establish a consumer complaints toll-free hotline tele-  
4 phone number for the use of passengers in air transpor-  
5 tation and shall take actions to notify the public of—

6 “(1) that telephone number; and

7 “(2) the Internet Web site of the Aviation Con-  
8 sumer Protection Division of the Department of  
9 Transportation.

10 “(b) NOTICE TO PASSENGERS ON THE INTERNET.—

11 An air carrier or foreign air carrier providing scheduled  
12 air transportation using any aircraft that as originally de-  
13 signed has a passenger capacity of 30 or more passenger  
14 seats shall include on the Internet Web site of the car-  
15 rier—

16 “(1) the hotline telephone number established  
17 under subsection (a);

18 “(2) the email address, telephone number, and  
19 mailing address of the air carrier for the submission  
20 of complaints by passengers about air travel service  
21 problems; and

22 “(3) the Internet Web site and mailing address  
23 of the Aviation Consumer Protection Division of the  
24 Department of Transportation for the submission of  
25 complaints by passengers about air travel service  
26 problems.

1       “(c) NOTICE TO PASSENGERS ON BOARDING DOCU-  
2 MENTATION.—An air carrier or foreign air carrier pro-  
3 viding scheduled air transportation using any aircraft that  
4 as originally designed has a passenger capacity of 30 or  
5 more passenger seats shall include the hotline telephone  
6 number established under subsection (a) on—

7               “(1) prominently displayed signs of the carrier  
8       at the airport ticket counters in the United States  
9       where the air carrier operates; and

10              “(2) any electronic confirmation of the pur-  
11       chase of a passenger ticket for air transportation  
12       issued by the air carrier.

13       **“§ 42303. Use of insecticides in passenger aircraft**

14       “(a) INFORMATION TO BE PROVIDED ON THE  
15 INTERNET.—The Secretary of Transportation shall estab-  
16 lish, and make available to the general public, an Internet  
17 Web site that contains a listing of countries that may re-  
18 quire an air carrier or foreign air carrier to treat an air-  
19 craft passenger cabin with insecticides prior to a flight in  
20 foreign air transportation to that country or to apply an  
21 aerosol insecticide in an aircraft cabin used for such a  
22 flight when the cabin is occupied with passengers.

23       “(b) REQUIRED DISCLOSURES.—An air carrier, for-  
24 eign air carrier, or ticket agent selling, in the United  
25 States, a ticket for a flight in foreign air transportation

1 to a country listed on the Internet Web site established  
 2 under subsection (a) shall refer the purchaser of the ticket  
 3 to the Internet Web site established under subsection (a)  
 4 for additional information.”.

5 (b) PENALTIES.—Section 46301 is amended in sub-  
 6 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter  
 7 423,” after “chapter 421,”.

8 (c) APPLICABILITY OF REQUIREMENTS.—Except as  
 9 otherwise provided, the requirements of chapter 423 of  
 10 title 49, United States Code, as added by this section,  
 11 shall begin to apply 60 days after the date of enactment  
 12 of this Act.

13 (d) CLERICAL AMENDMENT.—The analysis for sub-  
 14 title VII is amended by inserting after the item relating  
 15 to chapter 421 the following:

“423. Passenger Air Service Improvements ..... 42301”.

16 **SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED**  
 17 **FORCES.**

18 (a) FINDINGS.—Congress finds that—

19 (1) the Armed Forces is comprised of approxi-  
 20 mately 1,450,000 members who are stationed on ac-  
 21 tive duty at more than 6,000 military bases in 146  
 22 different countries;

23 (2) the United States is indebted to the mem-  
 24 bers of the Armed Forces, many of whom are in

1 grave danger due to their engagement in, or expo-  
2 sure to, combat;

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

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

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

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

18 (1) all United States commercial air carriers  
19 should seek to lend their support with flexible, gen-  
20 erous policies applicable to members of the Armed  
21 Forces who are traveling on leave or liberty at their  
22 own expense; and

23 (2) each United States air carrier, for all mem-  
24 bers of the Armed Forces who have been granted

1 leave or liberty and who are traveling by air at their  
2 own expense, should—

3 (A) seek to provide reduced air fares that  
4 are comparable to the lowest airfare for ticketed  
5 flights and that eliminate to the maximum ex-  
6 tent possible advance purchase requirements;

7 (B) seek to eliminate change fees or  
8 charges and any penalties;

9 (C) seek to eliminate or reduce baggage  
10 and excess weight fees;

11 (D) offer flexible terms that allow members  
12 to purchase, modify, or cancel tickets without  
13 time restrictions, and to waive fees (including  
14 baggage fees), ancillary costs, or penalties; and

15 (E) seek to take proactive measures to en-  
16 sure that all airline employees, particularly  
17 those who issue tickets and respond to members  
18 of the Armed Forces and their family members,  
19 are trained in the policies of the airline aimed  
20 at benefitting members of the Armed Forces  
21 who are on leave.

22 **SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**  
23 **CELLATIONS, AND ASSOCIATED CAUSES.**

24 (a) REVIEW.—The Inspector General of the Depart-  
25 ment of Transportation shall conduct a review regarding

1 air carrier flight delays, cancellations, and associated  
2 causes to update its 2000 report numbered CR–2000–112  
3 and titled “Audit of Air Carrier Flight Delays and Can-  
4 cellations”.

5 (b) ASSESSMENTS.—In conducting the review under  
6 subsection (a), the Inspector General shall assess—

7 (1) the need for an update on delay and can-  
8 cellation statistics, including with respect to the  
9 number of chronically delayed flights and taxi-in and  
10 taxi-out times;

11 (2) air carriers’ scheduling practices;

12 (3) the need for a reexamination of capacity  
13 benchmarks at the Nation’s busiest airports;

14 (4) the impact of flight delays and cancellations  
15 on air travelers, including recommendations for pro-  
16 grams that could be implemented to address the im-  
17 pact of flight delays on air travelers;

18 (5) the effect that limited air carrier service op-  
19 tions on routes have on the frequency of delays and  
20 cancellations on such routes;

21 (6) the effect of the rules and regulations of the  
22 Department of Transportation on the decisions of  
23 air carriers to delay or cancel flights; and

24 (7) the impact of flight delays and cancellations  
25 on the airline industry.



1 (c) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the Inspector General shall sub-  
3 mit to the Committee on Transportation and Infrastruc-  
4 ture of the House of Representatives and the Committee  
5 on Commerce, Science, and Transportation of the Senate  
6 a report on the results of the review conducted under this  
7 section, including the assessments described in subsection  
8 (b).

9 **SEC. 428. DENIED BOARDING COMPENSATION.**

10 (a) EVALUATION OF DENIED BOARDING COMPENSA-  
11 TION.—Not later than 6 months after the date of enact-  
12 ment of this Act, and every 2 years thereafter, the Sec-  
13 retary of Transportation shall evaluate the amount pro-  
14 vided by air carriers for denied boarding compensation.

15 (b) ADJUSTMENT OF AMOUNT.—If, upon completing  
16 an evaluation required under subsection (a), the Secretary  
17 determines that the amount provided for denied boarding  
18 compensation should be adjusted, the Secretary shall issue  
19 a regulation to adjust such compensation.

20 **SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.**

21 (a) STUDY.—The Comptroller General shall conduct  
22 a study to—

23 (1) examine delays in the delivery of checked  
24 baggage to passengers of air carriers; and

1           (2) assess the options for and examine the im-  
2           pact of establishing minimum standards to com-  
3           pensate a passenger in the case of an unreasonable  
4           delay in the delivery of checked baggage.

5           (b) CONSIDERATION.—In conducting the study, the  
6           Comptroller General shall take into account the additional  
7           fees for checked baggage that are imposed by many air  
8           carriers and how the additional fees should improve an  
9           air carrier’s baggage performance.

10          (c) REPORT.—Not later than 180 days after the date  
11          of enactment of this Act, the Comptroller General shall  
12          transmit to Congress a report on the results of the study.

13          **SEC. 430. SCHEDULE REDUCTION.**

14          (a) IN GENERAL.—If the Administrator of the Fed-  
15          eral Aviation Administration determines that—

16                (1) the aircraft operations of air carriers during  
17                any hour at an airport exceed the hourly maximum  
18                departure and arrival rate established by the Admin-  
19                istrator for such operations; and

20                (2) the operations in excess of the maximum  
21                departure and arrival rate for such hour at such air-  
22                port are likely to have a significant adverse effect on  
23                the safe and efficient use of navigable airspace,

24          the Administrator shall convene a meeting of such carriers  
25          to reduce pursuant to section 41722 of title 49, United

1 States Code, on a voluntary basis, the number of such op-  
2 erations so as not to exceed the maximum departure and  
3 arrival rate.

4 (b) NO AGREEMENT.—If the air carriers partici-  
5 pating in a meeting with respect to an airport under sub-  
6 section (a) are not able to agree to a reduction in the num-  
7 ber of flights to and from the airport so as not to exceed  
8 the maximum departure and arrival rate, the Adminis-  
9 trator shall take such action as is necessary to ensure such  
10 reduction is implemented.

11 **SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGA-**  
12 **TIONS.**

13 The Secretary of Transportation may investigate con-  
14 sumer complaints regarding—

15 (1) flight cancellations;

16 (2) compliance with Federal regulations con-  
17 cerning overbooking seats on flights;

18 (3) lost, damaged, or delayed baggage, and dif-  
19 ficulties with related airline claims procedures;

20 (4) problems in obtaining refunds for unused or  
21 lost tickets or fare adjustments;

22 (5) incorrect or incomplete information about  
23 fares, discount fare conditions and availability, over-  
24 charges, and fare increases;

1           (6) the rights of passengers who hold frequent  
2 flyer miles or equivalent redeemable awards earned  
3 through customer-loyalty programs; and

4           (7) deceptive or misleading advertising.

5 **SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART**  
6 **135.**

7           (a) **STUDY REQUIRED.**—The Administrator of the  
8 Federal Aviation Administration, in consultation with in-  
9 terested parties, shall conduct a study of operators regu-  
10 lated under part 135 of title 14, Code of Federal Regula-  
11 tions.

12           (b) **CONTENTS.**—In conducting the study under sub-  
13 section (a), the Administrator shall analyze the part 135  
14 fleet in the United States, which shall include analysis  
15 of—

16           (1) the size and type of aircraft in the fleet;

17           (2) the equipment utilized by the fleet;

18           (3) the hours flown each year by the fleet;

19           (4) the utilization rates with respect to the  
20 fleet;

21           (5) the safety record of various categories of  
22 use and aircraft types with respect to the fleet,  
23 through a review of the database of the National  
24 Transportation Safety Board;

25           (6) the sales revenues of the fleet; and

1           (7) the number of passengers and airports  
2 served by the fleet.

3           (c) REPORT.—

4           (1) INITIAL REPORT.—Not later than 18  
5 months after the date of enactment of this Act, the  
6 Administrator shall submit to the Committee on  
7 Transportation and Infrastructure of the House of  
8 Representatives and the Committee on Commerce,  
9 Science, and Transportation of the Senate a report  
10 on the results of the study conducted under sub-  
11 section (a).

12           (2) UPDATES.—Not later than 3 years after the  
13 date of the submission of the report required under  
14 paragraph (1), and every 2 years thereafter, the Ad-  
15 ministrator shall update the report required under  
16 that paragraph and submit the updated report to  
17 the committees specified in that paragraph.

18 **SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

19           (a) CELL PHONE STUDY.—Not later than 120 days  
20 after the date of enactment of this Act, the Administrator  
21 of the Federal Aviation Administration shall conduct a  
22 study on the impact of the use of cell phones for voice  
23 communications in an aircraft during a flight in scheduled  
24 passenger air transportation where currently permitted by  
25 foreign governments in foreign air transportation.

1 (b) CONTENTS.—The study shall include—

2 (1) a review of foreign government and air car-  
3 rier policies on the use of cell phones during flight;

4 (2) a review of the extent to which passengers  
5 use cell phones for voice communications during  
6 flight; and

7 (3) a summary of any impacts of cell phone use  
8 during flight on safety, the quality of the flight expe-  
9 rience of passengers, and flight attendants.

10 (c) COMMENT PERIOD.—Not later than 180 days  
11 after the date of enactment of this Act, the Administrator  
12 shall publish in the Federal Register the results of the  
13 study and allow 60 days for public comment.

14 (d) CELL PHONE REPORT.—Not later than 270 days  
15 after the date of enactment of this Act, the Administrator  
16 shall submit to the Committee on Transportation and In-  
17 frastructure of the House of Representatives and the Com-  
18 mittee on Commerce, Science, and Transportation of the  
19 Senate a report on the results of the study.

20 **TITLE V—ENVIRONMENTAL**  
21 **STREAMLINING**

22 **SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

23 (a) GENERAL REQUIREMENTS.—Section  
24 40128(a)(1)(C) is amended by inserting “or voluntary  
25 agreement under subsection (b)(7)” before “for the park”.

1 (b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR  
2 FEWER FLIGHTS EACH YEAR.—Section 40128(a) is  
3 amended by adding at the end the following:

4 “(5) EXEMPTION FOR NATIONAL PARKS WITH  
5 50 OR FEWER FLIGHTS EACH YEAR.—

6 “(A) IN GENERAL.—Notwithstanding para-  
7 graph (1), a national park that has 50 or fewer  
8 commercial air tour operations over the park  
9 each year shall be exempt from the require-  
10 ments of this section, except as provided in sub-  
11 paragraph (B).

12 “(B) WITHDRAWAL OF EXEMPTION.—If  
13 the Director determines that an air tour man-  
14 agement plan or voluntary agreement is nec-  
15 essary to protect park resources and values or  
16 park visitor use and enjoyment, the Director  
17 shall withdraw the exemption of a park under  
18 subparagraph (A).

19 “(C) LIST OF PARKS.—

20 “(i) IN GENERAL.—The Director and  
21 Administrator shall jointly publish a list  
22 each year of national parks that are cov-  
23 ered by the exemption provided under this  
24 paragraph.

1                   “(ii) NOTIFICATION OF WITHDRAWAL  
2                   OF EXEMPTION.—The Director shall in-  
3                   form the Administrator, in writing, of each  
4                   determination to withdraw an exemption  
5                   under subparagraph (B).

6                   “(D) ANNUAL REPORT.—A commercial air  
7                   tour operator conducting commercial air tour  
8                   operations over a national park that is exempt  
9                   from the requirements of this section shall sub-  
10                  mit to the Administrator and the Director a re-  
11                  port each year that includes the number of  
12                  commercial air tour operations the operator  
13                  conducted during the preceding one-year period  
14                  over such park.”.

15                  (c) AIR TOUR MANAGEMENT PLANS.—Section  
16 40128(b) is amended by adding at the end the following:

17                   “(7) VOLUNTARY AGREEMENTS.—

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



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

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

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

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

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

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

1 paragraph. After such opportunity for public re-  
2 view and consultation, the voluntary agreement  
3 may be implemented without further adminis-  
4 trative or environmental process beyond that  
5 described in this subsection.

6 “(D) TERMINATION.—

7 “(i) IN GENERAL.—A voluntary agree-  
8 ment under this paragraph may be termi-  
9 nated at any time at the discretion of—

10 “(I) the Director, if the Director  
11 determines that the agreement is not  
12 adequately protecting park resources  
13 or visitor experiences; or

14 “(II) the Administrator, if the  
15 Administrator determines that the  
16 agreement is adversely affecting avia-  
17 tion safety or the national aviation  
18 system.

19 “(ii) EFFECT OF TERMINATION.—If a  
20 voluntary agreement with respect to a na-  
21 tional park is terminated under this sub-  
22 paragraph, the operators shall conform to  
23 the requirements for interim operating au-  
24 thority under subsection (c) until an air

1           tour management plan for the park is in  
2           effect.”.

3           (d) INTERIM OPERATING AUTHORITY.—Section  
4 40128(c) is amended—

5           (1) by striking paragraph (2)(I) and inserting  
6           the following:

7                   “(I) may allow for modifications of the in-  
8           terim operating authority without further envi-  
9           ronmental review beyond that described in this  
10          subsection, if—

11                           “(i) adequate information regarding  
12           the existing and proposed operations of the  
13           operator under the interim operating au-  
14           thority is provided to the Administrator  
15           and the Director;

16                           “(ii) the Administrator determines  
17           that there would be no adverse impact on  
18           aviation safety or the air traffic control  
19           system; and

20                           “(iii) the Director agrees with the  
21           modification, based on the professional ex-  
22           pertise of the Director regarding the pro-  
23           tection of the resources, values, and visitor  
24           use and enjoyment of the park.”; and

1           (2) in paragraph (3)(A) by striking “if the Ad-  
2           ministrator determines” and all that follows through  
3           the period at the end and inserting “without further  
4           environmental process beyond that described in this  
5           paragraph, if—

6                       “(i) adequate information on the pro-  
7                       posed operations of the operator is pro-  
8                       vided to the Administrator and the Direc-  
9                       tor by the operator making the request;

10                      “(ii) the Administrator agrees that  
11                      there would be no adverse impact on avia-  
12                      tion safety or the air traffic control sys-  
13                      tem; and

14                      “(iii) the Director agrees, based on  
15                      the Director’s professional expertise re-  
16                      garding the protection of park resources  
17                      and values and visitor use and enjoy-  
18                      ment.”.

19           (e) OPERATOR REPORTS.—Section 40128 is amend-  
20 ed—

21           (1) by redesignating subsections (d), (e), and  
22           (f) as subsections (e), (f), and (g), respectively; and

23           (2) by inserting after subsection (c) the fol-  
24           lowing:

1       “(d) COMMERCIAL AIR TOUR OPERATOR RE-  
2 PORTS.—

3               “(1) REPORT.—Each commercial air tour oper-  
4 ator conducting a commercial air tour operation over  
5 a national park under interim operating authority  
6 granted under subsection (c) or in accordance with  
7 an air tour management plan or voluntary agree-  
8 ment under subsection (b) shall submit to the Ad-  
9 ministrator and the Director a report regarding the  
10 number of commercial air tour operations over each  
11 national park that are conducted by the operator  
12 and such other information as the Administrator  
13 and Director may request in order to facilitate ad-  
14 ministering the provisions of this section.

15               “(2) REPORT SUBMISSION.—Not later than 90  
16 days after the date of enactment of the FAA Reau-  
17 thorization and Reform Act of 2011, the Adminis-  
18 trator and the Director shall jointly issue an initial  
19 request for reports under this subsection. The re-  
20 ports shall be submitted to the Administrator and  
21 the Director with a frequency and in a format pre-  
22 scribed by the Administrator and the Director.”.

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

24       (a) GENERAL REQUIREMENTS.—Section 47128(a) is  
25 amended—

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

3           (2) in the second sentence by striking “regula-  
4 tions” and inserting “guidance”.

5       (b) APPLICATIONS AND SELECTION.—Section  
6 47128(b)(4) is amended by inserting before the semicolon  
7 the following: “, including the National Environmental  
8 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and  
9 local environmental policy acts, Executive orders, agency  
10 regulations and guidance, and other Federal environ-  
11 mental requirements”.

12       (c) ENVIRONMENTAL ANALYSIS AND COORDINATION  
13 REQUIREMENTS.—Section 47128 is amended by adding at  
14 the end the following:

15       “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-  
16 TION REQUIREMENTS.—A Federal agency, other than the  
17 Federal Aviation Administration, that is responsible for  
18 issuing an approval, license, or permit to ensure compli-  
19 ance with a Federal environmental requirement applicable  
20 to a project or activity to be carried out by a State using  
21 amounts from a block grant made under this section  
22 shall—

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

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

4           “(3) as necessary, consult with the State to de-  
5           scribe the supplemental analysis the State must pro-  
6           vide to meet applicable Federal requirements.”.

7 **SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY**  
8 **PROJECTS STREAMLINING.**

9           (a) AVIATION PROJECT REVIEW PROCESS.—Section  
10 47171(a) is amended in the matter preceding paragraph  
11 (1) by striking “and aviation security projects” and insert-  
12 ing “aviation security projects, and NextGen environ-  
13 mental efficiency projects”.

14           (b) AVIATION PROJECTS SUBJECT TO A STREAM-  
15 LINED ENVIRONMENTAL REVIEW PROCESS.—Section  
16 47171(b) is amended—

17           (1) by amending paragraph (1) to read as fol-  
18 lows:

19           “(1) AIRPORT CAPACITY ENHANCEMENT  
20 PROJECTS AT CONGESTED AIRPORTS AND CERTAIN  
21 NEXTGEN ENVIRONMENTAL EFFICIENCY  
22 PROJECTS.—The following projects shall be subject  
23 to the coordinated and expedited environmental re-  
24 view process requirements set forth in this section:

1           “(A) An airport capacity enhancement  
2 project at a congested airport.

3           “(B) A NextGen environmental efficiency  
4 project at an Operational Evolution Partnership  
5 airport or any congested airport.”; and

6 (2) in paragraph (2)—

7           (A) in the heading by striking “AND AVIA-  
8 TION SECURITY PROJECTS” and inserting  
9 “PROJECTS, AVIATION SECURITY PROJECTS,  
10 AND ANY NEXTGEN ENVIRONMENTAL EFFI-  
11 CIENCY PROJECTS”;

12           (B) in subparagraph (A) by striking “or  
13 aviation security project” and inserting “, an  
14 aviation security project, or any NextGen envi-  
15 ronmental efficiency project”; and

16           (C) in subparagraph (B) by striking “or  
17 aviation security project” and inserting “, avia-  
18 tion security project, or NextGen environmental  
19 efficiency project”.

20       (c) HIGH PRIORITY FOR ENVIRONMENTAL RE-  
21 VIEWS.—Section 47171(c)(1) is amended by striking “an  
22 airport capacity enhancement project at a congested air-  
23 port” and inserting “a project described in subsection  
24 (b)(1)”.



1 (d) IDENTIFICATION OF JURISDICTIONAL AGEN-  
2 CIES.—Section 47171(d) is amended by striking “each  
3 airport capacity enhancement project at a congested air-  
4 port” and inserting “a project described in subsection  
5 (b)(1)”.

6 (e) LEAD AGENCY RESPONSIBILITY.—Section  
7 47171(h) is amended by striking “airport capacity en-  
8 hancement projects at congested airports” and inserting  
9 “projects described in subsection (b)(1)”.

10 (f) ALTERNATIVES ANALYSIS.—Section 47171(k) is  
11 amended by striking “an airport capacity enhancement  
12 project at a congested airport” and inserting “a project  
13 described in subsection (b)(1)”.

14 (g) DEFINITIONS.—Section 47171 is amended by  
15 adding at the end the following:

16 “(n) DEFINITIONS.—In this section, the following  
17 definitions apply:

18 “(1) CONGESTED AIRPORT.—The term ‘con-  
19 gested airport’ means an airport that accounted for  
20 at least one percent of all delayed aircraft operations  
21 in the United States in the most recent year for  
22 which data is available and an airport listed in table  
23 1 of the Federal Aviation Administration’s Airport  
24 Capacity Benchmark Report 2004.

1           “(2) NEXTGEN ENVIRONMENTAL EFFICIENCY  
2 PROJECT.—The term ‘NextGen environmental effi-  
3 ciency project’ means a Next Generation Air Trans-  
4 portation System aviation project that—

5                   “(A) develops and certifies performance-  
6 based navigation procedures; or

7                   “(B) develops other environmental mitiga-  
8 tion projects the Secretary may designate as fa-  
9 cilitating a reduction in noise, fuel consumption,  
10 or emissions from air traffic operations.

11           “(3) PERFORMANCE-BASED NAVIGATION.—The  
12 term ‘performance-based navigation’ means a frame-  
13 work for defining performance requirements in navi-  
14 gation specifications that—

15                   “(A) can be applied to an air traffic route,  
16 instrument procedure, or defined airspace; or

17                   “(B) provides a basis for the design and  
18 implementation of automated flight paths, air-  
19 space design, and obstacle clearance.”.

20 **SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
21 **VIEWS.**

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

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

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

7           “(3) to conduct special studies or reviews to  
8           support approved noise compatibility measures de-  
9           scribed in part 150 of title 14, Code of Federal Reg-  
10          ulations;

11          “(4) to conduct special studies or reviews to  
12          support environmental mitigation in a record of deci-  
13          sion or finding of no significant impact by the Fed-  
14          eral Aviation Administration; and

15          “(5) to facilitate the timely processing, review,  
16          and completion of environmental activities associated  
17          with new or amended flight procedures, including  
18          performance-based navigation procedures, such as  
19          required navigation performance procedures and  
20          area navigation procedures.”.

21 **SEC. 505. NOISE COMPATIBILITY PROGRAMS.**

22          Section 47504(a)(2) is amended—

23                 (1) by striking “and” after the semicolon in  
24                 subparagraph (D);

1           (2) by striking “operations.” in subparagraph  
2           (E) and inserting “operations; and”; and

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

4           “(F) conducting comprehensive land use plan-  
5           ning (including master plans, traffic studies, envi-  
6           ronmental evaluation, and economic and feasibility  
7           studies), jointly with neighboring local jurisdictions  
8           undertaking community redevelopment in an area in  
9           which land or other property interests have been ac-  
10          quired by the operator pursuant to this section, to  
11          encourage and enhance redevelopment opportunities  
12          that reflect zoning and uses that will prevent the in-  
13          troduction of additional incompatible uses and en-  
14          hance redevelopment potential.”.

15 **SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
16 **PROCEDURES.**

17          Section 47504 is amended by adding at the end the  
18 following:

19          “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
20 DURES.—

21                 “(1) IN GENERAL.—In accordance with sub-  
22 section (c)(1), the Secretary may make a grant to an  
23 airport operator to assist in completing environ-  
24 mental review and assessment activities for pro-  
25 posals to implement flight procedures at such airport

1 that have been approved as part of an airport noise  
2 compatibility program under subsection (b).

3 “(2) ADDITIONAL STAFF.—The Administrator  
4 may accept funds from an airport operator, includ-  
5 ing funds provided to the operator under paragraph  
6 (1), to hire additional staff or obtain the services of  
7 consultants in order to facilitate the timely proc-  
8 essing, review, and completion of environmental ac-  
9 tivities associated with proposals to implement flight  
10 procedures at such airport that have been approved  
11 as part of an airport noise compatibility program  
12 under subsection (b).

13 “(3) RECEIPTS CREDITED AS OFFSETTING COL-  
14 LECTIONS.—Notwithstanding section 3302 of title  
15 31, any funds accepted under this section—

16 “(A) shall be credited as offsetting collec-  
17 tions to the account that finances the activities  
18 and services for which the funds are accepted;

19 “(B) shall be available for expenditure only  
20 to pay the costs of activities and services for  
21 which the funds are accepted; and

22 “(C) shall remain available until ex-  
23 pended.”.

1 **SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF**  
2 **RESIDENTIAL PROPERTIES.**

3 Section 47504 (as amended by this Act) is further  
4 amended by adding at the end the following:

5 “(f) DETERMINATION OF FAIR MARKET VALUE OF  
6 RESIDENTIAL PROPERTIES.—In approving a project to  
7 acquire residential real property using financial assistance  
8 made available under this section or chapter 471, the Sec-  
9 retary shall ensure that the appraisal of the property to  
10 be acquired disregards any decrease or increase in the fair  
11 market value of the real property caused by the project  
12 for which the property is to be acquired, or by the likeli-  
13 hood that the property would be acquired for the project,  
14 other than that due to physical deterioration within the  
15 reasonable control of the owner.”.

16 **SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**  
17 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**  
18 **PLYING WITH STAGE 3 NOISE LEVELS.**

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

21 **“§47534. Prohibition on operating certain aircraft**  
22 **weighing 75,000 pounds or less not com-**  
23 **plying with stage 3 noise levels**

24 “(a) PROHIBITION.—Except as otherwise provided by  
25 this section, after December 31, 2016, a person may not  
26 operate a civil subsonic jet airplane with a maximum

1 weight of 75,000 pounds or less, and for which an air-  
2 worthiness certificate (other than an experimental certifi-  
3 cate) has been issued, to or from an airport in the United  
4 States unless the Secretary of Transportation finds that  
5 the aircraft complies with stage 3 noise levels.

6       “(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIG-  
7 UOUS STATES.—Subsection (a) shall not apply to aircraft  
8 operated only outside the 48 contiguous States.

9       “(c) TEMPORARY OPERATIONS.—The Secretary may  
10 allow temporary operation of an aircraft otherwise prohib-  
11 ited from operation under subsection (a) to or from an  
12 airport in the contiguous United States by granting a spe-  
13 cial flight authorization for one or more of the following  
14 circumstances:

15           “(1) To sell, lease, or use the aircraft outside  
16 the 48 contiguous States.

17           “(2) To scrap the aircraft.

18           “(3) To obtain modifications to the aircraft to  
19 meet stage 3 noise levels.

20           “(4) To perform scheduled heavy maintenance  
21 or significant modifications on the aircraft at a  
22 maintenance facility located in the contiguous 48  
23 States.

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

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

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

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

15          “(d) REGULATIONS.—The Secretary may prescribe  
16          such regulations or other guidance as may be necessary  
17          for the implementation of this section.

18          “(e) STATUTORY CONSTRUCTION.—

19                 “(1) AIP GRANT ASSURANCES.—Noncompliance  
20                 with subsection (a) shall not be construed as a viola-  
21                 tion of section 47107 or any regulations prescribed  
22                 thereunder.

23                 “(2) PENDING APPLICATIONS.—Nothing in this  
24                 section may be construed as interfering with, nul-  
25                 lifying, or otherwise affecting determinations made



1 by the Federal Aviation Administration, or to be  
2 made by the Administration, with respect to applica-  
3 tions under part 161 of title 14, Code of Federal  
4 Regulations, that were pending on the date of enact-  
5 ment of this section.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 47531 is amended—

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

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

12 (2) Section 47532 is amended by inserting “or  
13 47534” after “47528–47531”.

14 (3) The analysis for subchapter II of chapter  
15 475 is amended—

16 (A) by striking the item relating to section  
17 47531 and inserting the following:

“47531. Penalties.”; and

18 (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.”.

19 **SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**  
20 **PILOT PROGRAM.**

21 (a) IN GENERAL.—The Secretary of Transportation  
22 shall carry out a pilot program at not more than 5 public-  
23 use airports under which the Federal Aviation Administra-

1 tion shall use funds made available under section 48101(a)  
2 to test air traffic flow management tools, methodologies,  
3 and procedures that will allow air traffic controllers of the  
4 Administration to better manage the flow of aircraft on  
5 the ground and reduce the length of ground holds and  
6 idling time for aircraft.

7 (b) SELECTION CRITERIA.—In selecting from among  
8 airports at which to conduct the pilot program, the Sec-  
9 retary shall give priority consideration to airports at which  
10 improvements in ground control efficiencies are likely to  
11 achieve the greatest fuel savings or air quality or other  
12 environmental benefits, as measured by the amount of re-  
13 duced fuel, reduced emissions, or other environmental ben-  
14 efits per dollar of funds expended under the pilot program.

15 (c) MAXIMUM AMOUNT.—Not more than a total of  
16 \$2,500,000 may be expended under the pilot program at  
17 any single public-use airport.

18 **SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-**  
19 **EFFECTIVE AIR TRAFFIC CONTROL FACILI-**  
20 **TIES.**

21 The Administrator of the Federal Aviation Adminis-  
22 tration may implement, to the extent practicable, sustain-  
23 able practices for the incorporation of energy-efficient de-  
24 sign, equipment, systems, and other measures in the con-  
25 struction and major renovation of air traffic control facili-

1 ties of the Administration in order to reduce energy con-  
2 sumption at, improve the environmental performance of,  
3 and reduce the cost of maintenance for such facilities.

4 **SEC. 511. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the European Union directive extending the  
7 European Union’s emissions trading proposal to  
8 international civil aviation without working through  
9 the International Civil Aviation Organization (in this  
10 section referred to as the “ICAO”) in a consensus-  
11 based fashion is inconsistent with the Convention on  
12 International Civil Aviation, completed in Chicago on  
13 December 7, 1944 (TIAS 1591; commonly known as  
14 the “Chicago Convention”), and other relevant air  
15 services agreements and antithetical to building  
16 international cooperation to address effectively the  
17 problem of greenhouse gas emissions by aircraft en-  
18 gaged in international civil aviation;

19 (2) the European Union and its member states  
20 should instead work with other contracting states of  
21 ICAO to develop a consensual approach to address-  
22 ing aircraft greenhouse gas emissions through  
23 ICAO; and

24 (3) officials the United States Government, and  
25 particularly the Secretary of Transportation and the

1 Administrator of the Federal Aviation Administra-  
2 tion, should use all political, diplomatic, and legal  
3 tools at the disposal of the United States to ensure  
4 that the European Union's emissions trading scheme  
5 is not applied to aircraft registered by the United  
6 States or the operators of those aircraft, including  
7 the mandates that United States carriers provide  
8 emissions data to and purchase emissions allowances  
9 from or surrender emissions allowances to the Euro-  
10 pean Union Member States.

11 **SEC. 512. AVIATION NOISE COMPLAINTS.**

12 (a) TELEPHONE NUMBER POSTING.—Not later than  
13 90 days after the date of enactment of this Act, each  
14 owner or operator of a large hub airport (as defined in  
15 section 40102(a) of title 49, United States Code) shall  
16 publish on an Internet Web site of the airport a telephone  
17 number to receive aviation noise complaints related to the  
18 airport.

19 (b) SUMMARIES AND REPORTS.—Not later than 15  
20 months after the date of enactment of this Act, and annu-  
21 ally thereafter, an owner or operator that receives noise  
22 complaints from 25 individuals during the preceding year  
23 under subsection (a) shall submit to the Administrator of  
24 the Federal Aviation Administration a report regarding  
25 the number of complaints received and a summary regard-

1 ing the nature of such complaints. The Administrator  
2 shall make such information available to the public by  
3 electronic means.

## 4 **TITLE VI—FAA EMPLOYEES AND** 5 **ORGANIZATION**

### 6 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-** 7 **SONNEL MANAGEMENT SYSTEM.**

8 Section 40122(a) is amended—

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

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

13 “(2) DISPUTE RESOLUTION.—

14 “(A) MEDIATION.—If the Administrator  
15 does not reach an agreement under paragraph  
16 (1) or the provisions referred to in subsection  
17 (g)(2)(C) with the exclusive bargaining rep-  
18 resentative of the employees, the Administrator  
19 and the bargaining representative—

20 “(i) shall use the services of the Fed-  
21 eral Mediation and Conciliation Service to  
22 attempt to reach such agreement in ac-  
23 cordance with part 1425 of title 29, Code  
24 of Federal Regulations (as in effect on the

1 date of enactment of the FAA Reauthor-  
2 ization and Reform Act of 2011); or

3 “(ii) may by mutual agreement adopt  
4 alternative procedures for the resolution of  
5 disputes or impasses arising in the negotia-  
6 tion of the collective-bargaining agreement.

7 “(B) MID-TERM BARGAINING.—If the serv-  
8 ices of the Federal Mediation and Conciliation  
9 Service under subparagraph (A)(i) do not lead  
10 to the resolution of issues in controversy arising  
11 from the negotiation of a mid-term collective-  
12 bargaining agreement, the Federal Service Im-  
13 passes Panel shall assist the parties in resolving  
14 the impasse in accordance with section 7119 of  
15 title 5.

16 “(C) BINDING ARBITRATION FOR TERM  
17 BARGAINING.—

18 “(i) ASSISTANCE FROM FEDERAL  
19 SERVICE IMPASSES PANEL.—If the services  
20 of the Federal Mediation and Conciliation  
21 Service under subparagraph (A)(i) do not  
22 lead to the resolution of issues in con-  
23 troversy arising from the negotiation of a  
24 term collective-bargaining agreement, the  
25 Administrator and the exclusive bargaining

1 representative of the employees (in this  
2 subparagraph referred to as the ‘parties’)  
3 shall submit their issues in controversy to  
4 the Federal Service Impasses Panel. The  
5 Panel shall assist the parties in resolving  
6 the impasse by asserting jurisdiction and  
7 ordering binding arbitration by a private  
8 arbitration board consisting of 3 members.

9 “(ii) APPOINTMENT OF ARBITRATION  
10 BOARD.—The Executive Director of the  
11 Panel shall provide for the appointment of  
12 the 3 members of a private arbitration  
13 board under clause (i) by requesting the  
14 Director of the Federal Mediation and  
15 Conciliation Service to prepare a list of not  
16 less than 15 names of arbitrators with  
17 Federal sector experience and by providing  
18 the list to the parties. Not later than 10  
19 days after receiving the list, the parties  
20 shall each select one person from the list.  
21 The 2 arbitrators selected by the parties  
22 shall then select a third person from the  
23 list not later than 7 days after being se-  
24 lected. If either of the parties fails to select  
25 a person or if the 2 arbitrators are unable

1 to agree on the third person in 7 days, the  
2 parties shall make the selection by alter-  
3 nately striking names on the list until one  
4 arbitrator remains.

5 “(iii) FRAMING ISSUES IN CON-  
6 TROVERSY.—If the parties do not agree on  
7 the framing of the issues to be submitted  
8 for arbitration, the arbitration board shall  
9 frame the issues.

10 “(iv) HEARINGS.—The arbitration  
11 board shall give the parties a full and fair  
12 hearing, including an opportunity to  
13 present evidence in support of their claims  
14 and an opportunity to present their case in  
15 person, by counsel, or by other representa-  
16 tive as they may elect.

17 “(v) DECISIONS.—The arbitration  
18 board shall render its decision within 90  
19 days after the date of its appointment. De-  
20 cisions of the arbitration board shall be  
21 conclusive and binding upon the parties.

22 “(vi) MATTERS FOR CONSIDER-  
23 ATION.—The arbitration board shall take  
24 into consideration such factors as—



1                   “(I) the effect of its arbitration  
2                   decisions on the Federal Aviation Ad-  
3                   ministration’s ability to attract and  
4                   retain a qualified workforce;

5                   “(II) the effect of its arbitration  
6                   decisions on the Federal Aviation Ad-  
7                   ministration’s budget;

8                   “(III) the effect of its arbitration  
9                   decisions on other Federal Aviation  
10                  Administration employees; and

11                  “(IV) any other factors whose  
12                  consideration would assist the board  
13                  in fashioning a fair and equitable  
14                  award.

15                  “(vii) COSTS.—The parties shall share  
16                  costs of the arbitration equally.

17                  “(3) RATIFICATION OF AGREEMENTS.—Upon  
18                  reaching a voluntary agreement or at the conclusion  
19                  of the binding arbitration under paragraph (2)(C),  
20                  the final agreement, except for those matters de-  
21                  cided by an arbitration board, shall be subject to  
22                  ratification by the exclusive bargaining representa-  
23                  tive of the employees, if so requested by the bar-  
24                  gaining representative, and the final agreement shall  
25                  be subject to approval by the head of the agency in

1 accordance with the provisions referred to in sub-  
2 section (g)(2)(C).”.

3 **SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.**

4 Section 40122(g)(2) is amended—

5 (1) in subparagraph (G) by striking “and”  
6 after the semicolon;

7 (2) in subparagraph (H) by striking “Board.”  
8 and inserting “Board; and”; and

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

10 “(I) subsections (b), (c), and (d) of section  
11 4507 (relating to Meritorious Executive or Dis-  
12 tinguished Executive rank awards) and sub-  
13 sections (b) and (c) of section 4507a (relating  
14 to Meritorious Senior Professional or Distin-  
15 guished Senior Professional rank awards), ex-  
16 cept that—

17 “(i) for purposes of applying such  
18 provisions to the personnel management  
19 system—

20 “(I) the term ‘agency’ means the  
21 Department of Transportation;

22 “(II) the term ‘senior executive’  
23 means a Federal Aviation Administra-  
24 tion executive;

1                   “(III) the term ‘career appointee’  
2                   means a Federal Aviation Administra-  
3                   tion career executive; and

4                   “(IV) the term ‘senior career em-  
5                   ployee’ means a Federal Aviation Ad-  
6                   ministration career senior profes-  
7                   sional;

8                   “(ii) receipt by a career appointee or  
9                   a senior career employee of the rank of  
10                  Meritorious Executive or Meritorious Sen-  
11                  ior Professional entitles the individual to a  
12                  lump-sum payment of an amount equal to  
13                  20 percent of annual basic pay, which shall  
14                  be in addition to the basic pay paid under  
15                  the Federal Aviation Administration Exec-  
16                  utive Compensation Plan; and

17                  “(iii) receipt by a career appointee or  
18                  a senior career employee of the rank of  
19                  Distinguished Executive or Distinguished  
20                  Senior Professional entitles the individual  
21                  to a lump-sum payment of an amount  
22                  equal to 35 percent of annual basic pay,  
23                  which shall be in addition to the basic pay  
24                  paid under the Federal Aviation Adminis-  
25                  tration Executive Compensation Plan.”.

1 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

2 (a) STUDY.—

3 (1) IN GENERAL.—The Administrator of the  
4 Federal Aviation Administration shall conduct a  
5 study to assess the adequacy of the Administrator’s  
6 technical training strategy and improvement plan for  
7 airway transportation systems specialists (in this  
8 section referred to as “FAA systems specialists”).

9 (2) CONTENTS.—The study shall include—

10 (A) a review of the current technical train-  
11 ing strategy and improvement plan for FAA  
12 systems specialists;

13 (B) recommendations to improve the tech-  
14 nical training strategy and improvement plan  
15 needed by FAA systems specialists to be pro-  
16 ficient in the maintenance of the latest tech-  
17 nologies;

18 (C) a description of actions that the Ad-  
19 ministration has undertaken to ensure that  
20 FAA systems specialists receive up-to-date  
21 training on the latest technologies; and

22 (D) a recommendation regarding the most  
23 cost-effective approach to provide training to  
24 FAA systems specialists.

25 (3) REPORT.—Not later than 1 year after the  
26 date of enactment of this Act, the Administrator

1 shall submit to the Committee on Transportation  
2 and Infrastructure of the House of Representatives  
3 and the Committee on Commerce, Science, and  
4 Transportation of the Senate a report on the results  
5 of the study.

6 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

7 (1) STUDY BY NATIONAL ACADEMY OF  
8 SCIENCES.—Not later than 90 days after the date of  
9 enactment of this Act, the Administrator of the Fed-  
10 eral Aviation Administration shall make appropriate  
11 arrangements for the National Academy of Sciences  
12 to conduct a study of the assumptions and methods  
13 used by the Federal Aviation Administration to esti-  
14 mate staffing needs for FAA systems specialists to  
15 ensure proper maintenance and certification of the  
16 national airspace system in the most cost effective  
17 manner.

18 (2) CONSULTATION.—In conducting the study,  
19 the National Academy of Sciences shall interview in-  
20 terested parties, including labor, government, and  
21 industry representatives.

22 (3) REPORT.—Not later than 1 year after the  
23 initiation of the arrangements under paragraph (1),  
24 the National Academy of Sciences shall submit to  
25 Congress a report on the results of the study.

1 **SEC. 604. SAFETY CRITICAL STAFFING.**

2 (a) IN GENERAL.—Not later than October 1, 2011,  
3 the Administrator of the Federal Aviation Administration  
4 shall implement, to the extent practicable and in a cost-  
5 effective manner, the staffing model for aviation safety in-  
6 spectors developed pursuant to the National Academy of  
7 Sciences study entitled “Staffing Standards for Aviation  
8 Safety Inspectors”. In doing so, the Administrator shall  
9 consult with interested persons, including aviation safety  
10 inspectors.

11 (b) REPORT.—Not later than October 1 of each fiscal  
12 year beginning after September 30, 2011, the Adminis-  
13 trator shall submit to the Committee on Transportation  
14 and Infrastructure of the House of Representatives and  
15 the Committee on Commerce, Science, and Transportation  
16 of the Senate, the staffing model described in subsection  
17 (a).

18 (c) SAFETY CRITICAL POSITIONS DEFINED.—In this  
19 section, the term “safety critical positions” means—

20 (1) aviation safety inspectors, safety technical  
21 specialists, and operational support positions in the  
22 Flight Standards Service (as such terms are used in  
23 the Administration’s fiscal year 2011 congressional  
24 budget justification); and

25 (2) manufacturing safety inspectors, pilots, en-  
26 gineers, chief scientific and technical advisors, safety

1 technical specialists, and operational support posi-  
2 tions in the Aircraft Certification Service (as such  
3 terms are used in the Administration’s fiscal year  
4 2011 congressional budget justification).

5 **SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.**

6 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

7 Not later than 90 days after the date of enactment of this  
8 Act, the Administrator of the Federal Aviation Adminis-  
9 tration shall enter into appropriate arrangements with the  
10 National Academy of Sciences to conduct a study of the  
11 air traffic controller standards used by the Federal Avia-  
12 tion Administration (in this section referred to as the  
13 “FAA”) to estimate staffing needs for FAA air traffic  
14 controllers to ensure the safe operation of the national air-  
15 space system in the most cost effective manner.

16 (b) CONSULTATION.—In conducting the study, the  
17 National Academy of Sciences shall interview interested  
18 parties, including employee, Government, and industry  
19 representatives.

20 (c) CONTENTS.—The study shall include—

21 (1) an examination of representative informa-  
22 tion on productivity, human factors, traffic activity,  
23 and improved technology and equipment used in air  
24 traffic control;

1           (2) an examination of recent National Academy  
2 of Sciences reviews of the complexity model per-  
3 formed by MITRE Corporation that support the  
4 staffing standards models for the en route air traffic  
5 control environment; and

6           (3) consideration of the Administration’s cur-  
7 rent and estimated budgets and the most cost-effec-  
8 tive staffing model to best leverage available fund-  
9 ing.

10       (d) REPORT.—Not later than 2 years after the date  
11 of enactment of this Act, the National Academy of  
12 Sciences shall submit to the Committee on Transportation  
13 and Infrastructure of the House of Representatives and  
14 the Committee on Commerce, Science, and Transportation  
15 of the Senate a report on the results of the study.

16 **SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-**  
17 **TION TRAINING.**

18       Section 44506 is amended—

19           (1) by redesignating subsection (d) as sub-  
20 section (e); and

21           (2) by inserting after subsection (c) the fol-  
22 lowing:

23       “(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-  
24 TION TRAINING.—



1           “(1) APPOINTMENT OF AIR TRAFFIC CONTROL  
2 SPECIALISTS.—The Administrator is authorized to  
3 appoint a qualified air traffic control specialist can-  
4 didate for placement in an airport traffic control fa-  
5 cility if the candidate has—

6                   “(A) received a control tower operator cer-  
7 tification (referred to in this subsection as a  
8 ‘CTO’ certificate); and

9                   “(B) satisfied all other applicable qualifica-  
10 tion requirements for an air traffic control spe-  
11 cialist position.

12           “(2) COMPENSATION AND BENEFITS.—An indi-  
13 vidual appointed under paragraph (1) shall receive  
14 the same compensation and benefits, and be treated  
15 in the same manner as, any other individual ap-  
16 pointed as a developmental air traffic controller.

17           “(3) REPORT.—Not later than 18 months after  
18 the date of enactment of the FAA Reauthorization  
19 and Reform Act of 2011, the Administrator shall  
20 submit to Congress a report that evaluates the effec-  
21 tiveness of the air traffic control specialist qualifica-  
22 tion training provided pursuant to this section, in-  
23 cluding the graduation rates of candidates who re-  
24 ceived a CTO certificate and are working in airport  
25 traffic control facilities.

1           “(4) ADDITIONAL APPOINTMENTS.—If the Ad-  
2           ministrator determines that air traffic control spe-  
3           cialists appointed pursuant to this subsection are  
4           more successful in carrying out the duties of an air  
5           traffic controller than air traffic control specialists  
6           hired from the general public without any such cer-  
7           tification, the Administrator shall increase the num-  
8           ber of appointments of candidates who possess such  
9           certification.

10           “(5) REIMBURSEMENT FOR TRAVEL EXPENSES  
11           ASSOCIATED WITH CERTIFICATIONS.—

12           “(A) IN GENERAL.—Subject to subpara-  
13           graph (B), the Administrator may accept reim-  
14           bursement from an educational entity that pro-  
15           vides training to an air traffic control specialist  
16           candidate to cover reasonable travel expenses of  
17           the Administrator associated with issuing cer-  
18           tifications to such candidates.

19           “(B) TREATMENT OF REIMBURSE-  
20           MENTS.—Notwithstanding section 3302 of title  
21           31, any reimbursement authorized to be col-  
22           lected under subparagraph (A) shall—

23           “(i) be credited as offsetting collec-  
24           tions to the account that finances the ac-

1 activities and services for which the reim-  
2 bursement is accepted;

3 “(ii) be available for expenditure only  
4 to pay the costs of activities and services  
5 for which the reimbursement is accepted,  
6 including all costs associated with col-  
7 lecting such reimbursement; and

8 “(iii) remain available until ex-  
9 pended.”.

10 **SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**  
11 **TRAFFIC CONTROLLERS.**

12 (a) STUDY.—The Administrator of the Federal Avia-  
13 tion Administration shall conduct a study to assess the  
14 adequacy of training programs for air traffic controllers,  
15 including the Administrator’s technical training strategy  
16 and improvement plan for air traffic controllers.

17 (b) CONTENTS.—The study shall include—

18 (1) a review of the current training system for  
19 air traffic controllers, including the technical train-  
20 ing strategy and improvement plan;

21 (2) an analysis of the competencies required of  
22 air traffic controllers for successful performance in  
23 the current and future projected air traffic control  
24 environment;

1           (3) an analysis of the competencies projected to  
2           be required of air traffic controllers as the Federal  
3           Aviation Administration transitions to the Next Gen-  
4           eration Air Transportation System;

5           (4) an analysis of various training approaches  
6           available to satisfy the controller competencies iden-  
7           tified under paragraphs (2) and (3);

8           (5) recommendations to improve the current  
9           training system for air traffic controllers, including  
10          the technical training strategy and improvement  
11          plan; and

12          (6) the most cost-effective approach to provide  
13          training to air traffic controllers.

14          (c) REPORT.—Not later than 180 days after the date  
15          of enactment of this Act, the Administrator shall submit  
16          to the Committee on Transportation and Infrastructure  
17          of the House of Representatives and the Committee on  
18          Commerce, Science, and Transportation of the Senate a  
19          report on the results of the study.

20          **SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.**

21          (a) STUDY.—The Comptroller General shall conduct  
22          a study on training options for graduates of the Collegiate  
23          Training Initiative program (in this section referred to as  
24          “CTI” programs) conducted under section 44506(c) of  
25          title 49, United States Code.

1 (b) CONTENTS.—The study shall analyze the impact  
2 of providing as an alternative to the current training pro-  
3 vided at the Mike Monroney Aeronautical Center of the  
4 Federal Aviation Administration a new controller orienta-  
5 tion session at the Mike Monroney Aeronautical Center  
6 for graduates of CTI programs followed by on-the-job  
7 training for newly hired air traffic controllers who are  
8 graduates of CTI programs and shall include an analysis  
9 of—

10 (1) the cost effectiveness of such an alternative  
11 training approach; and

12 (2) the effect that such an alternative training  
13 approach would have on the overall quality of train-  
14 ing received by graduates of CTI programs.

15 (c) REPORT.—Not later than 180 days after the date  
16 of enactment of this Act, the Comptroller General shall  
17 submit to the Committee on Transportation and Infra-  
18 structure of the House of Representatives and the Com-  
19 mittee on Commerce, Science, and Transportation of the  
20 Senate a report on the results of the study.

21 **SEC. 609. FAA FACILITY CONDITIONS.**

22 (a) STUDY.—The Comptroller General shall conduct  
23 a study of—

24 (1) the conditions of a sampling of Federal  
25 Aviation Administration facilities across the United

1 States, including offices, towers, centers, and ter-  
2 minal radar air control;

3 (2) reports from employees of the Administra-  
4 tion relating to respiratory ailments and other health  
5 conditions resulting from exposure to mold, asbestos,  
6 poor air quality, radiation, and facility-related haz-  
7 ards in facilities of the Administration;

8 (3) conditions of such facilities that could inter-  
9 fere with such employees' ability to effectively and  
10 safely perform their duties;

11 (4) the ability of managers and supervisors of  
12 such employees to promptly document and seek re-  
13 mediation for unsafe facility conditions;

14 (5) whether employees of the Administration  
15 who report facility-related illnesses are treated ap-  
16 propriately;

17 (6) utilization of scientifically approved remedi-  
18 ation techniques to mitigate hazardous conditions in  
19 accordance with applicable State and local regula-  
20 tions and Occupational Safety and Health Adminis-  
21 tration practices by the Administration; and

22 (7) resources allocated to facility maintenance  
23 and renovation by the Administration.

24 (b) FACILITY CONDITION INDICES.—The Comp-  
25 troller General shall review the facility condition indices

1 of the Administration for inclusion in the recommenda-  
2 tions under subsection (c).

3 (c) RECOMMENDATIONS.—Based on the results of the  
4 study and review of facility condition indices under sub-  
5 section (a), the Comptroller General shall make such rec-  
6 ommendations as the Comptroller General considers nec-  
7 essary to—

8 (1) prioritize those facilities needing the most  
9 immediate attention based on risks to employee  
10 health and safety;

11 (2) ensure that the Administration is using sci-  
12 entifically approved remediation techniques in all fa-  
13 cilities; and

14 (3) assist the Administration in making pro-  
15 grammatic changes so that aging facilities do not de-  
16 teriorate to unsafe levels.

17 (d) REPORT.—Not later than 1 year after the date  
18 of enactment of this Act, the Comptroller General shall  
19 submit to the Administrator, the Committee on Com-  
20 merce, Science, and Transportation of the Senate, and the  
21 Committee on Transportation and Infrastructure of the  
22 House of Representatives a report on results of the study,  
23 including the recommendations under subsection (c).

1 **SEC. 610. FRONTLINE MANAGER STAFFING.**

2 (a) STUDY.—Not later than 45 days after the date  
3 of enactment of this Act, the Administrator of the Federal  
4 Aviation Administration shall commission an independent  
5 study on frontline manager staffing requirements in air  
6 traffic control facilities.

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

9 (1) the managerial tasks expected to be per-  
10 formed by frontline managers, including employee  
11 development, management, and counseling;

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

15 (3) coverage requirements in relation to traffic  
16 demand;

17 (4) facility type;

18 (5) complexity of traffic and managerial respon-  
19 sibilities;

20 (6) proficiency and training requirements; and

21 (7) such other factors as the Administrator con-  
22 siders appropriate.

23 (c) PARTICIPATION.—The Administrator shall ensure  
24 the participation of frontline managers who currently work  
25 in safety-related operational areas of the Administration.



1 (d) DETERMINATIONS.—The Administrator shall  
2 transmit any determinations made as a result of the study  
3 to the heads of the appropriate lines of business within  
4 the Administration, including the Chief Operating Officer  
5 of the Air Traffic Organization.

6 (e) REPORT.—Not later than 9 months after the date  
7 of enactment of this Act, the Administrator shall submit  
8 to the Committee on Commerce, Science, and Transpor-  
9 tation of the Senate and the Committee on Transportation  
10 and Infrastructure of the House of Representatives a re-  
11 port on the results of the study and a description of any  
12 determinations submitted to the Chief Operating Officer  
13 under subsection (c).

14 (f) DEFINITION.—In this section, the term “frontline  
15 manager” means first-level, operational supervisors and  
16 managers who work in safety-related operational areas of  
17 the Administration.

## 18 **TITLE VII—AVIATION**

### 19 **INSURANCE**

#### 20 **SEC. 701. GENERAL AUTHORITY.**

21 (a) EXTENSION OF POLICIES.—Section 44302(f)(1)  
22 is amended by striking “shall extend through” and all that  
23 follows through “the termination date” and inserting  
24 “shall extend through September 30, 2013, and may ex-  
25 tend through December 31, 2013, the termination date”.

1 (b) SUCCESSOR PROGRAM.—Section 44302(f) is  
2 amended by adding at the end the following:

3 “(3) SUCCESSOR PROGRAM.—

4 “(A) IN GENERAL.—After December 31,  
5 2021, coverage for the risks specified in a policy  
6 that has been extended under paragraph (1)  
7 shall be provided in an airline industry spon-  
8 sored risk retention or other risk-sharing ar-  
9 rangement approved by the Secretary.

10 “(B) TRANSFER OF PREMIUMS.—

11 “(i) IN GENERAL.—On December 31,  
12 2021, and except as provided in clause (ii),  
13 premiums collected by the Secretary from  
14 the airline industry after September 22,  
15 2001, for any policy under this subsection,  
16 and interest earned thereon, as determined  
17 by the Secretary, shall be transferred to an  
18 airline industry sponsored risk retention or  
19 other risk-sharing arrangement approved  
20 by the Secretary.

21 “(ii) DETERMINATION OF AMOUNT  
22 TRANSFERRED.—The amount transferred  
23 pursuant to clause (i) shall be less—

24 “(I) the amount of any claims  
25 paid out on such policies from Sep-

1                   tember 22, 2001, through December  
2                   31, 2021;

3                   “(II) the amount of any claims  
4                   pending under such policies as of De-  
5                   cember 31, 2021; and

6                   “(III) the cost, as determined by  
7                   the Secretary, of administering the  
8                   provision of insurance policies under  
9                   this chapter from September 22,  
10                  2001, through December 31, 2021.”.

11 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-**  
12                   **PARTY LIABILITY OF AIR CARRIERS ARISING**  
13                   **OUT OF ACTS OF TERRORISM.**

14                  The first sentence of section 44303(b) is amended by  
15 striking “ending on” and all that follows through “the  
16 Secretary may certify” and inserting “ending on Decem-  
17 ber 31, 2013, the Secretary may certify”.

18 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

19                  The second sentence of section 44304 is amended by  
20 striking “the carrier” and inserting “any insurance car-  
21 rier”.

22 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

23                  The second sentence of section 44308(c)(1) is amend-  
24 ed by striking “agent” and inserting “agent, or a claims  
25 adjuster who is independent of the underwriting agent,”.

1       **TITLE VIII—MISCELLANEOUS**

2       **SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**  
3                               **INTEREST OF NATIONAL SECURITY.**

4           Section 40119(b) is amended by adding at the end  
5 the following:

6           “(4) Section 552a of title 5 shall not apply to disclo-  
7 sures that the Administrator may make from the systems  
8 of records of the Administration to any Federal law en-  
9 forcement, intelligence, protective service, immigration, or  
10 national security official in order to assist the official re-  
11 ceiving the information in the performance of official du-  
12 ties.”.

13       **SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HIS-**  
14                               **TORY RECORD CHECKS.**

15           (a) IN GENERAL.—Chapter 401 is amended by add-  
16 ing at the end the following:

17       **“§ 40130. FAA authority to conduct criminal history**  
18                               **record checks**

19           “(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

20                       “(1) ACCESS TO INFORMATION.—The Adminis-  
21 trator of the Federal Aviation Administration, for  
22 certification purposes of the Administration only, is  
23 authorized—

24                               “(A) to conduct, in accordance with the es-  
25 tablished request process, a criminal history

1 background check of an airman in the criminal  
2 repositories of the Federal Bureau of Investiga-  
3 tion and States by submitting positive identi-  
4 fication of the airman to a fingerprint-based re-  
5 pository in compliance with section 217 of the  
6 National Crime Prevention and Privacy Com-  
7 pact Act of 1998 (42 U.S.C. 14616); and

8 “(B) to receive relevant criminal history  
9 record information regarding the airman  
10 checked.

11 “(2) RELEASE OF INFORMATION.—In accessing  
12 a repository referred to in paragraph (1), the Ad-  
13 ministrator shall be subject to the conditions and  
14 procedures established by the Department of Justice  
15 or the State, as appropriate, for other governmental  
16 agencies conducting background checks for non-  
17 criminal justice purposes.

18 “(3) LIMITATION.—The Administrator may not  
19 use the authority under paragraph (1) to conduct  
20 criminal investigations.

21 “(4) REIMBURSEMENT.—The Administrator  
22 may collect reimbursement to process the finger-  
23 print-based checks under this subsection, to be used  
24 for expenses incurred, including Federal Bureau of  
25 Investigation fees, in providing these services.

1       “(b) DESIGNATED EMPLOYEES.—The Administrator  
2 shall designate, by order, employees of the Federal Avia-  
3 tion Administration to carry out the authority described  
4 in subsection (a).”.

5       (b) CLERICAL AMENDMENT.—The analysis for chap-  
6 ter 401 is amended by adding at the end the following:  
“40130. FAA authority to conduct criminal history record checks.”.

7 **SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

8       Section 46301 is amended—

9           (1) in subsection (a)(1)(A) by inserting “chap-  
10 ter 451,” before “section 47107(b)”;

11          (2) in subsection (a)(5)(A)(i)—

12           (A) by striking “or chapter 449” and in-  
13 serting “chapter 449”; and

14           (B) by inserting after “44909)” the fol-  
15 lowing: “, or chapter 451”;

16          (3) in subsection (d)(2)—

17           (A) by inserting after “44723)” the fol-  
18 lowing: “, chapter 451 (except section 45107)”;

19           (B) by inserting after “44909),” the fol-  
20 lowing: “section 45107,”;

21           (C) by striking “46302” and inserting  
22 “section 46302”; and

23           (D) by striking “46303” and inserting  
24 “section 46303”; and

25          (4) in subsection (f)(1)(A)(i)—

1 (A) by striking “or chapter 449” and in-  
2 serting “chapter 449”; and

3 (B) by inserting after “44909)” the fol-  
4 lowing: “, or chapter 451”.

5 **SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA**  
6 **SERVICES AND FACILITIES.**

7 (a) IN GENERAL.—Chapter 445 (as amended by this  
8 Act) is further amended by adding at the end the following  
9 new section:

10 **“§ 44519. Realignment and consolidation of FAA serv-**  
11 **ices and facilities**

12 “(a) PURPOSE.—The purpose of this section is to es-  
13 tablish a fair process that will result in the realignment  
14 and consolidation of FAA services and facilities to help  
15 reduce capital, operating, maintenance, and administrative  
16 costs and facilitate Next Generation Air Transportation  
17 System air traffic control modernization efforts without  
18 adversely affecting safety.

19 “(b) GENERAL AUTHORITY.—Subject to the require-  
20 ments of this section, the Administrator of the Federal  
21 Aviation Administration shall realign and consolidate FAA  
22 services and facilities pursuant to recommendations made  
23 by the Aviation Facilities and Services Board established  
24 under subsection (g).

25 “(c) ADMINISTRATOR’S RECOMMENDATIONS.—

1           “(1) PROPOSED CRITERIA.—

2           “(A) IN GENERAL.—The Administrator  
3 shall develop proposed criteria for use by the  
4 Administrator in making recommendations for  
5 the realignment and consolidation of FAA serv-  
6 ices and facilities under this section.

7           “(B) PUBLICATION; TRANSMITTAL TO CON-  
8 GRESS.—Not later than 30 days after the date  
9 of enactment of this section, the Administrator  
10 shall publish the proposed criteria in the Fed-  
11 eral Register and transmit the proposed criteria  
12 to the congressional committees of interest.

13           “(C) NOTICE AND COMMENT.—The Ad-  
14 ministrator shall provide an opportunity for  
15 public comment on the proposed criteria for a  
16 period of at least 30 days and shall include no-  
17 tice of that opportunity in the Federal Register.

18           “(2) FINAL CRITERIA.—

19           “(A) IN GENERAL.—The Administrator  
20 shall establish final criteria based on the pro-  
21 posed criteria developed under paragraph (1).

22           “(B) PUBLICATION; TRANSMITTAL TO CON-  
23 GRESS.—Not later than 90 days after the date  
24 of enactment of this section, the Administrator  
25 shall publish the final criteria in the Federal



1 Register and transmit the final criteria to the  
2 congressional committees of interest.

3 “(3) RECOMMENDATIONS.—

4 “(A) IN GENERAL.—The Administrator  
5 shall make recommendations for the realign-  
6 ment and consolidation of FAA services and fa-  
7 cilities under this section based on the final cri-  
8 teria established under paragraph (2).

9 “(B) CONTENTS.—The recommendations  
10 shall consist of a list of FAA services and facili-  
11 ties for realignment and consolidation, together  
12 with a justification for each service and facility  
13 included on the list.

14 “(C) PUBLICATION; TRANSMITTAL TO  
15 BOARD AND CONGRESS.—Not later than 120  
16 days after the date of enactment of this section,  
17 the Administrator shall publish the rec-  
18 ommendations in the Federal Register and  
19 transmit the recommendations to the Board  
20 and the congressional committees of interest.

21 “(D) INFORMATION.—The Administrator  
22 shall make available to the Board and the  
23 Comptroller General all information used by the  
24 Administrator in establishing the recommenda-  
25 tions.

1           “(E) ADDITIONAL RECOMMENDATIONS.—

2           The Administrator is authorized to make addi-  
3           tional recommendations under this paragraph  
4           every 2 years.

5           “(d) BOARD’S REVIEW AND RECOMMENDATIONS.—

6           “(1) PUBLIC HEARINGS.—Not later than 30  
7           days after the date of receipt of the Administrator’s  
8           recommendations under subsection (c), the Board  
9           shall conduct public hearings on the recommenda-  
10          tions.

11          “(2) BOARD’S RECOMMENDATIONS.—

12          “(A) REPORT TO CONGRESS.—Based on  
13          the Board’s review and analysis of the Adminis-  
14          trator’s recommendations and any public com-  
15          ments received under paragraph (1), the Board  
16          shall develop a report containing the Board’s  
17          findings and conclusions concerning the Admin-  
18          istrator’s recommendations, together with the  
19          Board’s recommendations for realignment and  
20          consolidation of FAA services and facilities. The  
21          Board shall explain and justify in the report  
22          any recommendation made by the Board that  
23          differs from a recommendation made by the Ad-  
24          ministrator.

1           “(B) PUBLICATION IN FEDERAL REG-  
2           ISTER; TRANSMITTAL TO CONGRESS.—Not later  
3           than 60 days after the date of receipt of the  
4           Administrator’s recommendations under sub-  
5           section (c), the Board shall publish the report  
6           in the Federal Register and transmit the report  
7           to the congressional committees of interest.

8           “(3) ASSISTANCE OF COMPTROLLER GEN-  
9           ERAL.—The Comptroller General shall assist the  
10          Board, to the extent requested by the Board, in the  
11          Board’s review and analysis of the Administrator’s  
12          recommendations.

13          “(e) REALIGNMENT AND CONSOLIDATION OF FAA  
14          SERVICES AND FACILITIES.—Subject to subsection (f),  
15          the Administrator shall—

16               “(1) realign or consolidate the FAA services  
17               and facilities recommended for realignment or con-  
18               solidation by the Board in a report transmitted  
19               under subsection (d);

20               “(2) initiate all such realignments and consoli-  
21               dations not later than 1 year after the date of the  
22               report; and

23               “(3) complete all such realignments and con-  
24               solidations not later than 3 years after the date of  
25               the report.

1 “(f) CONGRESSIONAL DISAPPROVAL.—

2 “(1) IN GENERAL.—The Administrator may not  
3 carry out a recommendation of the Board for re-  
4 alignment or consolidation of FAA services and fa-  
5 cilities that is included in a report transmitted under  
6 subsection (d) if a joint resolution of disapproval is  
7 enacted disapproving such recommendation before  
8 the earlier of—

9 “(A) the last day of the 30-day period be-  
10 ginning on the date of the report; or

11 “(B) the adjournment of Congress sine die  
12 for the session during which the report is trans-  
13 mitted.

14 “(2) COMPUTATION OF 30-DAY PERIOD.—For  
15 purposes of paragraph (1)(A), the days on which ei-  
16 ther house of Congress is not in session because of  
17 an adjournment of more than 3 days to a day cer-  
18 tain shall be excluded in computation of the 30-day  
19 period.

20 “(g) AVIATION FACILITIES AND SERVICES BOARD.—

21 “(1) ESTABLISHMENT.—Not later than 180  
22 days after the date of enactment of this section, the  
23 Secretary of Transportation shall establish an inde-  
24 pendent board to be known as the ‘Aviation Facili-  
25 ties and Services Board’.

1           “(2) COMPOSITION.—The Board shall be com-  
2 posed of the following members:

3           “(A) The Secretary (or a designee of the  
4 Secretary), who shall be the Chair of the Board.

5           “(B) Two members appointed by the Sec-  
6 retary, who may not be officers or employees of  
7 the Federal Government.

8           “(C) The Comptroller General (or a des-  
9 ignee of the Comptroller General), who shall be  
10 a nonvoting member of the Board.

11          “(3) DUTIES.—The Board shall carry out the  
12 duties specified for the Board in this section.

13          “(4) TERM.—The members of the Board to be  
14 appointed under paragraph (2)(B) shall each be ap-  
15 pointed for a term of 3 years.

16          “(5) VACANCIES.—A vacancy in the Board shall  
17 be filled in the same manner as the original appoint-  
18 ment was made, but the individual appointed to fill  
19 the vacancy shall serve only for the unexpired por-  
20 tion of the term for which the individual’s prede-  
21 cessor was appointed.

22          “(6) COMPENSATION AND BENEFITS.—A mem-  
23 ber of the Board may not receive any compensation  
24 or benefits from the Federal Government for serving  
25 on the Board, except that—

1           “(A) a member shall receive compensation  
2           for work injuries under subchapter I of chapter  
3           81 of title 5; and

4           “(B) a member shall be paid actual travel  
5           expenses and per diem in lieu of subsistence ex-  
6           penses when away from the member’s usual  
7           place of residence in accordance with section  
8           5703 of title 5.

9           “(7) STAFF.—The Administrator shall make  
10          available to the Board such staff, information, and  
11          administrative services and assistance as may be  
12          reasonably required to enable the Board to carry out  
13          its responsibilities under this section. The Board  
14          may employ experts and consultants on a temporary  
15          or intermittent basis with the approval of the Sec-  
16          retary.

17          “(8) FEDERAL ADVISORY COMMITTEE ACT.—  
18          The Federal Advisory Committee Act (5 U.S.C.  
19          App.) shall not apply to the Board.

20          “(h) AUTHORIZATION OF APPROPRIATIONS.—

21          “(1) IN GENERAL.—There is authorized to be  
22          appropriated to the Administrator for each of fiscal  
23          years 2011 through 2014 \$200,000 for the Board to  
24          carry out its duties.

1           “(2) AVAILABILITY OF AMOUNTS.—Amounts  
2           appropriated pursuant to paragraph (1) shall remain  
3           available until expended.

4           “(i) EFFECT ON OTHER AUTHORITIES.—Nothing in  
5           this section shall be construed to affect the authorities  
6           provided in section 44503 or the existing authorities or  
7           responsibilities of the Administrator under this title to  
8           manage the operations of the Federal Aviation Adminis-  
9           tration, including realignment or consolidation of facilities  
10          or services.

11          “(j) DEFINITIONS.—In this section, the following  
12          definitions apply:

13                 “(1) BOARD.—The term ‘Board’ means the  
14                 Aviation Facilities and Services Board established  
15                 under subsection (g).

16                 “(2) CONGRESSIONAL COMMITTEES OF INTER-  
17                 EST.—The term ‘congressional committees of inter-  
18                 est’ means the Committee on Transportation and In-  
19                 frastructure of the House of Representatives and the  
20                 Committee on Commerce, Science, and Transpor-  
21                 tation of the Senate.

22                 “(3) FAA.—The term ‘FAA’ means the Fed-  
23                 eral Aviation Administration.

24                 “(4) REALIGNMENT.—The term ‘realignment’  
25                 includes any action that relocates functions and per-

1       sonnel positions but does not include an overall re-  
2       duction in personnel resulting from workload adjust-  
3       ments.”.

4       (b) CLERICAL AMENDMENT.—The analysis for chap-  
5       ter 445 (as amended by this Act) is further amended by  
6       adding at the end the following:

      “44519. Realignment and consolidation of FAA services and facilities.”.

7       **SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**  
8                               **CARGO AIRCRAFT.**

9       (a) STUDY.—Not later than 180 days after the date  
10      of enactment of this Act, the Administrator of the Federal  
11      Aviation Administration, in consultation with appropriate  
12      air carriers, aircraft manufacturers, and air carrier labor  
13      representatives, shall conduct a study to assess the feasi-  
14      bility of developing a physical means, or a combination of  
15      physical and procedural means, to prohibit individuals  
16      other than authorized flight crewmembers from accessing  
17      the flight deck of an all-cargo aircraft.

18      (b) REPORT.—Not later than 1 year after the date  
19      of enactment of this Act, the Administrator shall submit  
20      to the Committee on Transportation and Infrastructure  
21      of the House of Representatives and the Committee on  
22      Commerce, Science, and Transportation of the Senate a  
23      report on the results of the study.



1 **SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**  
2 **REDUNDANT, OR OTHERWISE UNNECESSARY**  
3 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**  
4 **MAT.**

5 (a) CONSOLIDATION OR ELIMINATION OF RE-  
6 PORTS.—Not later than 2 years after the date of enact-  
7 ment of this Act, and every 2 years thereafter, the Admin-  
8 istrator of the Federal Aviation Administration shall sub-  
9 mit to the Committee on Commerce, Science, and Trans-  
10 portation of the Senate and the Committee on Transpor-  
11 tation and Infrastructure of the House of Representatives  
12 a report containing—

13 (1) a list of obsolete, redundant, or otherwise  
14 unnecessary reports the Administration is required  
15 by law to submit to the Congress or publish that the  
16 Administrator recommends eliminating or consoli-  
17 dating with other reports; and

18 (2) an estimate of the cost savings that would  
19 result from the elimination or consolidation of those  
20 reports.

21 (b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

22 (1) IN GENERAL.—Notwithstanding any other  
23 provision of law, the Administration—

24 (A) may not publish any report required or  
25 authorized by law in printed format; and

1 (B) shall publish any such report by post-  
2 ing it on the Administration's Internet Web site  
3 in an easily accessible and downloadable elec-  
4 tronic format.

5 (2) EXCEPTION.—Paragraph (1) does not apply  
6 to any report with respect to which the Adminis-  
7 trator determines that—

8 (A) its publication in printed format is es-  
9 sential to the mission of the Federal Aviation  
10 Administration; or

11 (B) its publication in accordance with the  
12 requirements of paragraph (1) would disclose  
13 matter—

14 (i) described in section 552(b) of title  
15 5, United States Code; or

16 (ii) the disclosure of which would have  
17 an adverse impact on aviation safety or se-  
18 curity, as determined by the Adminis-  
19 trator.

20 **SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

21 The Secretary of Transportation may not use any  
22 funds made available pursuant to this Act (including any  
23 amendment made by this Act) to name, rename, designate,  
24 or redesignate any project or program authorized by this  
25 Act (including any amendment made by this Act) for an

1 individual then serving in Congress as a Member, Dele-  
2 gate, Resident Commissioner, or Senator.

3 **SEC. 808. STUDY ON AVIATION FUEL PRICES.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of enactment of this Act, the Comptroller General  
6 shall conduct a study and report to Congress on the im-  
7 pact of increases in aviation fuel prices on the Airport and  
8 Airway Trust Fund and the aviation industry in general.

9 (b) CONTENTS.—The study shall include an assess-  
10 ment of the impact of increases in aviation fuel prices  
11 on—

- 12 (1) general aviation;
- 13 (2) commercial passenger aviation;
- 14 (3) piston aircraft purchase and use;
- 15 (4) the aviation services industry, including re-  
16 pair and maintenance services;
- 17 (5) aviation manufacturing;
- 18 (6) aviation exports; and
- 19 (7) the use of small airport installations.

20 (c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—  
21 In conducting the study required by subsection (a), the  
22 Comptroller General shall use the average aviation fuel  
23 price for fiscal year 2010 as a baseline and measure the  
24 impact of increases in aviation fuel prices that range from  
25 5 percent to 200 percent over the 2010 baseline.

1 **SEC. 809. WIND TURBINE LIGHTING.**

2 (a) STUDY.—The Administrator of the Federal Avia-  
3 tion Administration shall conduct a study on wind turbine  
4 lighting systems.

5 (b) CONTENTS.—In conducting the study, the Ad-  
6 ministrator shall examine the following:

7 (1) The aviation safety issues associated with  
8 alternative lighting strategies, technologies, and reg-  
9 ulations.

10 (2) The feasibility of implementing alternative  
11 lighting strategies or technologies to improve avia-  
12 tion safety.

13 (3) Any other issue relating to wind turbine  
14 lighting.

15 (c) REPORT.—Not later than 1 year after the date  
16 of enactment of this Act, the Administrator shall submit  
17 to Congress a report on the results of the study, including  
18 information and recommendations concerning the issues  
19 examined under subsection (b).

20 **SEC. 810. AIR-RAIL CODE SHARING STUDY.**

21 (a) CODE SHARE STUDY.—Not later than 180 days  
22 after the date of enactment of this Act, the Comptroller  
23 General shall initiate a study regarding—

24 (1) the existing airline and intercity passenger  
25 rail code sharing arrangements; and

1           (2) the feasibility, costs to taxpayers and other  
2 parties, and benefits of increasing intermodal  
3 connectivity of airline and intercity passenger rail fa-  
4 cilities and systems to improve passenger travel.

5           (b) CONSIDERATIONS.—In conducting the study, the  
6 Comptroller General shall consider—

7           (1) the potential costs to taxpayers and other  
8 parties and benefits of the implementation of more  
9 integrated scheduling between airlines and Amtrak  
10 or other intercity passenger rail carriers achieved  
11 through code sharing arrangements;

12           (2) airport and intercity passenger rail oper-  
13 ations that can improve connectivity between air-  
14 ports and intercity passenger rail facilities and sta-  
15 tions;

16           (3) the experience of other countries with air-  
17 port and intercity passenger rail connectivity; and

18           (4) such other issues the Comptroller General  
19 considers appropriate.

20           (c) REPORT.—Not later than 1 year after com-  
21 mencing the study required by subsection (a), the Comp-  
22 troller General shall submit to the Committee on Com-  
23 merce, Science, and Transportation of the Senate and the  
24 Committee on Transportation and Infrastructure of the  
25 House of Representatives a report on the results of the

1 study, including any conclusions of the Comptroller Gen-  
2 eral resulting from the study.

3 **SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT**  
4 **RULES AREA.**

5 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later  
6 than 180 days after the date of enactment of this Act,  
7 the Administrator of the Federal Aviation Administration,  
8 in consultation with the Secretary of Homeland Security  
9 and the Secretary of Defense, shall submit to the Com-  
10 mittee on Transportation and Infrastructure and the  
11 Committee on Homeland Security of the House of Rep-  
12 resentatives and the Committee on Commerce, Science,  
13 and Transportation of the Senate a plan for the D.C. Met-  
14 ropolitan Area Special Flight Rules Area.

15 (b) CONTENTS OF PLAN.—The plan shall outline spe-  
16 cific changes to the D.C. Metropolitan Area Special Flight  
17 Rules Area that will decrease operational impacts and im-  
18 prove general aviation access to airports in the National  
19 Capital Region that are currently impacted by the zone.

20 **SEC. 812. FAA REVIEW AND REFORM.**

21 (a) AGENCY REVIEW.—Not later than 60 days after  
22 the date of enactment of this Act, the Administrator of  
23 the Federal Aviation Administration shall undertake a  
24 thorough review of each program, office, and organization

1 within the Administration, including the Air Traffic Orga-  
2 nization, to identify—

3 (1) duplicative positions, programs, roles, or of-  
4 fices;

5 (2) wasteful practices;

6 (3) redundant, obsolete, or unnecessary func-  
7 tions;

8 (4) inefficient processes; and

9 (5) ineffectual or outdated policies.

10 (b) ACTIONS TO STREAMLINE AND REFORM FAA.—

11 Not later than 120 days after the date of enactment of  
12 this Act, the Administrator shall undertake such actions  
13 as may be necessary to address the Administrator’s find-  
14 ings under subsection (a), including—

15 (1) consolidating, phasing-out, or eliminating  
16 duplicative positions, programs, roles, or offices;

17 (2) eliminating or streamlining wasteful prac-  
18 tices;

19 (3) eliminating or phasing-out redundant, obso-  
20 lete, or unnecessary functions;

21 (4) reforming and streamlining inefficient proc-  
22 esses so that the activities of the Administration are  
23 completed in an expedited and efficient manner; and

24 (5) reforming or eliminating ineffectual or out-  
25 dated policies.

1 (c) AUTHORITY.—Notwithstanding any other provi-  
2 sion of law, the Administrator shall have the authority to  
3 undertake the actions required under subsection (b).

4 (d) REPORT TO CONGRESS.—Not later than 150 days  
5 after the date of enactment of this Act, the Administrator  
6 shall submit to Congress a report on the actions taken  
7 by the Administrator under this section, including any rec-  
8 ommendations for legislative or administrative actions.

9 **SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER**  
10 **OXIDIZING GASES.**

11 (a) IN GENERAL.—Subject to subsection (b), the  
12 transportation within the State of Alaska of cylinders of  
13 compressed oxygen or other oxidizing gases aboard air-  
14 craft shall be exempt from compliance with the regulations  
15 described in subsection (c) to the extent that the regula-  
16 tions require that oxidizing gases transported aboard air-  
17 craft be enclosed in outer packaging capable of passing  
18 the flame penetration and resistance test and the thermal  
19 resistance test, without regard to the end use of the cyl-  
20 inders.

21 (b) APPLICABILITY OF EXEMPTION.—The exemption  
22 provided by subsection (a) shall apply in circumstances in  
23 which transportation of the cylinders by ground or vessel  
24 is unavailable and transportation by aircraft is the only



1 practical means for transporting the cylinders to their des-  
2 tination.

3 (c) DESCRIPTION OF REGULATORY REQUIRE-  
4 MENTS.—The regulations referred to in subsection (a) are  
5 the regulations of the Pipeline and Hazardous Materials  
6 Safety Administration contained in sections  
7 173.302(f)(3), 173.302(f)(4), 173.302(f)(5),  
8 173.304(f)(3), 173.304(f)(4), 173.304(f)(5), and  
9 175.501(b) of title 49, Code of Federal Regulations.

10 **SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND**  
11 **BATTERIES.**

12 (a) IN GENERAL.—The Administrator of the Federal  
13 Aviation Administration may not issue or enforce any reg-  
14 ulation or other requirement regarding the transportation  
15 by aircraft of lithium metal cells or batteries or lithium  
16 ion cells or batteries, whether transported separately or  
17 packed with or contained in equipment, if the requirement  
18 is more stringent than the requirements of the Inter-  
19 national Civil Aviation Organization Technical Instruc-  
20 tions for the Safe Transport of Dangerous Goods by Air,  
21 2009–2010 edition, as amended (including amendments  
22 adopted after the date of enactment of this Act).

23 (b) EXCEPTION.—Notwithstanding subsection (a),  
24 the Administrator may enforce the prohibition on trans-  
25 porting primary (nonrechargeable) lithium batteries and

1 cells aboard passenger carrying aircraft set forth in special  
2 provision A100 of the table contained in section  
3 172.102(c)(2) of title 49, Code of Federal Regulations, as  
4 in effect on the date of enactment of this Act.

5 **SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIR-**  
6 **PORTS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law, the Administrator of the Federal Aviation Ad-  
9 ministration may declare certain revenue derived from or  
10 generated by mineral extraction at a general aviation air-  
11 port to be revenue greater than the long-term project, op-  
12 eration, maintenance, planning, and capacity needs of the  
13 airport.

14 (b) USE OF REVENUE.—Subject to subsection (c), if  
15 the Administrator issues a declaration with respect to an  
16 airport under subsection (a), the airport sponsor may allo-  
17 cate to itself (or to a governing body within the geo-  
18 graphical limits of the airport’s locality) the revenues iden-  
19 tified in the declaration for use in carrying out a Federal,  
20 State, or local transportation infrastructure project.

21 (c) CONDITIONS.—Any declaration made under sub-  
22 section (a) with respect to an airport shall be subject to  
23 the following conditions:

24 (1) In generating revenue from mineral rights  
25 extraction, production, lease, or other means, the

1 airport sponsor shall not charge less than fair mar-  
2 ket value.

3 (2) The airport sponsor and the Administrator  
4 shall agree on a 20-year capital improvement pro-  
5 gram that includes, at a minimum, 20-year projected  
6 charges, costs, and fees for the development, im-  
7 provement, operation, and maintenance of the air-  
8 port, with consideration for costs and charges ad-  
9 justed for inflation.

10 (3) The airport sponsor shall agree in writing  
11 to waive all rights to receive entitlement funds or  
12 discretionary funds to be used at the airport under  
13 section 47114 or 47115 of title 49, United States  
14 Code, for a period of 20 years.

15 (4) The airport sponsor shall comply, during  
16 the 20-year period beginning on the date of enact-  
17 ment of this Act, with all grant assurance obliga-  
18 tions in effect as of such date of enactment for the  
19 airport under section 47107 of such title.

20 (5) The airport sponsor shall agree in writing  
21 to comply with sections 47107(b) and 47133 of such  
22 title, except for any exemptions specifically granted  
23 by the Administrator in accordance with this section,  
24 in perpetuity.



1       ance of the purpose of a volunteer pilot nonprofit or-  
2       ganization that flies for public benefit and was prop-  
3       erly licensed and insured for the operation of such  
4       aircraft)” after “aircraft”; and

5               (2) by striking subsection (c) and inserting the  
6       following:

7       “(c) NO EFFECT ON LIABILITY OF ORGANIZATION  
8       OR ENTITY.—

9               “(1) IN GENERAL.—Except as provided in para-  
10       graph (2), nothing in this section shall be construed  
11       to affect the liability of any nonprofit organization  
12       or governmental entity with respect to harm caused  
13       to any person.

14              “(2) EXCEPTION.—A volunteer pilot nonprofit  
15       organization that flies for public benefit, the staff,  
16       mission coordinators, officers, and directors (whether  
17       volunteer or otherwise) of such nonprofit organiza-  
18       tion, and a referring agency of such nonprofit orga-  
19       nization shall not be liable for harm caused to any  
20       person by a volunteer of such nonprofit organization  
21       while such volunteer—

22                      “(A) is operating an aircraft in further-  
23                      ance of the purpose of such nonprofit organiza-  
24                      tion;

1           “(B) is properly licensed for the operation  
2           of such aircraft; and

3           “(C) has certified to such nonprofit organi-  
4           zation that such volunteer has insurance cov-  
5           ering the volunteer’s operation of such air-  
6           craft.”.

7 **SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.**

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

9           (1) The Federal Government’s dissemination to  
10          the public of information relating to a noncommer-  
11          cial flight carried out by a private owner or operator  
12          of an aircraft, whether during or following the flight,  
13          does not serve a public policy objective.

14          (2) Upon the request of a private owner or op-  
15          erator of an aircraft, the Federal Government should  
16          not disseminate to the public information relating to  
17          noncommercial flights carried out by that owner or  
18          operator, as the information should be private and  
19          confidential.

20          (b) AIRCRAFT SITUATIONAL DISPLAY TO INDUS-  
21          TRY.—Upon the request of a private owner or operator  
22          of an aircraft, the Administrator of the Federal Aviation  
23          Administration shall block, with respect to the non-  
24          commercial flights of that owner or operator, the display  
25          of that owner or operator’s aircraft registration number

1 in aircraft situational display data provided by the Admin-  
2 istrator to any entity, except a government agency.

3 **SEC. 818. CONTRACTING.**

4       The Administrator of the Federal Aviation Adminis-  
5 tration shall conduct a review and submit to the Com-  
6 mittee on Commerce, Science, and Transportation of the  
7 Senate and the Committee on Transportation and Infra-  
8 structure of the House of Representatives a report de-  
9 scribing how the Federal Aviation Administration weighs  
10 the economic vitality of a region when considering contract  
11 proposals for training facilities under the general con-  
12 tracting authority of the Federal Aviation Administration.

13 **SEC. 819. FLOOD PLANNING.**

14       The Administrator of the Federal Aviation Adminis-  
15 tration, in consultation with the Administrator of the Fed-  
16 eral Emergency Management Agency, shall conduct a re-  
17 view and submit to the Committee on Commerce, Science,  
18 and Transportation of the Senate and the Committee on  
19 Transportation and Infrastructure of the House of Rep-  
20 resentatives a report on the state of preparedness and re-  
21 sponse capability for airports located in flood plains to re-  
22 spond to and seek assistance in rebuilding after cata-  
23 strophic flooding.

1 **SEC. 820. TERMINATION OF CERTAIN RESTRICTIONS FOR**  
2 **BURKE LAKEFRONT AIRPORT.**

3 Notwithstanding section 521 of title V of division F  
4 of Public Law 108–199 (118 Stat. 343) and any restric-  
5 tion in Federal Aviation Administration Flight Data Cen-  
6 ter Notice to Airmen 9/5151, the Administrator of the  
7 Federal Aviation Administration may not prohibit or im-  
8 pose airspace restrictions with respect to an air show or  
9 other aerial event located at the Burke Lakefront Airport  
10 in Cleveland, Ohio, due to an event at a stadium or other  
11 venue occurring at the same time, except that the Admin-  
12 istrator may prohibit any aircraft from flying directly over  
13 the applicable stadium or other venue.

14 **SEC. 821. SANTA MONICA AIRPORT, CALIFORNIA.**

15 It is the sense of Congress that the Administrator  
16 of the Federal Aviation Administration should enter into  
17 good faith discussions with the city of Santa Monica, Cali-  
18 fornia, to achieve runway safety area solutions consistent  
19 with Federal Aviation Administration design guidelines to  
20 address safety concerns at Santa Monica Airport.

21 **SEC. 822. INSPECTOR GENERAL REPORT ON PARTICIPA-**  
22 **TION IN FAA PROGRAMS BY DISADVANTAGED**  
23 **SMALL BUSINESS CONCERNS.**

24 (a) IN GENERAL.—For each of fiscal years 2011  
25 through 2014, the Inspector General of the Department  
26 of Transportation shall submit to Congress a report on



1 the number of new small business concerns owned and  
2 controlled by socially and economically disadvantaged indi-  
3 viduals, including those owned by veterans, that partici-  
4 pated in the programs and activities funded using the  
5 amounts made available under this Act.

6 (b) NEW SMALL BUSINESS CONCERNS.—For pur-  
7 poses of subsection (a), a new small business concern is  
8 a small business concern that did not participate in the  
9 programs and activities described in subsection (a) in a  
10 previous fiscal year.

11 (c) CONTENTS.—The report shall include—

12 (1) a list of the top 25 and bottom 25 large and  
13 medium hub airports in terms of providing opportu-  
14 nities for small business concerns owned and con-  
15 trolled by socially and economically disadvantaged  
16 individuals to participate in the programs and activi-  
17 ties funded using the amounts made available under  
18 this Act;

19 (2) the results of an assessment, to be con-  
20 ducted by the Inspector General, on the reasons why  
21 the top airports have been successful in providing  
22 such opportunities; and

23 (3) recommendations to the Administrator of  
24 the Federal Aviation Administration and Congress

1 on methods for other airports to achieve results  
2 similar to those of the top airports.

3 **SEC. 823. HISTORICAL AIRCRAFT DOCUMENTS.**

4 (a) PRESERVATION OF DOCUMENTS.—

5 (1) IN GENERAL.—The Administrator of the  
6 Federal Aviation Administration shall take such ac-  
7 tions as the Administrator determines necessary to  
8 preserve original aircraft type certificate engineering  
9 and technical data in the possession of the Federal  
10 Aviation Administration related to—

11 (A) approved aircraft type certificate num-  
12 bers ATC 1 through ATC 713; and

13 (B) Group-2 approved aircraft type certifi-  
14 cate numbers 2–1 through 2–554.

15 (2) REVISION OF ORDER.—Not later than one  
16 year after the date of enactment of this Act, the Ad-  
17 ministrator shall revise FAA Order 1350.15C, Item  
18 Number 8110. Such revision shall prohibit the de-  
19 struction of the historical aircraft documents identi-  
20 fied in paragraph (1).

21 (3) CONSULTATION.—The Administrator may  
22 carry out paragraph (1) in consultation with the Ar-  
23 chivist of the United States and the Administrator  
24 of General Services.

25 (b) AVAILABILITY OF DOCUMENTS.—

1           (1) FREEDOM OF INFORMATION ACT RE-  
2           QUESTS.—The Administrator shall make the docu-  
3           ments to be preserved under subsection (a)(1) avail-  
4           able to a person—

5                   (A) upon receipt of a request made by the  
6                   person pursuant to section 552 of title 5,  
7                   United States Code; and

8                   (B) subject to a prohibition on use of the  
9                   documents for commercial purposes.

10           (2) TRADE SECRETS, COMMERCIAL, AND FINAN-  
11           CIAL INFORMATION.—Section 552(b)(4) of such title  
12           shall not apply to requests for documents to be made  
13           available pursuant to paragraph (1).

14           (c) HOLDER OF TYPE CERTIFICATE.—

15                   (1) RIGHTS OF HOLDER.—Nothing in this sec-  
16                   tion shall affect the rights of a holder or owner of  
17                   a type certificate identified in subsection (a)(1), nor  
18                   require the holder or owner to provide, surrender, or  
19                   preserve any original or duplicate engineering or  
20                   technical data to the Federal Aviation Administra-  
21                   tion, a person, or the public.

22                   (2) LIABILITY.—There shall be no liability on  
23                   the part of, and no cause of action of any nature  
24                   shall arise against, a holder of a type certificate, its  
25                   authorized representative, its agents, or its employ-

1 ees, or any firm, person, corporation, or insurer re-  
2 lated to the type certificate data and documents  
3 identified in subsection (a)(1).

4 (3) AIRWORTHINESS.—Notwithstanding any  
5 other provision of law, the holder of a type certifi-  
6 cate identified in subsection (a)(1) shall not be re-  
7 sponsible for any continued airworthiness or Federal  
8 Aviation Administration regulatory requirements to  
9 the type certificate data and documents identified in  
10 subsection (a)(1).

11 **SEC. 824. RELEASE FROM RESTRICTIONS.**

12 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
13 retary of Transportation is authorized to grant to any air-  
14 port, city, or county a release from any of the terms, con-  
15 ditions, reservations, or restrictions contained in a deed  
16 under which the United States conveyed to the airport,  
17 city, or county property for airport purposes pursuant to  
18 section 16 of the Federal Airport Act (as in effect on Au-  
19 gust 28, 1973) or section 23 of the Airport and Airway  
20 Development Act.

21 (b) CONDITION.—Any release granted by the Sec-  
22 retary of Transportation pursuant to subsection (a) shall  
23 be subject to the following conditions:

24 (1) The applicable airport, city, or county shall  
25 agree that in conveying any interest in the property

1 which the United States conveyed to the airport,  
2 city, or county, the airport, city, or county will re-  
3 ceive an amount for such interest that is equal to its  
4 fair market value.

5 (2) Any amount received by the airport, city, or  
6 county under paragraph (1) shall be used exclusively  
7 for the development, improvement, operation, or  
8 maintenance of a public airport by the airport, city,  
9 or county.

10 (3) Any other conditions required by the Sec-  
11 retary and in accordance with title 49, United States  
12 Code.

13 **SEC. 825. SENSE OF CONGRESS.**

14 It is the sense of Congress that Los Angeles World  
15 Airports, the operator of Los Angeles International Air-  
16 port (LAX)—

17 (1) should consult on a regular basis with rep-  
18 resentatives of the community surrounding the air-  
19 port regarding—

20 (A) the ongoing operations of LAX; and

21 (B) plans to expand, modify, or realign  
22 LAX facilities; and

23 (2) should include in such consultations any or-  
24 ganization, the membership of which includes at  
25 least 20 individuals who reside within 10 miles of

1 the airport, that notifies Los Angeles World Airports  
2 of its desire to be included in such consultations.

3 **SEC. 826. ISSUING REGULATIONS.**

4 Section 106(f)(3)(A) is amended—

5 (1) by inserting “(i)” before the first sentence;

6 and

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

8 “(ii) Before proposing or issuing a  
9 regulation, the Administrator shall:

10 “(I) Analyze the different indus-  
11 try segments and tailor any regula-  
12 tions to the characteristics of each  
13 separate segment (as determined by  
14 the Administrator), taking into ac-  
15 count that the United States aviation  
16 industry is composed of different seg-  
17 ments, with differing operational char-  
18 acteristics.

19 “(II) Perform the following anal-  
20 yses for each industry segment:

21 “(aa) Identify and assess  
22 the alternative forms of regula-  
23 tion and, to the extent feasible,  
24 specify performance objectives,

1 rather than a specific means of  
2 compliance.

3 “(bb) Assess the costs and  
4 benefits and propose or adopt a  
5 regulation only upon a reasoned  
6 determination that the benefits of  
7 the intended regulation justify its  
8 costs.

9 “(cc) Ensure that the pro-  
10 posed regulation is based on the  
11 best reasonably obtainable sci-  
12 entific, technical, and other infor-  
13 mation relating to the need for,  
14 and consequences of, the regula-  
15 tion.

16 “(dd) Assess any adverse ef-  
17 fects on the efficient functioning  
18 of the economy, private markets  
19 (including productivity, employ-  
20 ment, and competitiveness) to-  
21 gether with a quantification of  
22 such costs.”.

1                   **TITLE IX—NATIONAL**  
2                   **MEDIATION BOARD**

3 **SEC. 901. AUTHORITY OF INSPECTOR GENERAL.**

4           Title I of the Railway Labor Act (45 U.S.C. 151 et  
5 seq.) is amended by adding at the end the following:

6                   “AUTHORITY OF INSPECTOR GENERAL

7           “SEC. 15. (a) IN GENERAL.—The Inspector General  
8 of the Department of Transportation, in accordance with  
9 the mission of the Inspector General to prevent and detect  
10 fraud and abuse, is authorized to review the financial  
11 management, property management, and business oper-  
12 ations of the Mediation Board, including internal account-  
13 ing and administrative control systems, to determine com-  
14 pliance with applicable Federal laws, rules, and regula-  
15 tions.

16           “(b) DUTIES.—In carrying out this section, the In-  
17 spector General shall—

18                   “(1) keep the chairman of the Mediation Board  
19 and Congress fully and currently informed about  
20 problems relating to administration of the internal  
21 accounting and administrative control systems of the  
22 Mediation Board;

23                   “(2) issue findings and recommendations for  
24 actions to address such problems; and



1           “(3) report periodically to Congress on any  
2           progress made in implementing actions to address  
3           such problems.

4           “(c) ACCESS TO INFORMATION.—In carrying out this  
5           section, the Inspector General may exercise authorities  
6           granted to the Inspector General under subsections (a)  
7           and (b) of section 6 of the Inspector General Act of 1978  
8           (5 U.S.C. App.).

9           “(d) AUTHORIZATIONS OF APPROPRIATIONS.—

10           “(1) FUNDING.—There is authorized to be ap-  
11           propriated to the Secretary of Transportation for  
12           use by the Inspector General of the Department of  
13           Transportation not more than \$125,000 for each of  
14           fiscal years 2011 through 2014 to cover expenses as-  
15           sociated with activities pursuant to the authority ex-  
16           ercised under this section.

17           “(2) REIMBURSABLE AGREEMENT.—In the ab-  
18           sence of an appropriation under this subsection for  
19           an expense referred to in paragraph (1), the Inspec-  
20           tor General and the Mediation Board shall have a  
21           reimbursable agreement to cover such expense.”.

1 **SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDI-**  
2 **ATION BOARD.**

3 Title I of the Railway Labor Act (as amended by sec-  
4 tion 901 of this Act) is further amended by adding at the  
5 end the following:

6 “EVALUATION AND AUDIT OF MEDIATION BOARD

7 “SEC. 16. (a) IN GENERAL.—In order to promote  
8 economy, efficiency, and effectiveness in the administra-  
9 tion of the programs, operations, and activities of the Me-  
10 diation Board, the Comptroller General shall evaluate and  
11 audit the programs and expenditures of the Mediation  
12 Board. Such an evaluation and audit shall be conducted  
13 at least annually, but may be conducted as determined  
14 necessary by the Comptroller General or the appropriate  
15 congressional committees.

16 “(b) RESPONSIBILITY OF COMPTROLLER GEN-  
17 ERAL.—The Comptroller General shall evaluate and audit  
18 Mediation Board programs, operations, and activities, in-  
19 cluding at a minimum—

20 “(1) information management and security, in-  
21 cluding privacy protection of personally identifiable  
22 information;

23 “(2) resource management;

24 “(3) workforce development;

25 “(4) procurement and contracting planning,  
26 practices, and policies;

1           “(5) the extent to which the Mediation Board  
2 follows leading practices in selected management  
3 areas; and

4           “(6) the processes the Mediation Board follows  
5 to address challenges in—

6                   “(A) initial investigations of representation  
7 applications;

8                   “(B) determining and certifying represent-  
9 atives of employees; and

10                   “(C) ensuring that the process occurs with-  
11 out interference, influence, or coercion.

12           “(c) APPROPRIATE CONGRESSIONAL COMMITTEES  
13 DEFINED.—In this section, the term ‘appropriate congres-  
14 sional committees’ means the Committee on Transpor-  
15 tation and Infrastructure of the House of Representatives  
16 and the Committee on Commerce, Science, and Transpor-  
17 tation of the Senate.”.

18 **SEC. 903. REPEAL OF RULE.**

19           Effective January 1, 2011, the rule prescribed by the  
20 National Mediation Board relating to representation elec-  
21 tion procedures published on May 11, 2010 (95 Fed. Reg.  
22 26062) and revising sections 1202 and 1206 of title 29,  
23 Code of Federal Regulations, shall have no force or effect.

1 **TITLE X—FEDERAL AVIATION**  
2 **RESEARCH AND DEVELOP-**  
3 **MENT REAUTHORIZATION**  
4 **ACT OF 2011**

5 **SEC. 1001. SHORT TITLE.**

6 This title may be cited as the “Federal Aviation Re-  
7 search and Development Reauthorization Act of 2011”.

8 **SEC. 1002. DEFINITIONS.**

9 In this title, the following definitions apply:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Federal  
12 Aviation Administration.

13 (2) FAA.—The term “FAA” means the Fed-  
14 eral Aviation Administration.

15 (3) INSTITUTION OF HIGHER EDUCATION.—The  
16 term “institution of higher education” has the same  
17 meaning given the term in section 101(a) of the  
18 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

19 (4) NASA.—The term “NASA” means the Na-  
20 tional Aeronautics and Space Administration.

21 (5) NATIONAL RESEARCH COUNCIL.—The term  
22 “National Research Council” means the National  
23 Research Council of the National Academies of  
24 Science and Engineering.

1           (6) NOAA.—The term “NOAA” means the Na-  
2           tional Oceanic and Atmospheric Administration.

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

5 **SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) IN GENERAL.—Section 48102(a) is amended—

7           (1) in the matter before paragraph (1) by strik-  
8           ing “of this title” and inserting “of this title and,  
9           for each of fiscal years 2011 through 2014, under  
10          subsection (g)”;

11          (2) in paragraph (11)—

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

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

16          (3) in paragraph (13) by striking “and” at the  
17          end;

18          (4) in paragraph (14) by striking the period at  
19          the end and inserting a semicolon; and

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

21           “(15) for fiscal year 2011, \$165,020,000; and

22           “(16) for each of the fiscal years 2012 through  
23          2014, \$146,827,000.”.

1 (b) SPECIFIC PROGRAM LIMITATIONS.—Section  
2 48102 is amended by inserting after subsection (f) the fol-  
3 lowing:

4 “(g) SPECIFIC AUTHORIZATIONS.—The following  
5 programs described in the research, engineering, and de-  
6 velopment account of the national aviation research plan  
7 required under section 44501(c) are authorized:

8 “(1) Fire Research and Safety.

9 “(2) Propulsion and Fuel Systems.

10 “(3) Advanced Materials/Structural Safety.

11 “(4) Atmospheric Hazards—Aircraft Icing/Dig-  
12 ital System Safety.

13 “(5) Continued Airworthiness.

14 “(6) Aircraft Catastrophic Failure Prevention  
15 Research.

16 “(7) Flightdeck/Maintenance/System Integra-  
17 tion Human Factors.

18 “(8) System Safety Management.

19 “(9) Air Traffic Control/Technical Operations  
20 Human Factors.

21 “(10) Aeromedical Research.

22 “(11) Weather Program.

23 “(12) Unmanned Aircraft Systems Research.

24 “(13) NextGen—Alternative Fuels for General  
25 Aviation.

1           “(14) Joint Planning and Development Office.

2           “(15) NextGen—Wake Turbulence Research.

3           “(16) NextGen—Air Ground Integration  
4 Human Factors.

5           “(17) NextGen—Self Separation Human Fac-  
6 tors.

7           “(18) NextGen—Weather Technology in the  
8 Cockpit.

9           “(19) Environment and Energy Research.

10          “(20) NextGen Environmental Research—Air-  
11 craft Technologies, Fuels, and Metrics.

12          “(21) System Planning and Resource Manage-  
13 ment.

14          “(22) The William J. Hughes Technical Center  
15 Laboratory Facility.”.

16          (c) PROGRAM AUTHORIZATIONS.—If the other ac-  
17 counts described in the national aviation research plan re-  
18 quired under section 44501(c) of title 49, United States  
19 Code, are authorized for each of the fiscal years 2011  
20 through 2014, the following research and development ac-  
21 tivities are authorized:

22           (1) Runway Incursion Reduction.

23           (2) System Capacity, Planning, and Improve-  
24 ment.

25           (3) Operations Concept Validation.

- 1 (4) NAS Weather Requirements.
- 2 (5) Airspace Management Program.
- 3 (6) NextGen—Air Traffic Control/Technical  
4 Operations Human Factors.
- 5 (7) NextGen—Environment and Energy—Envi-  
6 ronmental Management System and Advanced Noise  
7 and Emissions reduction.
- 8 (8) NextGen—New Air Traffic Management  
9 Requirements.
- 10 (9) NextGen—Operations Concept Validation—  
11 Validation Modeling.
- 12 (10) NextGen—System Safety Management  
13 Transformation.
- 14 (11) NextGen—Wake Turbulence—Recat-  
15 egorization.
- 16 (12) NextGen—Operational Assessments.
- 17 (13) NextGen—Staffed NextGen Towers.
- 18 (14) Center for Advanced Aviation System De-  
19 velopment.
- 20 (15) Airports Technology Research Program—  
21 Capacity.
- 22 (16) Airports Technology Research Program—  
23 Safety.
- 24 (17) Airports Technology Research Program—  
25 Environment.



1 (18) Airport Cooperative Research—Capacity.

2 (19) Airport Cooperative Research—Environ-  
3 ment.

4 (20) Airport Cooperative Research—Safety.

5 **SEC. 1004. UNMANNED AIRCRAFT SYSTEMS.**

6 (a) RESEARCH INITIATIVE.—Section 44504(b) is  
7 amended—

8 (1) in paragraph (6) by striking “and” after  
9 the semicolon;

10 (2) in paragraph (7) by striking the period at  
11 the end and inserting “; and”; and

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

13 “(8) in conjunction with other Federal agencies,  
14 as appropriate, to develop technologies and methods  
15 to assess the risk of and prevent defects, failures,  
16 and malfunctions of products, parts, and processes  
17 for use in all classes of unmanned aircraft systems  
18 that could result in a catastrophic failure of the un-  
19 manned aircraft that would endanger other aircraft  
20 in the national airspace system.”.

21 (b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-  
22 VICES.—Section 44505(b) is amended—

23 (1) in paragraph (4) by striking “and” after  
24 the semicolon;

1           (2) in paragraph (5)(C) by striking the period  
2           at the end and inserting a semicolon; and

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

4           “(6) to develop a better understanding of the  
5           relationship between human factors and unmanned  
6           aircraft system safety; and

7           “(7) to develop dynamic simulation models for  
8           integrating all classes of unmanned aircraft systems  
9           into the national airspace system without any deg-  
10          radation of existing levels of safety for all national  
11          airspace system users.”.

12 **SEC. 1005. RESEARCH PROGRAM ON RUNWAYS.**

13          Section 44505(c) is amended—

14           (1) by redesignating paragraphs (3) through  
15           (6) as paragraphs (5) through (8); and

16           (2) by inserting after paragraph (2) the fol-  
17          lowing:

18           “(3) improved runway surfaces;

19           “(4) engineered material restraining systems  
20           for runways at both general aviation airports and  
21           airports with commercial air carrier operations;”.

22 **SEC. 1006. RESEARCH ON DESIGN FOR CERTIFICATION.**

23          Section 44505 is amended—

24           (1) by redesignating subsection (d) as sub-  
25          section (e); and

1           (2) by inserting after subsection (c) the fol-  
2           lowing:

3           “(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

4           “(1) RESEARCH.—Not later than 1 year after  
5           the date of enactment of the Federal Aviation Re-  
6           search and Development Reauthorization Act of  
7           2011, the Administrator shall conduct research on  
8           methods and procedures to improve both confidence  
9           in and the timeliness of certification of new tech-  
10          nologies for their introduction into the national air-  
11          space system.

12          “(2) RESEARCH PLAN.—Not later than 6  
13          months after the date of enactment of the Federal  
14          Aviation Research and Development Reauthorization  
15          Act of 2011, the Administrator shall develop a plan  
16          for the research under paragraph (1) that contains  
17          the objectives, proposed tasks, milestones, and 5-  
18          year budgetary profile.

19          “(3) REVIEW.—The Administrator shall enter  
20          into an arrangement with the National Research  
21          Council to conduct an independent review of the  
22          plan developed under paragraph (2) and shall pro-  
23          vide the results of that review to the Committee on  
24          Science, Space, and Technology of the House of  
25          Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate not later  
2 than 18 months after the date of enactment of the  
3 Federal Aviation Research and Development Reau-  
4 thorization Act of 2011.”.

5 **SEC. 1007. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

6 Section 44511(f) is amended—

7 (1) in paragraph (1) by striking “establish a 4-  
8 year pilot” and inserting “maintain an”; and

9 (2) in paragraph (4)—

10 (A) by striking “Not later than 6 months  
11 after the expiration of the program under this  
12 subsection,” and inserting “Not later than Sep-  
13 tember 30, 2012,”; and

14 (B) by striking “program, including rec-  
15 ommendations as to the need for establishing a  
16 permanent airport cooperative research pro-  
17 gram” and inserting “program”.

18 **SEC. 1008. CENTERS OF EXCELLENCE.**

19 (a) GOVERNMENT’S SHARE OF COSTS.—Section  
20 44513(f) is amended to read as follows:

21 “(f) GOVERNMENT’S SHARE OF COSTS.—The United  
22 States Government’s share of establishing and operating  
23 a center and all related research activities that grant re-  
24 cipients carry out shall not exceed 50 percent of the costs,  
25 except that the Administrator may increase such share to

1 a maximum of 75 percent of the costs for any fiscal year  
2 if the Administrator determines that a center would be  
3 unable to carry out the authorized activities described in  
4 this section without additional funds.”.

5 (b) ANNUAL REPORT.—Section 44513 is amended by  
6 adding at the end the following:

7 “(h) ANNUAL REPORT.—The Administrator shall  
8 transmit annually to the Committee on Science, Space,  
9 and Technology of the House of Representatives and the  
10 Committee on Commerce, Science, and Transportation of  
11 the Senate at the time of the President’s budget request  
12 a report that lists—

13 “(1) the research projects that have been initi-  
14 ated by each center in the preceding year;

15 “(2) the amount of funding for each research  
16 project and the funding source;

17 “(3) the institutions participating in each  
18 project and their shares of the overall funding for  
19 each research project; and

20 “(4) the level of cost-sharing for each research  
21 project.”.

22 **SEC. 1009. CENTER OF EXCELLENCE FOR AVIATION HUMAN**  
23 **RESOURCE RESEARCH.**

24 (a) ESTABLISHMENT.—Using amounts made avail-  
25 able under section 48102(a) of title 49, United States

1 Code, the Administrator may establish a center of excel-  
2 lence to conduct research on—

3 (1) human performance in the air transpor-  
4 tation environment, including among air transpor-  
5 tation personnel such as air traffic controllers, pi-  
6 lots, and technicians; and

7 (2) any other aviation human resource issues  
8 pertinent to developing and maintaining a safe and  
9 efficient air transportation system.

10 (b) ACTIVITIES.—Activities conducted under this sec-  
11 tion may include the following:

12 (1) Research, development, and evaluation of  
13 training programs for air traffic controllers, aviation  
14 safety inspectors, airway transportation safety spe-  
15 cialists, and engineers.

16 (2) Research and development of best practices  
17 for recruitment into the aviation field for mission  
18 critical positions.

19 (3) Research, in consultation with other rel-  
20 evant Federal agencies, to develop a baseline of gen-  
21 eral aviation employment statistics and an analysis  
22 of future needs in the aviation field.

23 (4) Research and the development of a com-  
24 prehensive assessment of the airframe and power-

1 plant technician certification process and its effect  
2 on employment trends.

3 (5) Evaluation of aviation maintenance techni-  
4 cian school environments.

5 (6) Research and an assessment of the ability  
6 to develop training programs to allow for the transi-  
7 tion of recently unemployed and highly skilled me-  
8 chanics into the aviation field.

9 **SEC. 1010. INTERAGENCY RESEARCH ON AVIATION AND**  
10 **THE ENVIRONMENT.**

11 (a) IN GENERAL.—Using amounts made available  
12 under section 48102(a) of title 49, United States Code,  
13 the Administrator, in coordination with NASA and after  
14 consultation with other relevant agencies, may maintain  
15 a research program to assess the potential effect of avia-  
16 tion on the environment and, if warranted, to evaluate ap-  
17 proaches to address any such effect.

18 (b) RESEARCH PLAN.—

19 (1) IN GENERAL.—The Administrator, in co-  
20 ordination with NASA and after consultation with  
21 other relevant agencies, shall jointly develop a plan  
22 to carry out the research under subsection (a).

23 (2) CONTENTS.—Such plan shall contain an in-  
24 ventory of current interagency research being under-  
25 taken in this area, future research objectives, pro-

1 posed tasks, milestones, and a 5-year budgetary pro-  
2 file.

3 (3) REQUIREMENTS.—Such plan—

4 (A) shall be completed not later than 1  
5 year after the date of enactment of this Act;

6 (B) shall be submitted to Congress for re-  
7 view; and

8 (C) shall be updated, as appropriate, every  
9 3 years after the initial submission.

10 **SEC. 1011. AVIATION FUEL RESEARCH AND DEVELOPMENT**  
11 **PROGRAM.**

12 (a) IN GENERAL.—Using amounts made available  
13 under section 48102(a) of title 49, United States Code,  
14 the Administrator, in coordination with the NASA Admin-  
15 istrator, shall continue research and development activities  
16 into the qualification of an unleaded aviation fuel and safe  
17 transition to this fuel for the fleet of piston engine air-  
18 craft.

19 (b) REQUIREMENTS.—In carrying out the program  
20 under subsection (a), the Administrator shall, at a min-  
21 imum—

22 (1) not later than 120 days after the date of  
23 enactment of this Act, develop a research and devel-  
24 opment plan containing the specific research and de-  
25 velopment objectives, including consideration of avia-



1       tion safety, technical feasibility, and other relevant  
2       factors, and the anticipated timetable for achieving  
3       the objectives;

4             (2) assess the methods and processes by which  
5       the FAA and industry may expeditiously certify and  
6       approve new aircraft and recertify existing aircraft  
7       with respect to unleaded aviation fuel;

8             (3) assess technologies that modify existing pis-  
9       ton engine aircraft to enable safe operation of the  
10       aircraft using unleaded aviation fuel and determine  
11       the resources necessary to certify those technologies;  
12       and

13            (4) develop recommendations for appropriate  
14       policies and guidelines to facilitate a transition to  
15       unleaded aviation fuel for piston engine aircraft.

16       (c) COLLABORATIONS.—In carrying out the program  
17       under subsection (a), the Administrator shall collaborate  
18       with—

19            (1) industry groups representing aviation con-  
20       sumers, manufacturers, and fuel producers and dis-  
21       tributors; and

22            (2) other appropriate Federal agencies.

23       (d) REPORT.—Not later than 270 days after the date  
24       of enactment of this Act, the Administrator shall provide  
25       a report to the Committee on Science, Space, and Tech-

1 nology of the House of Representatives and the Committee  
2 on Commerce, Science, and Transportation of the Senate  
3 on the plan, information obtained, and policies and guide-  
4 lines developed pursuant to subsection (b).

5 **SEC. 1012. RESEARCH PROGRAM ON ALTERNATIVE JET**  
6 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

7 (a) RESEARCH PROGRAM.—Using amounts made  
8 available under section 48102(a) of title 49, United States  
9 Code, the Secretary shall conduct a research program re-  
10 lated to developing and certifying jet fuel from alternative  
11 sources (such as coal, natural gas, biomass, ethanol, buta-  
12 nol, and hydrogen) through grants or other measures au-  
13 thorized under section 106(l)(6) of such title, including re-  
14 imbursable agreements with other Federal agencies.

15 (b) PARTICIPATION BY STAKEHOLDERS.—In con-  
16 ducting the program, the Secretary shall provide for par-  
17 ticipation by educational and research institutions and by  
18 industry partners that have existing facilities and experi-  
19 ence in the research and development of technology for  
20 alternative jet fuels.

21 (c) COLLABORATIONS.—In conducting the program,  
22 the Secretary may collaborate with existing interagency  
23 programs—

1           (1) to further the research and development of  
2           alternative jet fuel technology for civil aircraft, in-  
3           cluding feasibility studies; and

4           (2) to exchange information with the partici-  
5           pants in the Commercial Aviation Alternative Fuels  
6           Initiative.

7   **SEC. 1013. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-**  
8                                   **RELATED RESEARCH PROGRAMS.**

9           (a) REVIEW.—Using amounts made available under  
10          section 48102(a) of title 49, United States Code, the Ad-  
11          ministrators shall conduct a review of FAA energy-related  
12          and environment-related research programs. The review  
13          shall assess whether—

14                 (1) the programs have well-defined, prioritized,  
15                 and appropriate research objectives;

16                 (2) the programs are properly coordinated with  
17                 the energy- and environment-related research pro-  
18                 grams at NASA, NOAA, and other relevant agen-  
19                 cies;

20                 (3) the programs have allocated appropriate re-  
21                 sources to each of the research objectives; and

22                 (4) there exist suitable mechanisms for  
23                 transitioning the research results into FAA's oper-  
24                 ational technologies and procedures and certification  
25                 activities.

1 (b) REPORT.—A report containing the results of such  
2 review shall be provided to the Committee on Science,  
3 Space, and Technology of the House of Representatives  
4 and the Committee on Commerce, Science, and Transpor-  
5 tation of the Senate not later than 18 months after the  
6 date of enactment of this Act.

7 **SEC. 1014. REVIEW OF FAA'S AVIATION SAFETY-RELATED**  
8 **RESEARCH PROGRAMS.**

9 (a) REVIEW.—Using amounts made available under  
10 section 48102(a) of title 49, United States Code, the Ad-  
11 ministrator shall conduct a review of the FAA's aviation  
12 safety-related research programs. The review shall assess  
13 whether—

14 (1) the programs have well-defined, prioritized,  
15 and appropriate research objectives;

16 (2) the programs are properly coordinated with  
17 the safety research programs of NASA and other  
18 relevant Federal agencies;

19 (3) the programs have allocated appropriate re-  
20 sources to each of the research objectives;

21 (4) the programs should include a determina-  
22 tion about whether a survey of participants across  
23 the air transportation system is an appropriate way  
24 to study safety risks within such system; and

1           (5) there exist suitable mechanisms for  
2           transitioning the research results from the programs  
3           into the FAA's operational technologies and proce-  
4           dures and certification activities in a timely manner.

5           (b) AVIATION SAFETY-RELATED RESEARCH PRO-  
6           GRAMS TO BE ASSESSED.—The FAA aviation safety-re-  
7           lated research programs to be assessed under the review  
8           shall include, at a minimum, the following:

9           (1) Air traffic control/technical operations  
10          human factors.

11          (2) Runway incursion reduction.

12          (3) Flightdeck/maintenance system integration  
13          human factors.

14          (4) Airports technology research—safety.

15          (5) Airport Cooperative Research Program—  
16          safety.

17          (6) Weather Program.

18          (7) Atmospheric hazards/digital system safety.

19          (8) Fire research and safety.

20          (9) Propulsion and fuel systems.

21          (10) Advanced materials/structural safety.

22          (11) Aging aircraft.

23          (12) Aircraft catastrophic failure prevention re-  
24          search.

25          (13) Aeromedical research.

1 (14) Aviation safety risk analysis.

2 (15) Unmanned aircraft systems research.

3 (c) REPORT.—Not later than 14 months after the  
4 date of enactment of this Act, the Administrator shall sub-  
5 mit to Congress a report on the results of such review.

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

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Airport and Airway  
10 Trust Fund Financing Reauthorization Act of 2011”.

11 **SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST**  
12 **FUND EXPENDITURE AUTHORITY.**

13 (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
14 of the Internal Revenue Code of 1986 is amended—

15 (1) by striking “April 1, 2011” and inserting  
16 “October 1, 2014”; and

17 (2) by inserting “or the FAA Reauthorization  
18 and Reform Act of 2011” before the semicolon at  
19 the end of subparagraph (A).

20 (b) CONFORMING AMENDMENT.—Paragraph (2) of  
21 section 9502(e) of such Code is amended by striking  
22 “April 1, 2011” and inserting “October 1, 2014”.

1 **SEC. 1103. EXTENSION OF TAXES FUNDING AIRPORT AND**  
2 **AIRWAY TRUST FUND.**

3 (a) **FUEL TAXES.**—Subparagraph (B) of section  
4 4081(d)(2) of the Internal Revenue Code of 1986 is  
5 amended by striking “March 31, 2011” and inserting  
6 “September 30, 2014”.

7 (b) **TICKET TAXES.**—

8 (1) **PERSONS.**—Clause (ii) of section  
9 4261(j)(1)(A) of such Code is amended by striking  
10 “March 31, 2011” and inserting “September 30,  
11 2014”.

12 (2) **PROPERTY.**—Clause (ii) of section  
13 4271(d)(1)(A) of such Code is amended by striking  
14 “March 31, 2011” and inserting “September 30,  
15 2014”.

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

19 **SEC. 1201. COMPLIANCE PROVISION.**

20 The budgetary effects of this Act, for the purpose of  
21 complying with the Statutory Pay-As-You-Go Act of 2010,  
22 shall be determined by reference to the latest statement  
23 titled “Budgetary Effects of PAYGO Legislation” for this  
24 Act, submitted for printing in the Congressional Record  
25 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the  
2 vote on passage.

3 **TITLE XIII—COMMERCIAL SPACE**

4 **SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE RE-**  
5 **QUIREMENTS.**

6 Section 50905(c)(3) of title 51, United States Code,  
7 is amended by striking “the date of enactment of the Com-  
8 mercial Space Launch Amendments Act of 2004” and in-  
9 serting “the first licensed launch of a space flight partici-  
10 pant”.

Passed the House of Representatives April 1, 2011.

Attest:

KAREN L. HAAS,

*Clerk.*