

1 “(B) \$9,539,000,000 for fiscal year 2013;

2 “(C) \$9,596,000,000 for fiscal year 2014;

3 and

4 “(D) \$9,653,000,000 for fiscal year
5 2015.”.

6 (b) AUTHORIZED EXPENDITURES.—Section
7 106(k)(2) is amended—

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

10 (2) by redesignating subparagraphs (E), (F),
11 and (G) as subparagraphs (A), (B), and (C), respec-
12 tively; and

13 (3) in subparagraphs (A), (B), and (C) (as so
14 redesignated) by striking “2004 through 2007” and
15 inserting “2012 through 2015”.

16 (c) AUTHORITY TO TRANSFER FUNDS.—Section
17 106(k) is amended by adding at the end the following:

18 “(3) ADMINISTERING PROGRAM WITHIN AVAIL-
19 ABLE FUNDING.—Notwithstanding any other provi-
20 sion of law, in each of fiscal years 2012 through
21 2015, if the Secretary determines that the funds ap-
22 propriated under paragraph (1) are insufficient to
23 meet the salary, operations, and maintenance ex-
24 penses of the Federal Aviation Administration, as
25 authorized by this section, the Secretary shall reduce

1 nonsafety-related activities of the Administration as
2 necessary to reduce such expenses to a level that can
3 be met by the funding available under paragraph
4 (1).”.

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

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

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

14 “(i) in fiscal year 2013, be equal to
15 90 percent of the estimated level of re-
16 cepts plus interest credited to the Airport
17 and Airway Trust Fund for that fiscal
18 year; and

19 “(ii) in fiscal year 2014 and each fis-
20 cal year thereafter, be equal to the sum
21 of—

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

1 “(II) the actual level of receipts
 2 plus interest credited to the Airport
 3 and Airway Trust Fund for the sec-
 4 ond preceding fiscal year minus the
 5 total amount made available for obli-
 6 gation from the Airport and Airway
 7 Trust Fund for the second preceding
 8 fiscal year.

9 Such amounts may be used only for the avia-
 10 tion investment programs listed in subsection
 11 (b)(1).”.

12 (b) TECHNICAL CORRECTION.—Section
 13 48114(a)(1)(B) is amended by striking “subsection (b)”
 14 and inserting “subsection (b)(1)”.

15 (c) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-
 16 TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)
 17 is amended by striking “2007” and inserting “2015”.

18 (d) ESTIMATED LEVEL OF RECEIPTS PLUS INTER-
 19 EST DEFINED.—Section 48114(b)(2) is amended—

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

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

1 in the ticket price. In conducting the study, the Comp-
2 troller General shall consider, at a minimum—

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

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

7 (3) examples of airport charges collected by do-
8 mestic and international airports that are not in-
9 cluded in ticket prices.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Comptroller General shall
12 submit to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives a report on the study, including the Comp-
16 troller General’s findings, conclusions, and recommenda-
17 tions.

18 **SEC. 113. QUALIFICATIONS-BASED SELECTION.**

19 It is the sense of Congress that airports should con-
20 sider the use of qualifications-based selection in carrying
21 out capital improvement projects funded using passenger
22 facility charges collected under section 40117 of title 49,
23 United States Code, with the goal of serving the needs
24 of all stakeholders.

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

2 **SEC. 121. UPDATE ON OVERFLIGHTS.**

3 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

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

5 “(b) ESTABLISHMENT AND ADJUSTMENT OF
6 FEES.—

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

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

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

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

3 “(B) The validity of a determination of
4 costs by the Administrator under paragraph
5 (1), and the processes and procedures applied
6 by the Administrator when reaching such deter-
7 mination.

8 “(C) An allocation of costs by the Adminis-
9 trator under paragraph (1) to services provided,
10 and the processes and procedures applied by the
11 Administrator when establishing such alloca-
12 tion.

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

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

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

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

4 **SEC. 122. REGISTRATION FEES.**

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

7 **“§ 45305. Registration, certification, and related fees**

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

14 “(1) Registering an aircraft.

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

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

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

21 “(5) Issuing a special registration number.

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

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

1 “(8) Issuing an airman certificate.

2 “(9) Issuing a replacement airman certificate.

3 “(10) Issuing an airman medical certificate.

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

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

11 “(c) FEES CREDITED AS OFFSETTING COLLEC-
12 TIONS.—

13 “(1) IN GENERAL.—Notwithstanding section
14 3302 of title 31, any fee authorized to be collected
15 under this section shall—

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

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

23 “(C) remain available until expended.

24 “(2) CONTINUING APPROPRIATIONS.—The Ad-
25 ministrators may continue to assess, collect, and

1 spend fees established under this section during any
2 period in which the funding for the Federal Aviation
3 Administration is provided under an Act providing
4 continuing appropriations in lieu of the Administra-
5 tion's regular appropriations.

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

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 453 is amended by adding at the end the following:
“45305. Registration, certification, and related fees.”.

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

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

18 “(1) IN GENERAL.—A fee”; and

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

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

1 **Subtitle D—Airport Improvement**
2 **Program Modifications**

3 **SEC. 131. AIRPORT MASTER PLANS.**

4 Section 47101(g)(2) is amended—

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

7 (2) by redesignating subparagraph (C) as sub-
8 paragraph (D); and

9 (3) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) consider passenger convenience, air-
12 port ground access, and access to airport facili-
13 ties; and”.

14 **SEC. 132. AIP DEFINITIONS.**

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

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

19 (2) in subparagraph (G) by inserting “and in-
20 cluding acquiring glycol recovery vehicles,” after
21 “aircraft,”; and

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

23 “(M) construction of mobile refueler park-
24 ing within a fuel farm at a nonprimary airport

1 meeting the requirements of section 112.8 of
2 title 40, Code of Federal Regulations.

3 “(N) terminal development under section
4 47119(a).

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

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

15 “(5) ‘airport planning’ means planning as de-
16 fined by regulations the Secretary prescribes and in-
17 cludes—

18 “(A) integrated airport system planning;

19 “(B) developing an environmental manage-
20 ment system; and

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

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

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

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

9 “(C) operation and maintenance require-
10 ments;

11 “(D) the review of waste management con-
12 tracts; and

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

15 **SEC. 134. CONTENTS OF COMPETITION PLANS.**

16 Section 47106(f)(2) is amended—

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

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

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

21 **SEC. 135. GRANT ASSURANCES.**

22 (a) GENERAL WRITTEN ASSURANCES.—Section
23 47107(a)(16)(D)(ii) is amended by inserting before the
24 semicolon at the end the following: “, except in the case

1 of a relocation or replacement of an existing airport facil-
2 ity that meets the conditions of section 47110(d)”.

3 (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

4 (1) USE OF PROCEEDS.—Section 47107(c)(2) is
5 amended—

6 (A) in subparagraph (A)—

7 (i) in the matter preceding clause (i)
8 by striking “purpose—” and inserting
9 “purpose (including land serving as a noise
10 buffer either by being undeveloped or de-
11 veloped in a way that is compatible with
12 using the land for noise buffering pur-
13 poses)—”;

14 (ii) in clause (iii) by striking “paid to
15 the Secretary” and all that follows before
16 the semicolon and inserting “reinvested in
17 another project at the airport or trans-
18 ferred to another airport as the Secretary
19 prescribes under paragraph (4)”;

20 (B) in subparagraph (B)(iii) by striking
21 “reinvested, on application” and all that follows
22 before the period at the end and inserting “re-
23 invested in another project at the airport or
24 transferred to another airport as the Secretary
25 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) or (2)(B)(iii), the
5 Secretary shall give preference, in descending order, to the
6 following actions:

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 that airport.

17 “(E) Payment to the Secretary for deposit in
18 the Airport and Airway Trust Fund established
19 under section 9502 of the Internal Revenue Code of
20 1986.

21 “(5)(A) A lease at fair market value by an airport
22 owner or operator of land acquired for a noise compat-
23 ibility purpose using a grant provided under this sub-
24 chapter shall not be considered a disposal for purposes of
25 paragraph (2).

1 “(B) The airport owner or operator may use revenues
2 from a lease described in subparagraph (A) for an ap-
3 proved airport development project that is eligible for
4 funding under section 47114, 47115, or 47117.

5 “(C) The Secretary shall coordinate with each airport
6 owner or operator to ensure that leases described in sub-
7 paragraph (A) are consistent with noise buffering pur-
8 poses.

9 “(D) The provisions of this paragraph apply to all
10 land acquired before, on, or after the date of enactment
11 of this paragraph.”

12 **SEC. 136. AGREEMENTS GRANTING THROUGH-THE-FENCE
13 ACCESS TO GENERAL AVIATION AIRPORTS.**

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

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

18 “(1) IN GENERAL.—Subject to paragraph (2), a
19 sponsor of a general aviation airport shall not be
20 considered to be in violation of this subtitle, or to be
21 in violation of a grant assurance made under this
22 section or under any other provision of law as a con-
23 dition for the receipt of Federal financial assistance
24 for airport development, solely because the sponsor
25 enters into an agreement that grants to a person

1 that owns residential real property adjacent to or
2 near the airport access to the airfield of the airport
3 for the following:

4 “(A) Aircraft of the person.

5 “(B) Aircraft authorized by the person.

6 “(2) THROUGH-THE-FENCE AGREEMENTS.—

7 “(A) IN GENERAL.—An agreement de-
8 scribed in paragraph (1) between an airport
9 sponsor and a property owner (or an associa-
10 tion representing such property owner) shall be
11 a written agreement that prescribes the rights,
12 responsibilities, charges, duration, and other
13 terms the airport sponsor determines are nec-
14 essary to establish and manage the airport
15 sponsor’s relationship with the property owner.

16 “(B) TERMS AND CONDITIONS.—An agree-
17 ment described in paragraph (1) between an
18 airport sponsor and a property owner (or an as-
19 sociation representing such property owner)
20 shall require the property owner, at minimum—

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

1 “(ii) to bear the cost of building and
2 maintaining the infrastructure that, as de-
3 termined by the airport sponsor, is nec-
4 essary to provide aircraft located on the
5 property adjacent to or near the airport
6 access to the airfield of the airport;

7 “(iii) to maintain the property for res-
8 idential, noncommercial use for the dura-
9 tion of the agreement;

10 “(iv) to prohibit access to the airport
11 from other properties through the property
12 of the property owner; and

13 “(v) to prohibit any aircraft refueling
14 from occurring on the property.”.

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

20 **SEC. 137. GOVERNMENT SHARE OF PROJECT COSTS.**

21 Section 47109 is amended—

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

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

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

7 “(f) SPECIAL RULE FOR ECONOMICALLY DIS-
8 TRESSED COMMUNITIES.—The Government’s share of al-
9 lowable project costs shall be 95 percent for a project at
10 an airport that—

11 “(1) is receiving essential air service for which
12 compensation was provided to an air carrier under
13 subchapter II of chapter 417; and

14 “(2) is located in an area that meets one or
15 more of the criteria established in section 301(a) of
16 the Public Works and Economic Development Act of
17 1965 (42 U.S.C. 3161(a)), as determined by the
18 Secretary of Commerce.”.

19 **SEC. 138. ALLOWABLE PROJECT COSTS.**

20 (a) ALLOWABLE PROJECT COSTS.—Section
21 47110(b)(2)(D) is amended to read as follows:

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

1 “(i) the cost was incurred before execution
2 of the grant agreement because the airport has
3 a shortened construction season due to cli-
4 matic conditions in the vicinity of the airport;

5 “(ii) the cost is in accordance with an air-
6 port layout plan approved by the Secretary and
7 with all statutory and administrative require-
8 ments that would have been applicable to the
9 project if the project had been carried out after
10 execution of the grant agreement, including
11 submission of a complete grant application to
12 the appropriate regional or district office of the
13 Federal Aviation Administration;

14 “(iii) the sponsor notifies the Secretary be-
15 fore authorizing work to commence on the
16 project;

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

19 “(v) the sponsor’s decision to proceed with
20 the project in advance of execution of the grant
21 agreement does not affect the priority assigned
22 to the project by the Secretary for the alloca-
23 tion of discretionary funds;”.

1 (b) INCLUSION OF MEASURES TO IMPROVE EFFI-
2 CIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVE-
3 MENT PROJECTS.—Section 47110(b) is amended—

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

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

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

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

16 “(A) the measure is for a project for air-
17 port development;

18 “(B) the measure is for an airport building
19 that is otherwise eligible for construction assist-
20 ance under this subchapter; and

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

1 (c) RELOCATION OF AIRPORT-OWNED FACILITIES.—

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

3 “(d) RELOCATION OF AIRPORT-OWNED FACILI-
4 TIES.—The Secretary may determine that the costs of re-
5 locating or replacing an airport-owned facility are allow-
6 able for an airport development project at an airport only
7 if—

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

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

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

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

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

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

22 (e) BIRD-DETECTING RADAR SYSTEMS.—Section
23 47110 is amended by adding at the end the following:

24 “(i) BIRD-DETECTING RADAR SYSTEMS.—The Ad-
25 ministrator of the Federal Aviation Administration, upon

1 the conclusion of all planned research by the Administra-
2 tion regarding avian radar systems, shall—

3 “(1) update Advisory Circular No. 150/5220–
4 25 to specify which systems have been studied; and

5 “(2) within 180 days after such research is con-
6 cluded, issue a final report on the use of avian radar
7 systems in the national airspace system.”.

8 **SEC. 139. VETERANS' PREFERENCE.**

9 Section 47112(c) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (B) by striking “sepa-
12 rated from” and inserting “discharged or re-
13 leased from active duty in”; and

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

15 “(C) ‘Afghanistan-Iraq war veteran’ means an
16 individual who served on active duty (as defined in
17 section 101 of title 38) in the armed forces in sup-
18 port of Operation Enduring Freedom, Operation
19 Iraqi Freedom, or Operation New Dawn for more
20 than 180 consecutive days, any part of which oc-
21 curred after September 11, 2001, and before the
22 date prescribed by presidential proclamation or by
23 law as the last day of Operation Enduring Freedom,
24 Operation Iraqi Freedom, or Operation New Dawn
25 (whichever is later), and who was discharged or re-

1 leased from active duty in the armed forces under
2 honorable conditions.

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

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

19 **SEC. 140. MINORITY AND DISADVANTAGED BUSINESS PAR-**
20 **TICIPATION.**

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

22 (1) While significant progress has occurred due
23 to the establishment of the airport disadvantaged
24 business enterprise program (49 U.S.C. 47107(e)
25 and 47113), discrimination and related barriers con-

1 tinue to pose significant obstacles for minority- and
 2 women-owned businesses seeking to do business in
 3 airport-related markets across the Nation. These
 4 continuing barriers merit the continuation of the air-
 5 port disadvantaged business enterprise program.

6 (2) Congress has received and reviewed testi-
 7 mony and documentation of race and gender dis-
 8 crimination from numerous sources, including con-
 9 gressional hearings and roundtables, scientific re-
 10 ports, reports issued by public and private agencies,
 11 news stories, reports of discrimination by organiza-
 12 tions and individuals, and discrimination lawsuits.
 13 This testimony and documentation shows that race-
 14 and gender-neutral efforts alone are insufficient to
 15 address the problem.

16 (3) This testimony and documentation dem-
 17 onstrates that discrimination across the Nation
 18 poses a barrier to full and fair participation in air-
 19 port-related businesses of women business owners
 20 and minority business owners in the racial groups
 21 detailed in parts 23 and 26 of title 49, Code of Fed-
 22 eral Regulations, and has impacted firm develop-
 23 ment and many aspects of airport-related business
 24 in the public and private markets.

1 (4) This testimony and documentation provides
2 a strong basis that there is a compelling need for the
3 continuation of the airport disadvantaged business
4 enterprise program and the airport concessions dis-
5 advantaged business enterprise program to address
6 race and gender discrimination in airport-related
7 business.

8 (b) STANDARDIZING CERTIFICATION OF DISADVAN-
9 TAGED BUSINESS ENTERPRISES.—Section 47113 is
10 amended by adding at the end the following:

11 “(e) MANDATORY TRAINING PROGRAM.—

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

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

1 **SEC. 141. SPECIAL APPORTIONMENT RULES.**

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

5 “(7) ELIGIBILITY TO RECEIVE PRIMARY AIR-
6 PORT MINIMUM APPORTIONMENT AMOUNT.—Not-
7 withstanding any other provision of this subsection,
8 the Secretary may apportion to an airport sponsor
9 in a fiscal year an amount equal to the minimum ap-
10 portionment available under subsection (e)(1)(B) if
11 the Secretary finds that the airport—

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

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

22 (b) SPECIAL RULE FOR FISCAL YEARS 2012 AND
23 2013.—Section 47114(c)(1) is amended—

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

25 (2) by inserting after subparagraph (E) the fol-
26 lowing:

1 “(F) SPECIAL RULE FOR FISCAL YEARS
2 2012 AND 2013.—Notwithstanding subparagraph
3 (A), for an airport that had more than 10,000
4 passenger boardings and scheduled passenger
5 aircraft service in calendar year 2007, but in ei-
6 ther calendar year 2009 or 2010, or in both
7 years, the number of passenger boardings de-
8 creased to a level below 10,000 boardings per
9 year at such airport, the Secretary may appor-
10 tion in each of fiscal years 2012 and 2013 to
11 the sponsor of such airport an amount equal to
12 the amount apportioned to that sponsor in fis-
13 cal year 2009.”.

14 **SEC. 142. UNITED STATES TERRITORIES MINIMUM GUAR-**
15 **ANTEE.**

16 Section 47114 is amended by adding at the end the
17 following:

18 “(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO
19 RICO AND UNITED STATES TERRITORIES.—The Sec-
20 retary shall apportion amounts for airports in Puerto Rico
21 and all other United States territories in accordance with
22 this section. This subsection does not prohibit the Sec-
23 retary from making project grants for airports in Puerto
24 Rico or other United States territories from the discre-
25 tionary fund under section 47115.”.

1 (1) by striking “35 percent” in the first sen-
2 tence and inserting “35 percent, but not more than
3 \$300,000,000,”;

4 (2) by striking “and” after “47141,”;

5 (3) by striking “et seq.” and inserting “et
6 seq.), and for water quality mitigation projects to
7 comply with the Act of June 30, 1948 (33 U.S.C.
8 1251 et seq.), approved in an environmental record
9 of decision for an airport development project under
10 this title.”; and

11 (4) by striking “such 35 percent requirement
12 is” in the second sentence and inserting “the re-
13 quirements of the preceding sentence are”.

14 **SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY**
15 **AIRPORTS.**

16 (a) **CONSIDERATIONS.**—Section 47118(c) is amend-
17 ed—

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

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

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

23 “(3) preserve or enhance minimum airfield in-
24 frastructure facilities at former military airports to

1 designated under subsection (a) if the grant is for a
 2 project that is—

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

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

10 **SEC. 147. CONTRACT TOWER PROGRAM.**

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

13 (1) in paragraph (1)—

14 (A) by striking “(1) The Secretary” and
 15 inserting the following:

16 “(1) **CONTRACT TOWER PROGRAM.**—

17 “(A) **CONTINUATION.**—The Secretary”;

18 and

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

20 “(B) **SPECIAL RULE.**—If the Secretary de-
 21 termines that a tower already operating under
 22 the program continued under this paragraph
 23 has a benefit-to-cost ratio of less than 1.0, the
 24 airport sponsor or State or local government
 25 having jurisdiction over the airport shall not be

1 required to pay the portion of the costs that ex-
2 ceeds the benefit for a period of 18 months
3 after such determination is made.

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

12 (2) in paragraph (2) by striking “(2) The Sec-
13 retary” and inserting the following:

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

15 (b) FUNDING; USE OF EXCESS FUNDS.—Section
16 47124(b)(3) is amended by striking subparagraph (E) and
17 inserting the following:

18 “(E) FUNDING.—Of the amounts appro-
19 priated pursuant to section 106(k)(1), not more
20 than \$10,350,000 for each of fiscal years 2012
21 through 2015 may be used to carry out this
22 paragraph.

23 “(F) USE OF EXCESS FUNDS.—If the Sec-
24 retary finds that all or part of an amount made
25 available under this paragraph is not required

1 during a fiscal year, the Secretary may use,
2 during such fiscal year, the amount not so re-
3 quired to carry out the program continued
4 under paragraph (1).”.

5 (c) FEDERAL SHARE.—Section 47124(b)(4)(C) is
6 amended by striking “\$1,500,000” and inserting
7 “\$2,000,000”.

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

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

14 **SEC. 148. RESOLUTION OF DISPUTES CONCERNING AIR-**
15 **PORT FEES.**

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

17 (1) by striking the section heading and insert-
18 ing the following:

19 **“§47129. Resolution of disputes concerning airport**
20 **fees”;**

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

23 (3) by inserting “AND FOREIGN AIR CARRIER”
24 after “CARRIER” in the heading for subsection

25 (d)(2);

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

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

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

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

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

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

15 **SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-**
16 **SORS.**

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

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

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

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

23 “(2) SALE OF PRIVATE AIRPORT TO PUBLIC
24 SPONSOR.—In the case of a privately owned airport,

1 subsection (a) shall not apply to the proceeds from
2 the sale of the airport to a public sponsor if—

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

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

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

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

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

1 **SEC. 150. 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. 151. 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 “for fiscal years” and all that follows before
10 “from amounts” and inserting “for fiscal years 2012
11 through 2015”.

12 **SEC. 152. 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)(1), (c)(2)(A), (c)(3), and
23 (c)(4) (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 subsections (c)(2)(B) and (c)(5) (as re-
2 designated by paragraph (1) of this subsection) by
3 striking “section 47110(d)” and inserting “sub-
4 section (a)”; and

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

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

12 (c) ANNUAL REPORT.—Section 47131(a) is amend-
13 ed—

14 (1) by striking “April 1” and inserting “June
15 1”; and

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

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

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

21 “(3) an accounting of discretionary and appor-
22 tioned funds allocated;

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

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

1 (1) in subsection (a) by striking
2 “47102(3)(F),”; and

3 (2) in subsection (b)—

4 (A) by striking “47102(3)(F),”; and

5 (B) by striking “47103(3)(F),”.

6 (e) CONFORMING AMENDMENTS.—

7 (1) Section 40117(a)(3)(B) is amended by
8 striking “section 47110(d)” and inserting “section
9 47119(a)”.

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

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

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

15 (f) CORRECTION TO SURPLUS PROPERTY AUTHOR-
16 ITY.—Section 47151(e) is amended by striking “(other
17 than real property” and all that follows through “(10
18 U.S.C. 2687 note))”.

19 (g) DEFINITIONS.—

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

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

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

5 **SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
6 **IBLE LAND USE PLANNING AND PROJECTS**
7 **BY STATE AND LOCAL GOVERNMENTS.**

8 Section 47141(f) is amended to read as follows:

9 “(f) SUNSET.—This section shall not be in effect
10 after September 30, 2015.”.

11 **SEC. 154. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
12 **IN COLD WEATHER STATES.**

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

20 **SEC. 155. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**
21 **PORT SYSTEMS.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall begin a study to evaluate the formulation of
25 the national plan of integrated airport systems (in this

1 section referred to as the “plan”) under section 47103 of
2 title 49, United States Code.

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

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

8 (2) The changes in airport capital needs as
9 shown in the 2005–2009 and 2007–2011 plans,
10 compared with the amounts apportioned or other-
11 wise made available to individual airports between
12 2005 and 2010.

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

18 (4) The effect of transfers of airport appor-
19 tionments under title 49, United States Code.

20 (5) An analysis on the feasibility and advis-
21 ability of apportioning amounts under section
22 47114(c)(1) of title 49, United States Code, to the
23 sponsor of each primary airport for each fiscal year
24 an amount that bears the same ratio to the amount
25 subject to the apportionment for fiscal year 2009 as

1 the number of passenger boardings at the airport
2 during the prior calendar year bears to the aggregate
3 of all passenger boardings at all primary airports
4 during that calendar year.

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

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

15 (c) REPORT TO CONGRESS.—

16 (1) SUBMISSION.—Not later than 36 months
17 after the date that the Secretary begins the study
18 under this section, the Secretary shall submit to the
19 Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate
22 a report on the results of the study.

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

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

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

4 (C) recommendations for any changes to
5 the methods of determining the amounts to be
6 apportioned or otherwise made available to indi-
7 vidual airports.

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

9 Section 47134(b) is amended in the matter preceding
10 paragraph (1) by striking “5 airports” and inserting “10
11 airports”.

12 **TITLE II—NEXTGEN AIR TRANS-**
13 **PORTATION SYSTEM AND AIR**
14 **TRAFFIC CONTROL MOD-**
15 **ERNIZATION**

16 **SEC. 201. DEFINITIONS.**

17 In this title, the following definitions apply:

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

20 (2) **ADS-B.**—The term “ADS-B” means auto-
21 matic dependent surveillance-broadcast.

22 (3) **ADS-B OUT.**—The term “ADS-B Out”
23 means automatic dependent surveillance-broadcast
24 with the ability to transmit information from the

1 aircraft to ground stations and to other equipped
2 aircraft.

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

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

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

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

15 In allocating amounts appropriated pursuant to sec-
16 tion 48101(a) of title 49, United States Code, the Sec-
17 retary of Transportation shall give priority to the following
18 NextGen activities:

19 (1) Next Generation Transportation System—
20 Demonstrations and Infrastructure Development.

21 (2) Next Generation Transportation System—
22 Trajectory Based Operations.

23 (3) Next Generation Transportation System—
24 Reduce Weather Impact.

1 (4) Next Generation Transportation System—
2 Arrivals/Departures at High Density Airports.

3 (5) Next Generation Transportation System—
4 Collaborative ATM.

5 (6) Next Generation Transportation System—
6 Flexible Terminals and Airports.

7 (7) Next Generation Transportation System—
8 Safety, Security, and Environment.

9 (8) Next Generation Transportation System—
10 Systems Network Facilities.

11 (9) Center for Advanced Aviation System De-
12 velopment.

13 (10) Next Generation Transportation System—
14 System Development.

15 (11) Data Communications in support of Next
16 Generation Air Transportation System.

17 (12) ADS-B NAS-Wide Implementation.

18 (13) System-Wide Information Management.

19 (14) Next Generation Transportation System—
20 Facility Consolidation and Realignment.

21 (15) En Route Modernization—D-Position Up-
22 grade and System Enhancements.

23 (16) National Airspace System Voice System.

24 (17) Next Generation Network Enabled Weath-
25 er.

1 (18) NextGen Performance Based Navigation
2 Metroplex Area Navigation/Required Navigation
3 Performance.

4 **SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO**
5 **REIMBURSABLE AGREEMENTS.**

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

8 **SEC. 204. CHIEF NEXTGEN OFFICER.**

9 Section 106 is amended by adding at the end the fol-
10 lowing:

11 “(s) CHIEF NEXTGEN OFFICER.—

12 “(1) IN GENERAL.—

13 “(A) APPOINTMENT.—There shall be a
14 Chief NextGen Officer appointed by the Admin-
15 istrator, with the approval of the Secretary. The
16 Chief NextGen Officer shall report directly to
17 the Administrator and shall be subject to the
18 authority of the Administrator.

19 “(B) QUALIFICATIONS.—The Chief
20 NextGen Officer shall have a demonstrated abil-
21 ity in management and knowledge of or experi-
22 ence in aviation and systems engineering.

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

1 “(D) REMOVAL.—The Chief NextGen Offi-
2 cer shall serve at the pleasure of the Adminis-
3 trator, except that the Administrator shall
4 make every effort to ensure stability and con-
5 tinuity in the leadership of the implementation
6 of NextGen.

7 “(E) VACANCY.—Any individual appointed
8 to fill a vacancy in the position of Chief
9 NextGen Officer occurring before the expiration
10 of the term for which the individual’s prede-
11 cessor was appointed shall be appointed for the
12 remainder of that term.

13 “(2) COMPENSATION.—

14 “(A) IN GENERAL.—The Chief NextGen
15 Officer shall be paid at an annual rate of basic
16 pay to be determined by the Administrator. The
17 annual rate may not exceed the annual com-
18 pensation paid under section 102 of title 3. The
19 Chief NextGen Officer shall be subject to the
20 postemployment provisions of section 207 of
21 title 18 as if the position of Chief NextGen Of-
22 ficer were described in section 207(c)(2)(A)(i)
23 of that title.

24 “(B) BONUS.—In addition to the annual
25 rate of basic pay authorized by subparagraph

1 (A), the Chief NextGen Officer may receive a
2 bonus for any calendar year not to exceed 30
3 percent of the annual rate of basic pay, based
4 upon the Administrator's evaluation of the
5 Chief NextGen Officer's performance in relation
6 to the performance goals set forth in the per-
7 formance agreement described in paragraph
8 (3).

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

18 “(4) ANNUAL PERFORMANCE REPORT.—The
19 Chief NextGen Officer shall prepare and transmit to
20 the Secretary of Transportation, the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives, the Committee on Science, Space,
23 and Technology of the House of Representatives,
24 and the Committee on Commerce, Science, and
25 Transportation of the Senate an annual manage-

1 ment report containing such information as may be
2 prescribed by the Secretary.

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

5 “(A) Implementing NextGen activities and
6 budgets across all program offices of the Fed-
7 eral Aviation Administration.

8 “(B) Coordinating the implementation of
9 NextGen activities with the Office of Manage-
10 ment and Budget.

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

15 “(D) With respect to the budget of the Ad-
16 ministration—

17 “(i) developing a budget request of
18 the Administration related to the imple-
19 mentation of NextGen;

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

22 “(iii) ensuring that the budget request
23 supports the annual and long-range stra-
24 tegic plans of the Administration with re-
25 spect to NextGen.

1 “(E) Consulting with the Administrator on
2 the Capital Investment Plan of the Administra-
3 tion prior to its submission to Congress.

4 “(F) Developing an annual NextGen imple-
5 mentation plan.

6 “(G) Ensuring that NextGen implementa-
7 tion activities are planned in such a manner as
8 to require that system architecture is designed
9 to allow for the incorporation of novel and cur-
10 currently unknown technologies into NextGen in
11 the future and that current decisions do not
12 bias future decisions unfairly in favor of exist-
13 ing technology at the expense of innovation.

14 “(H) Coordinating with the NextGen Joint
15 Planning and Development Office with respect
16 to facilitating cooperation among all Federal
17 agencies whose operations and interests are af-
18 fected by the implementation of NextGen.

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

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

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

4 **SEC. 206. CLARIFICATION TO ACQUISITION REFORM AU-**
5 **THORITY.**

6 Section 40110(c) is amended—

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

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

10 (3) by redesignating paragraph (5) as para-
11 graph (4).

12 **SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**
13 **TIES.**

14 Section 40113(e) is amended—

15 (1) in paragraph (1)—

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

18 (B) by striking “safety.” and inserting
19 “safety or efficiency. The Administrator is au-
20 thorized to participate in, and submit offers in
21 response to, competitions to provide these serv-
22 ices, and to contract with foreign aviation au-
23 thorities to provide these services consistent
24 with section 106(l)(6).”;

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

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

8 “(3) CREDITING APPROPRIATIONS.—Funds re-
9 ceived by the Administrator pursuant to this section
10 shall—

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

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

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

16 **SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYS-**
17 **TEM JOINT PLANNING AND DEVELOPMENT**
18 **OFFICE.**

19 (a) **REDESIGNATION OF JPDO DIRECTOR TO ASSO-**
20 **CIATE ADMINISTRATOR.—**

21 (1) **ASSOCIATE ADMINISTRATOR FOR NEXT**
22 **GENERATION AIR TRANSPORTATION SYSTEM PLAN-**
23 **NING, DEVELOPMENT, AND INTERAGENCY COORDI-**
24 **NATION.—Section 709(a) of the Vision 100—Cen-**

1 tury of Aviation Reauthorization Act (49 U.S.C.
2 40101 note; 117 Stat. 2582) is amended—

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

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

8 “(2) The head of the Office shall be the Associate
9 Administrator for Next Generation Air Transportation
10 System Planning, Development, and Interagency Coordi-
11 nation, who shall be appointed by the Administrator of
12 the Federal Aviation Administration, with the approval of
13 the Secretary. The Administrator shall appoint the Asso-
14 ciate Administrator after consulting with the Chairman of
15 the Next Generation Senior Policy Committee and pro-
16 viding advanced notice to the other members of that Com-
17 mittee.”.

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

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

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

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

2 “(I) establishing specific quantitative goals for
3 the safety, capacity, efficiency, performance, and en-
4 vironmental impacts of each phase of Next Genera-
5 tion Air Transportation System planning and devel-
6 opment activities and measuring actual operational
7 experience against those goals, taking into account
8 noise pollution reduction concerns of affected com-
9 munities to the extent practicable in establishing the
10 environmental goals;

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

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

17 “(L) overseeing, with the Administrator and in
18 consultation with the Chief NextGen Officer, the se-
19 lection of products or outcomes of research and de-
20 velopment activities that should be moved to a dem-
21 onstration phase; and

22 “(M) maintaining a baseline modeling and sim-
23 ulation environment for testing and evaluating alter-
24 native concepts to satisfy Next Generation Air

1 Transportation System enterprise architecture re-
2 quirements.”.

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

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

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

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

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

23 “(ii) serving as a liaison for the agency in ac-
24 tivities of the agency relating to the Next Generation
25 Air Transportation System and coordinating with

1 other Federal agencies involved in activities relating
2 to the System; and

3 “(iii) ensuring that the agency meets its obliga-
4 tions as set forth in any memorandum of under-
5 standing executed by or on behalf of the agency re-
6 lating to the Next Generation Air Transportation
7 System.

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

10 “(i) ensure that the responsibilities of the agen-
11 cy relating to the Next Generation Air Transpor-
12 tation System are clearly communicated to the sen-
13 ior official of the agency designated under subpara-
14 graph (B);

15 “(ii) ensure that the performance of the senior
16 official in carrying out the responsibilities of the
17 agency relating to the Next Generation Air Trans-
18 portation System is reflected in the official’s annual
19 performance evaluations and compensation;

20 “(iii) establish or designate an office within the
21 agency to carry out its responsibilities under the
22 memorandum of understanding under the super-
23 vision of the designated official; and

24 “(iv) ensure that the designated official has suf-
25 ficient budgetary authority and staff resources to

1 carry out the agency's Next Generation Air Trans-
2 portation System responsibilities as set forth in the
3 integrated plan under subsection (b).

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

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

13 “(6)(A) The Office shall work with the Director of
14 the Office of Management and Budget to develop a process
15 whereby the Director will identify projects related to the
16 Next Generation Air Transportation System across the
17 agencies referred to in paragraph (4)(A) and consider the
18 Next Generation Air Transportation System as a unified,
19 cross-agency program.

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

22 “(i) ensure that—

23 “(I) each Federal agency covered by the
24 plan has sufficient funds requested in the Presi-
25 dent's budget, as submitted under section

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

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

9 “(H) a description of potentially signifi-
 10 cant operational or workforce changes resulting
 11 from deployment of the Next Generation Air
 12 Transportation System.”.

13 (c) NEXTGEN IMPLEMENTATION PLAN.—Section
 14 709(d) of such Act (117 Stat. 2584) is amended to read
 15 as follows:

16 “(d) NEXTGEN IMPLEMENTATION PLAN.—The Ad-
 17 ministratoꝛ shall develop and publish annually the docu-
 18 ment known as the NextGen Implementation Plan, or any
 19 successor document, that provides a detailed description
 20 of how the agency is implementing the Next Generation
 21 Air Transportation System.”.

22 (d) CONTINGENCY PLANNING.—The Associate Ad-
 23 ministratoꝛ for Next Generation Air Transportation Sys-
 24 tem Planning, Development, and Interagency Coordina-
 25 tion shall, as part of the design of the System, develop

1 contingency plans for dealing with the degradation of the
 2 System in the event of a natural disaster, major equip-
 3 ment failure, or act of terrorism.

4 **SEC. 209. NEXT GENERATION AIR TRANSPORTATION SEN-**
 5 **IOR POLICY COMMITTEE.**

6 (a) MEETINGS.—Section 710(a) of the Vision 100—
 7 Century of Aviation Reauthorization Act (49 U.S.C.
 8 40101 note; 117 Stat. 2584) is amended by inserting be-
 9 fore the period at the end the following “and shall meet
 10 at least twice each year”.

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

13 “(e) ANNUAL REPORT.—

14 “(1) SUBMISSION TO CONGRESS.—Not later
 15 than 1 year after the date of enactment of this sub-
 16 section, and annually thereafter on the date of sub-
 17 mission of the President’s budget request to Con-
 18 gress under section 1105(a) of title 31, United
 19 States Code, the Secretary shall submit to Congress
 20 a report summarizing the progress made in carrying
 21 out the integrated work plan required by section
 22 709(b)(5) and any changes in that plan.

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

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

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

6 “(C) a detailed description of—

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

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

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

18 “(E) an identification of the levels of fund-
19 ing for each agency participating in the inte-
20 grated work plan devoted to programs and ac-
21 tivities under the plan for the previous fiscal
22 year and in the President’s budget request.”.

1 (A) an examination of how the Administra-
2 tion manages program risks;

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

9 (C) an assessment of the Administration's
10 analysis of specific operational benefits, and
11 benefit/costs analyses of planned operational
12 benefits conducted by the Administration, for
13 ADS-B In and ADS-B Out avionics equipage
14 for airspace users;

15 (D) a determination of whether the Admin-
16 istration has established sufficient mechanisms
17 to ensure that all design, acquisition, operation,
18 and maintenance requirements have been met
19 by the contractor;

20 (E) an assessment of whether the Adminis-
21 tration and any contractors are meeting cost,
22 schedule, and performance milestones, as meas-
23 ured against the original baseline of the Admin-
24 istration's program for providing ADS-B serv-
25 ices;

1 (F) an assessment of how security issues
2 are being addressed in the overall design and
3 implementation of the ADS-B system;

4 (G) identification of any potential oper-
5 ational or workforce changes resulting from de-
6 ployment of ADS-B; and

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

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

18 (b) RULEMAKING.—

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

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

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

7 (C) identify—

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

10 (ii) the expected costs associated with
11 the avionics; and

12 (iii) the expected uses and benefits of
13 the avionics.

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

19 (A) the necessary ground infrastructure is
20 installed and functioning properly;

21 (B) certification standards have been ap-
22 proved; and

23 (C) appropriate operational platforms
24 interface safely and efficiently.

25 (c) USE OF ADS-B TECHNOLOGY.—

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

7 (2) CONTENTS.—The plan shall—

8 (A) include provisions to test the use of
9 ADS–B technology for surveillance and active
10 air traffic control in specific regions of the
11 United States with the most congested airspace;

12 (B) identify the equipment required at air
13 traffic control facilities and the training re-
14 quired for air traffic controllers;

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

19 (D) establish a policy in test regions re-
20 ferred to in subparagraph (A), in consultation
21 with appropriate employee and industry groups,
22 to provide incentives for equipage with ADS–B
23 technology, including giving priority to aircraft
24 equipped with such technology before the 2020
25 equipage deadline.

1 **SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**
2 **FOR NEXTGEN.**

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

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

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

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

21 (3) determine how risks with automation efforts
22 for the NextGen can be mitigated based on the expe-
23 riences of other public or private entities in devel-
24 oping complex, software-intensive systems.

25 (c) REPORT.—Not later than 1 year after the date
26 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 containing the results of the review conducted pur-
5 suant to subsection (a).

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

7 (a) OPERATIONAL EVOLUTION PARTNERSHIP (OEP)
8 AIRPORT PROCEDURES.—

9 (1) OEP AIRPORTS REPORT.—Not later than 6
10 months after the date of enactment of this Act, the
11 Administrator of the Federal Aviation Administra-
12 tion shall publish a report, after consultation with
13 representatives of appropriate Administration em-
14 ployee groups, airport operators, air carriers, general
15 aviation representatives, aircraft and avionics manu-
16 facturers, and third parties that have received letters
17 of qualification from the Administration to design
18 and validate required navigation performance flight
19 paths for public use (in this section referred to as
20 “qualified third parties”) that includes the following:

21 (A) RNP/RNAV OPERATIONS FOR OEP
22 AIRPORTS.—The required navigation perform-
23 ance and area navigation operations, including
24 the procedures to be developed, certified, and
25 published and the air traffic control operational

1 (v) coordination and communication
 2 mechanisms with qualified third parties, if
 3 applicable;

4 (vi) plans to address human factors,
 5 training, and other issues for air traffic
 6 controllers surrounding the adoption of
 7 RNP procedures in the en route and ter-
 8 minal environments, including in a mixed
 9 operational environment; and

10 (vii) a lifecycle management strategy
 11 for RNP procedures to be developed by
 12 qualified third parties, if applicable.

13 (D) ADDITIONAL PROCEDURES FOR OEP
 14 AIRPORTS.—A process for the identification,
 15 certification, and publication of additional re-
 16 quired navigation performance and area naviga-
 17 tion procedures that may provide operational
 18 benefits at OEP airports, and any medium or
 19 small hub airport located within the same
 20 metroplex area as the OEP airport, in the fu-
 21 ture.

22 (2) IMPLEMENTATION SCHEDULE FOR OEP AIR-
 23 PORTS.—The Administrator shall certify, publish,
 24 and implement—

1 (A) not later than 18 months after the
 2 date of enactment of this Act, 30 percent of the
 3 required procedures at OEP airports;

4 (B) not later than 36 months after the
 5 date of enactment of this Act, 60 percent of the
 6 required procedures at OEP airports; and

7 (C) before June 30, 2015, 100 percent of
 8 the required procedures at OEP airports.

9 (b) NON-OEP AIRPORTS.—

10 (1) NON-OEP AIRPORTS REPORT.—Not later
 11 than 6 months after the date of enactment of this
 12 Act, the Administrator of the Federal Aviation Ad-
 13 ministration shall publish a report, after consulta-
 14 tion with representatives of appropriate Administra-
 15 tion employee groups, airport operators, air carriers,
 16 general aviation representatives, aircraft and avi-
 17 onics manufacturers, and third parties that have re-
 18 ceived letters of qualification from the Administra-
 19 tion to design and validate required navigation per-
 20 formance flight paths for public use (in this section
 21 referred to as “qualified third parties”) that includes
 22 the following:

23 (A) RNP OPERATIONS FOR NON-OEP AIR-
 24 PORTS.—A list of required navigation perform-
 25 ance procedures (as defined in FAA order

1 8260.52(d)) to be developed, certified, and pub-
2 lished, and the air traffic control operational
3 changes, to maximize the fuel efficiency and
4 airspace capacity of NextGen commercial oper-
5 ations at 35 non-OEP small, medium, and large
6 hub airports other than those referred to in
7 subsection (a)(1). The Administrator shall
8 choose such non-OEP airports considered ap-
9 propriate by the Administrator to produce max-
10 imum operational benefits, including improved
11 fuel efficiency and emissions reductions that do
12 not have public RNP procedures that produce
13 such benefits on the date of enactment of this
14 Act. The Administrator shall, to the maximum
15 extent practicable, avoid overlays of existing
16 flight procedures, but if unavoidable, the Ad-
17 ministrator shall clearly identify each required
18 navigation performance procedure that is an
19 overlay of an existing instrument flight proce-
20 dure and the reason why such an overlay was
21 used.

22 (B) COORDINATION AND IMPLEMENTATION
23 ACTIVITIES FOR NON-OEP AIRPORTS.—A de-
24 scription of the activities and operational
25 changes and approvals required to coordinate

1 and to utilize the procedures required by sub-
2 paragraph (A) at each of the airports described
3 in such subparagraph.

4 (C) IMPLEMENTATION PLAN FOR NON-OEP
5 AIRPORTS.—A plan for implementation of the
6 procedures required by subparagraph (A) that
7 establishes—

8 (i) clearly defined budget, schedule,
9 project organization, and leadership re-
10 quirements;

11 (ii) specific implementation and tran-
12 sition steps;

13 (iii) coordination and communications
14 mechanisms with qualified third parties;

15 (iv) plans to address human factors,
16 training, and other issues for air traffic
17 controllers surrounding the adoption of
18 RNP procedures in the en route and ter-
19 minal environments, including in a mixed
20 operational environment;

21 (v) baseline and performance metrics
22 for—

23 (I) measuring the Administra-
24 tion's progress in implementing the
25 plan, including the percentage utiliza-

1 tion of required navigation perform-
2 ance in the national airspace system;
3 and

4 (II) achieving measurable fuel
5 burn and carbon dioxide emissions re-
6 duction compared to current perform-
7 ance;

8 (vi) expedited environmental review
9 procedures and processes for timely envi-
10 ronmental approval of area navigation and
11 required navigation performance that offer
12 significant efficiency improvements as de-
13 termined by baseline and performance
14 metrics established under clause (v);

15 (vii) a description of the software and
16 database information, such as a current
17 version of the Noise Integrated Routing
18 System or the Integrated Noise Model that
19 the Administration will need to make avail-
20 able to qualified third parties to enable
21 those third parties to design procedures
22 that will meet the broad range of require-
23 ments of the Administration; and

1 (as defined in section 1508.4 of title 40, Code of
2 Federal Regulations) under chapter 3 of FAA Order
3 1050.1E unless the Administrator determines that
4 extraordinary circumstances exist with respect to the
5 procedure.

6 (2) NEXTGEN PROCEDURES.—Any navigation
7 performance or other performance based navigation
8 procedure developed, certified, published, or imple-
9 mented that, in the determination of the Adminis-
10 trator, would result in measurable reductions in fuel
11 consumption, carbon dioxide emissions, and noise, on
12 a per flight basis, as compared to aircraft operations
13 that follow existing instrument flight rules proce-
14 dures in the same airspace, shall be presumed to
15 have no significant affect on the quality of the
16 human environment and the Administrator shall
17 issue and file a categorical exclusion for the new
18 procedure.

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

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 (a) PROCESS FOR CERTIFICATION.—Not later than
23 180 days after the date of enactment of this Act, the Ad-
24 ministrator of the Federal Aviation Administration shall

1 **SEC. 216. SURFACE SYSTEMS ACCELERATION.**

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

4 (1) evaluate the Airport Surface Detection
5 Equipment-Model X program for its potential con-
6 tribution to implementation of the NextGen initia-
7 tive;

8 (2) evaluate airport surveillance technologies
9 and associated collaborative surface management
10 software for potential contributions to implementa-
11 tion of NextGen surface management;

12 (3) accelerate implementation of the program
13 referred to in paragraph (1); and

14 (4) carry out such additional duties as the Ad-
15 ministrator of the Federal Aviation Administration
16 may require.

17 (b) EXPEDITED CERTIFICATION AND UTILIZA-
18 TION.—The Administrator shall—

19 (1) consider options for expediting the certifi-
20 cation of Ground-Based Augmentation System tech-
21 nology; and

22 (2) develop a plan to utilize such a system at
23 the 35 operational evolution partnership airports by
24 December 31, 2012.

1 **SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**
2 **CONTROL MODERNIZATION PROJECTS.**

3 (a) **PROCESS FOR EMPLOYEE INCLUSION.**—Notwith-
4 standing any other law or agreement, the Administrator
5 of the Federal Aviation Administration shall establish a
6 process or processes for including qualified employees se-
7 lected by each exclusive collective bargaining representa-
8 tive of employees of the Administration impacted by the
9 air traffic control modernization process to serve in a col-
10 laborative and expert capacity in the planning and devel-
11 opment of air traffic control modernization projects, in-
12 cluding NextGen.

13 (b) **ADHERENCE TO DEADLINES.**—Participants in
14 these processes shall adhere, to the greatest extent pos-
15 sible, to all deadlines and milestones established pursuant
16 to this title.

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

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

21 (2) entitle the employee to any additional com-
22 pensation or benefits with the exception of a per
23 diem, if appropriate; or

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

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

4 (e) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall report
6 to the Committee on Transportation and Infrastructure
7 of the House of Representatives and the Committee on
8 Commerce, Science, and Transportation of the Senate on
9 the implementation of this section.

10 **SEC. 218. AIRSPACE REDESIGN.**

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

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

18 (2) The critical importance of airspace redesign
19 efforts is underscored by the fact that they are high-
20 lighted in strategic plans of the Administration, in-
21 cluding Flight Plan 2009–2013 and the NextGen
22 Implementation Plan.

23 (3) Funding cuts have led to delays and defer-
24 rals of critical capacity enhancing airspace redesign
25 efforts.

1 (4) New runways planned for the period of fis-
2 cal years 2011 and 2012 will not provide estimated
3 capacity benefits without additional funds.

4 (b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/
5 PHILADELPHIA METROPOLITAN AREA AIRSPACE REDE-
6 SIGN.—

7 (1) MONITORING.—The Administrator of the
8 Federal Aviation Administration, in conjunction with
9 the Port Authority of New York and New Jersey
10 and the Philadelphia International Airport, shall
11 monitor the noise impacts of the New York/New
12 Jersey/Philadelphia Metropolitan Area Airspace Re-
13 design.

14 (2) REPORT.—Not later than 1 year following
15 the first day of completion of the New York/New
16 Jersey/Philadelphia Metropolitan Area Airspace Re-
17 design, the Administrator shall submit to Congress
18 a report on the findings of the Administrator with
19 respect to monitoring conducted under paragraph
20 (1).

1 **SEC. 219. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**
2 **PUBLIC INTERNET WEB-BASED RESOURCE**
3 **ON LOCATIONS OF POTENTIAL AVIATION OB-**
4 **STRUCTIONS.**

5 (a) **STUDY.**—The Administrator of the Federal Avia-
6 tion Administration shall carry out a study on the feasi-
7 bility of developing a publicly searchable, Internet Web-
8 based resource that provides information regarding the
9 height and latitudinal and longitudinal locations of guy-
10 wire and free-standing tower obstructions.

11 (b) **CONSIDERATIONS.**—In conducting the study, the
12 Administrator shall consult with affected industries and
13 appropriate Federal agencies.

14 (c) **REPORT.**—Not later than 1 year after the date
15 of enactment of this Act, the Administrator shall submit
16 a report to the appropriate committees of Congress on the
17 results of the study.

18 **SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**
19 **TER OF EXCELLENCE.**

20 (a) **IN GENERAL.**—The Administrator of the Federal
21 Aviation Administration may enter into an agreement, on
22 a competitive basis, to assist in the establishment of a cen-
23 ter of excellence for the research and development of
24 NextGen technologies.

25 (b) **FUNCTIONS.**—The Administrator shall ensure
26 that the center established under subsection (a)—

1 (1) leverages resources and partnerships, in-
2 cluding appropriate programs of the Administration,
3 to enhance the research and development of
4 NextGen technologies by academia and industry; and

5 (2) provides educational, technical, and analyt-
6 ical assistance to the Administration and other Fed-
7 eral departments and agencies with responsibilities
8 to research and develop NextGen technologies.

9 **SEC. 221. PUBLIC-PRIVATE PARTNERSHIPS.**

10 (a) IN GENERAL.—The Secretary may establish an
11 avionics equipage incentive program for the purpose of
12 equipping general aviation and commercial aircraft with
13 communications, surveillance, navigation, and other avi-
14 onics equipment as determined by the Secretary to be in
15 the interest of achieving NextGen capabilities for such air-
16 craft.

17 (b) NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.—
18 The incentive program established under subsection (a)
19 shall, at a minimum—

20 (1) be based on public-private partnership prin-
21 ciples; and

22 (2) leverage and maximize the use of private
23 sector capital.

24 (c) FINANCIAL INSTRUMENTS.—Subject to the avail-
25 ability of appropriated funds, the Secretary may use finan-

1 on general aviation or commercial aircraft and is
2 necessary for communications, surveillance, naviga-
3 tion, or other purposes determined by the Secretary
4 to be in the interests of achieving NextGen capabili-
5 ties for commercial and general aviation.

6 (e) TERMINATION OF AUTHORITY.—The authority of
7 the Secretary to issue such financial instruments under
8 this section shall terminate 5 years after the date of the
9 establishment of the incentive program.

10 **SEC. 222. OPERATIONAL INCENTIVES.**

11 (a) IN GENERAL.—The Administrator of the Federal
12 Aviation Administration shall issue a report that—

13 (1) identifies incentive options to encourage the
14 equipage of aircraft with NextGen technologies, in-
15 cluding a policy that gives priority to aircraft
16 equipped with ADS-B technology;

17 (2) identifies the costs and benefits of each op-
18 tion; and

19 (3) includes input from industry stakeholders,
20 including passenger and cargo air carriers, aerospace
21 manufacturers, and general aviation aircraft opera-
22 tors.

23 (b) DEADLINE.—The Administrator shall issue the
24 report before the earlier of—

1 **SEC. 225. REPORTS ON STATUS OF GREENER SKIES**
2 **PROJECT.**

3 (a) INITIAL REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Administrator
5 of the Federal Aviation Administration shall submit to
6 Congress a report on the strategy of the Administrator
7 for implementing, on an accelerated basis, the NextGen
8 operational capabilities produced by the Greener Skies
9 project, as recommended in the final report of the RTCA
10 NextGen Mid-Term Implementation Task Force that was
11 issued on September 9, 2009.

12 (b) SUBSEQUENT REPORTS.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the Administrator submits to Congress the re-
15 port required by subsection (a) and annually there-
16 after until the pilot program terminates, the Admin-
17 istrator shall submit to the Committee on Com-
18 merce, Science, and Transportation of the Senate
19 and to the Committee on Transportation and Infra-
20 structure of the House of Representatives a report
21 on the progress of the Administrator in carrying out
22 the strategy described in the report submitted under
23 subsection (a).

24 (2) CONTENTS.—Each report submitted under
25 paragraph (1) shall include the following:

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

4 **SEC. 302. RELEASE OF DATA RELATING TO ABANDONED**
5 **TYPE CERTIFICATES AND SUPPLEMENTAL**
6 **TYPE CERTIFICATES.**

7 Section 44704(a) is amended by adding at the end
8 the following:

9 “(5) RELEASE OF DATA.—

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

21 “(i) the certificate containing the re-
22 quested data has been inactive for 3 or
23 more years, except that the Administrator
24 may reduce this time if required to address

1 an unsafe condition associated with the
2 product;

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

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

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

21 “(C) REQUIREMENT TO MAINTAIN DATA.—
22 The Administrator shall maintain engineering
23 data in the possession of the Administration re-
24 lating to a type certificate or a supplemental

1 and production capabilities, standards, and safe-
2 guards to make certifications of compliance as de-
3 scribed in paragraph (1).

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

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

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

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

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

22 (1) in the heading for section 44704 by striking
23 “**and design organization certificates**” and
24 inserting “, **and design and production or-**
25 **ganization certificates**”; and

1 holder providing air ambulance services shall comply,
2 whenever medical personnel are onboard the aircraft,
3 with regulations pertaining to weather minimums
4 and flight and duty time under part 135.

5 “(2) EXCEPTION.—If a certificate holder de-
6 scribed in paragraph (1) is operating, or carrying
7 out training, under instrument flight rules, the
8 weather reporting requirement at the destination
9 shall not apply if authorized by the Administrator of
10 the Federal Aviation Administration.

11 “(b) FINAL RULE.—Not later than June 1, 2012, the
12 Administrator shall issue a final rule, with respect to the
13 notice of proposed rulemaking published in the Federal
14 Register on October 12, 2010 (75 Fed. Reg. 62640), to
15 improve the safety of flight crewmembers, medical per-
16 sonnel, and passengers onboard helicopters providing air
17 ambulance services under part 135.

18 “(c) MATTERS TO BE ADDRESSED.—In conducting
19 the rulemaking proceeding under subsection (b), the Ad-
20 ministrator shall address the following:

21 “(1) Flight request and dispatch procedures, in-
22 cluding performance-based flight dispatch proce-
23 dures.

24 “(2) Pilot training standards, including estab-
25 lishment of training standards in—

1 “(A) preventing controlled flight into ter-
2 rain; and

3 “(B) recovery from inadvertent flight into
4 instrument meteorological conditions.

5 “(3) Safety-enhancing technology and equip-
6 ment, including—

7 “(A) helicopter terrain awareness and
8 warning systems;

9 “(B) radar altimeters; and

10 “(C) devices that perform the function of
11 flight data recorders and cockpit voice record-
12 ers, to the extent feasible.

13 “(4) Such other matters as the Administrator
14 considers appropriate.

15 “(d) MINIMUM REQUIREMENTS.—In issuing a final
16 rule under subsection (b), the Administrator, at a min-
17 imum, shall provide for the following:

18 “(1) FLIGHT RISK EVALUATION PROGRAM.—
19 The Administrator shall ensure that a part 135 cer-
20 tificate holder providing helicopter air ambulance
21 services—

22 “(A) establishes a flight risk evaluation
23 program, based on FAA Notice 8000.301
24 issued by the Administration on August 1,
25 2005, including any updates thereto;

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

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

7 “(2) OPERATIONAL CONTROL CENTER.—The
8 Administrator shall ensure that a part 135 certifi-
9 cate holder providing helicopter air ambulance serv-
10 ices using 10 or more helicopters has an operational
11 control center that meets such requirements as the
12 Administrator may prescribe.

13 “(e) SUBSEQUENT RULEMAKING.—

14 “(1) IN GENERAL.—Upon completion of the
15 rulemaking required under subsection (b), the Ad-
16 ministrator shall conduct a follow-on rulemaking to
17 address the following:

18 “(A) Pilot training standards, including—

19 “(i) mandatory training requirements,
20 including a minimum time for completing
21 the training requirements;

22 “(ii) training subject areas, such as
23 communications procedures and appro-
24 priate technology use; and

1 “(iii) establishment of training stand-
2 ards in—

3 “(I) crew resource management;

4 “(II) flight risk evaluation;

5 “(III) operational control of the
6 pilot in command; and

7 “(IV) use of flight simulation
8 training devices and line-oriented
9 flight training.

10 “(B) Use of safety equipment that should
11 be worn or used by flight crewmembers and
12 medical personnel on a flight, including the pos-
13 sible use of shoulder harnesses, helmets, seat-
14 belts, and fire resistant clothing to enhance
15 crash survivability.

16 “(2) DEADLINES.—Not later than 180 days
17 after the date of issuance of a final rule under sub-
18 section (b), the Administrator shall initiate the rule-
19 making under this subsection.

20 “(3) LIMITATION ON CONSTRUCTION.—Nothing
21 in this subsection shall be construed to require the
22 Administrator to propose or finalize any rule that
23 would derogate or supersede the rule required to be
24 finalized under subsection (b).

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

3 “(1) PART 135.—The term ‘part 135’ means
4 part 135 of title 14, Code of Federal Regulations.

5 “(2) PART 135 CERTIFICATE HOLDER.—The
6 term ‘part 135 certificate holder’ means a person
7 holding an operating certificate issued under part
8 119 of title 14, Code of Federal Regulations, that is
9 authorized to conduct civil helicopter air ambulance
10 operations under part 135.

11 **“§ 44731. Collection of data on helicopter air ambu-**
12 **lance operations**

13 “(a) IN GENERAL.—The Administrator of the Fed-
14 eral Aviation Administration shall require a part 135 cer-
15 tificate holder providing helicopter air ambulance services
16 to submit to the Administrator, not later than 1 year after
17 the date of enactment of this section, and annually there-
18 after, a report containing, at a minimum, the following
19 data:

20 “(1) The number of helicopters that the certifi-
21 cate holder uses to provide helicopter air ambulance
22 services and the base locations of the helicopters.

23 “(2) The number of flights and hours flown, by
24 registration number, during which helicopters oper-

1 section (a) shall relate to such reporting period as the Ad-
2 ministrator determines appropriate.

3 “(c) DATABASE.—Not later than 180 days after the
4 date of enactment of this section, the Administrator shall
5 develop a method to collect and store the data collected
6 under subsection (a), including a method to protect the
7 confidentiality of any trade secret or proprietary informa-
8 tion provided in response to this section.

9 “(d) REPORT TO CONGRESS.—Not later than 2 years
10 after the date of enactment of this section, and annually
11 thereafter, the Administrator shall submit to the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report con-
15 taining a summary of the data collected under subsection
16 (a).

17 “(e) DEFINITIONS.—In this section, the terms ‘part
18 135’ and ‘part 135 certificate holder’ have the meanings
19 given such terms in section 44730.”.

20 (b) AUTHORIZED EXPENDITURES.—Section
21 106(k)(2)(C) (as redesignated by this Act) is amended by
22 inserting before the period the following: “and the develop-
23 ment and maintenance of helicopter approach proce-
24 dures”.

1 (c) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 447 is amended by adding at the end the following:

“44730. Helicopter air ambulance operations.

“44731. Collection of data on helicopter air ambulance operations.”.

3 **SEC. 307. PROHIBITION ON PERSONAL USE OF ELEC-**
4 **TRONIC DEVICES ON FLIGHT DECK.**

5 (a) IN GENERAL.—Chapter 447 (as amended by this
6 Act) is further amended by adding at the end the fol-
7 lowing:

8 **“§ 44732. Prohibition on personal use of electronic**
9 **devices on flight deck**

10 “(a) IN GENERAL.—It is unlawful for a flight crew-
11 member of an aircraft used to provide air transportation
12 under part 121 of title 14, Code of Federal Regulations,
13 to use a personal wireless communications device or laptop
14 computer while at the flight crewmember’s duty station
15 on the flight deck of such an aircraft while the aircraft
16 is being operated.

17 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
18 the use of a personal wireless communications device or
19 laptop computer for a purpose directly related to operation
20 of the aircraft, or for emergency, safety-related, or em-
21 ployment-related communications, in accordance with pro-
22 cedures established by the air carrier and the Adminis-
23 trator of the Federal Aviation Administration.

1 “(c) ENFORCEMENT.—In addition to the penalties
2 provided under section 46301 applicable to any violation
3 of this section, the Administrator of the Federal Aviation
4 Administration may enforce compliance with this section
5 under section 44709 by amending, modifying, suspending,
6 or revoking a certificate under this chapter.

7 “(d) PERSONAL WIRELESS COMMUNICATIONS DE-
8 VICE DEFINED.—In this section, the term ‘personal wire-
9 less communications device’ means a device through which
10 personal wireless services (as defined in section
11 332(e)(7)(C)(i) of the Communications Act of 1934 (47
12 U.S.C. 332(e)(7)(C)(i))) are transmitted.”.

13 (b) PENALTY.—Section 44711(a) is amended—

14 (1) by striking “or” after the semicolon in
15 paragraph (8);

16 (2) by striking “title.” in paragraph (9) and in-
17 serting “title; or”; and

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

19 “(10) violate section 44732 or any regulation
20 issued thereunder.”.

21 (c) CONFORMING AMENDMENT.—The analysis for
22 chapter 447 (as amended by this Act) is further amended
23 by adding at the end the following:

“44732. Prohibition on personal use of electronic devices on flight deck.”.

24 (d) REGULATIONS.—Not later than 90 days after the
25 date of enactment of this Act, the Administrator of the

1 Federal Aviation Administration shall initiate a rule-
2 making procedure for regulations to carry out section
3 44732 of title 49, United States Code (as added by this
4 section), and shall issue a final rule thereunder not later
5 than 2 years after the date of enactment of this Act.

6 (e) STUDY.—

7 (1) IN GENERAL.—The Administrator of the
8 Federal Aviation Administration shall review rel-
9 evant air carrier data and carry out a study—

10 (A) to identify common sources of distrac-
11 tion for the flight crewmembers on the flight
12 deck of a commercial aircraft; and

13 (B) to determine the safety impacts of
14 such distractions.

15 (2) REPORT TO CONGRESS.—Not later than 1
16 year after the date of enactment of this Act, the Ad-
17 ministrator shall submit to the Committee on Com-
18 merce, Science, and Transportation of the Senate
19 and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report
21 that contains—

22 (A) the findings of the study conducted
23 under paragraph (1); and

1 (B) recommendations regarding how to re-
2 duce distractions for flight crewmembers on the
3 flight deck of a commercial aircraft.

4 **SEC. 308. INSPECTION OF REPAIR STATIONS LOCATED OUT-**
5 **SIDE THE UNITED STATES.**

6 (a) IN GENERAL.—Chapter 447 (as amended by this
7 Act) is further amended by adding at the end the fol-
8 lowing:

9 **“§ 44733. Inspection of repair stations located outside**
10 **the United States**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this section, the Administrator of the
13 Federal Aviation Administration shall establish and imple-
14 ment a safety assessment system for all part 145 repair
15 stations based on the type, scope, and complexity of work
16 being performed. The system shall—

17 “(1) ensure that repair stations located outside
18 the United States are subject to appropriate inspec-
19 tions based on identified risks and consistent with
20 existing United States requirements;

21 “(2) consider inspection results and findings
22 submitted by foreign civil aviation authorities oper-
23 ating under a maintenance safety or maintenance
24 implementation agreement with the United States;
25 and

1 “(3) require all maintenance safety or maintenance
2 maintenance implementation agreements to provide an opportunity
3 for the Administration to conduct independent inspections of covered part 145 repair stations
4 when safety concerns warrant such inspections.

5 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The
6 Administrator shall notify the Committee on Commerce,
7 Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House
8 of Representatives not later than 30 days after initiating
9 formal negotiations with foreign aviation authorities or
10 other appropriate foreign government agencies on a new
11 maintenance safety or maintenance implementation agreement.
12 ment.

13 “(c) ANNUAL REPORT.—The Administrator shall
14 publish an annual report on the Administration’s oversight
15 of part 145 repair stations and implementation of the
16 safety assessment system required under subsection (a).
17 The report shall—

18 “(1) describe in detail any improvements in the
19 Administration’s ability to identify and track where
20 part 121 air carrier repair work is performed;

21 “(2) include a staffing model to determine the
22 best placement of inspectors and the number of inspectors
23 needed;
24 needed;
25

1 “(3) describe the training provided to inspec-
2 tors; and

3 “(4) include an assessment of the quality of
4 monitoring and surveillance by the Administration of
5 work performed by its inspectors and the inspectors
6 of foreign authorities operating under a maintenance
7 safety or maintenance implementation agreement.

8 “(d) ALCOHOL AND CONTROLLED SUBSTANCES
9 TESTING PROGRAM REQUIREMENTS.—

10 “(1) IN GENERAL.—The Secretary of State and
11 the Secretary of Transportation, acting jointly, shall
12 request the governments of foreign countries that
13 are members of the International Civil Aviation Or-
14 ganization to establish international standards for
15 alcohol and controlled substances testing of persons
16 that perform safety-sensitive maintenance functions
17 on commercial air carrier aircraft.

18 “(2) APPLICATION TO PART 121 AIRCRAFT
19 WORK.—Not later than 1 year after the date of en-
20 actment of this section, the Administrator shall pro-
21 mulgate a proposed rule requiring that all part 145
22 repair station employees responsible for safety-sen-
23 sitive maintenance functions on part 121 air carrier
24 aircraft are subject to an alcohol and controlled sub-
25 stances testing program determined acceptable by

1 the Administrator and consistent with the applicable
2 laws of the country in which the repair station is lo-
3 cated.

4 “(e) ANNUAL INSPECTIONS.—The Administrator
5 shall ensure that part 145 repair stations located outside
6 the United States are inspected annually by Federal Avia-
7 tion Administration safety inspectors, without regard to
8 where the station is located, in a manner consistent with
9 United States obligations under international agreements.
10 The Administrator may carry out inspections in addition
11 to the annual inspection required under this subsection
12 based on identified risks.

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

15 “(1) PART 121 AIR CARRIER.—The term ‘part
16 121 air carrier’ means an air carrier that holds a
17 certificate issued under part 121 of title 14, Code of
18 Federal Regulations.

19 “(2) PART 145 REPAIR STATION.—The term
20 ‘part 145 repair station’ means a repair station that
21 holds a certificate issued under part 145 of title 14,
22 Code of Federal Regulations.”.

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

“44733. Inspection of repair stations located outside the United States.”.

1 **SEC. 309. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.**

2 (a) IN GENERAL.—Chapter 447 (as amended by this
3 Act) is further amended by adding at the end the fol-
4 lowing:

5 **“§ 44734. Training of flight attendants**

6 “(a) TRAINING REQUIRED.—In addition to other
7 training required under this chapter, each air carrier shall
8 provide to flight attendants employed or contracted by
9 such air carrier initial and annual training regarding—

10 “(1) serving alcohol to passengers;

11 “(2) recognizing intoxicated passengers; and

12 “(3) dealing with disruptive passengers.

13 “(b) SITUATIONAL TRAINING.—In carrying out the
14 training required under subsection (a), each air carrier
15 shall provide to flight attendants situational training on
16 the proper method for dealing with intoxicated passengers
17 who act in a belligerent manner.

18 “(c) DEFINITIONS.—In this section, the following
19 definitions apply:

20 “(1) AIR CARRIER.—The term ‘air carrier’
21 means a person, including a commercial enterprise,
22 that has been issued an air carrier operating certifi-
23 cate under section 44705.

24 “(2) FLIGHT ATTENDANT.—The term ‘flight at-
25 tendant’ has the meaning given that term in section
26 44728(g).”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 447 (as amended by this Act) is further amended by
3 adding at the end the following:

“44734. Training of flight attendants.”.

4 **SEC. 310. LIMITATION ON DISCLOSURE OF SAFETY INFOR-**
5 **MATION.**

6 (a) IN GENERAL.—Chapter 447 (as amended by this
7 Act) is further amended by adding at the end the fol-
8 lowing:

9 **“§ 44735. Limitation on disclosure of safety informa-**
10 **tion**

11 “(a) IN GENERAL.—Except as provided by subsection
12 (c), a report, data, or other information described in sub-
13 section (b) shall not be disclosed to the public by the Ad-
14 ministrator of the Federal Aviation Administration pursu-
15 ant to section 552(b)(3)(B) of title 5 if the report, data,
16 or other information is submitted to the Federal Aviation
17 Administration voluntarily and is not required to be sub-
18 mitted to the Administrator under any other provision of
19 law.

20 “(b) APPLICABILITY.—The limitation established by
21 subsection (a) shall apply to the following:

22 “(1) Reports, data, or other information devel-
23 oped under the Aviation Safety Action Program.

1 “(2) Reports, data, or other information pro-
2 duced or collected under the Flight Operational
3 Quality Assurance Program.

4 “(3) Reports, data, or other information devel-
5 oped under the Line Operations Safety Audit Pro-
6 gram.

7 “(4) Reports, data, or other information pro-
8 duced or collected for purposes of developing and
9 implementing a safety management system accept-
10 able to the Administrator.

11 “(5) Reports, analyses, and directed studies,
12 based in whole or in part on reports, data, or other
13 information described in paragraphs (1) through (4),
14 including those prepared under the Aviation Safety
15 Information Analysis and Sharing Program (or any
16 successor program).

17 “(c) EXCEPTION FOR DE-IDENTIFIED INFORMA-
18 TION.—

19 “(1) IN GENERAL.—The limitation established
20 by subsection (a) shall not apply to a report, data,
21 or other information if the information contained in
22 the report, data, or other information has been de-
23 identified.

24 “(2) DE-IDENTIFIED DEFINED.—In this sub-
25 section, the term ‘de-identified’ means the process by

1 which all information that is likely to establish the
2 identity of the specific persons or entities submitting
3 reports, data, or other information is removed from
4 the reports, data, or other information.”.

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

“44735. Limitation on disclosure of safety information.”.

8 (c) TECHNICAL CORRECTION.—Section
9 44703(i)(9)(B)(i) is amended by striking “section 552 of
10 title 5” and inserting “section 552(b)(3)(B) of title 5”.

11 **SEC. 311. PROHIBITION AGAINST AIMING A LASER POINTER**
12 **AT AN AIRCRAFT.**

13 (a) OFFENSE.—Chapter 2 of title 18, United States
14 Code, is amended by inserting after section 39 the fol-
15 lowing:

16 **“§ 39A. Aiming a laser pointer at an aircraft**

17 “(a) OFFENSE.—Whoever knowingly aims the beam
18 of a laser pointer at an aircraft in the special aircraft ju-
19 risdiction of the United States, or at the flight path of
20 such an aircraft, shall be fined under this title or impris-
21 oned not more than 5 years, or both.

22 “(b) LASER POINTER DEFINED.—As used in this
23 section, the term ‘laser pointer’ means any device designed
24 or used to amplify electromagnetic radiation by stimulated
25 emission that emits a beam designed to be used by the

1 in the 1-year, 5-year, and 10-year periods following
2 the date of enactment of this Act;

3 (2) process reforms and improvements nec-
4 essary to allow the Administrator to review and ap-
5 prove the applications in a fair and timely fashion;

6 (3) the status of recommendations made in pre-
7 vious reports on the Administration's certification
8 process;

9 (4) methods for enhancing the effective use of
10 delegation systems, including organizational designa-
11 tion authorization;

12 (5) methods for training the Administration's
13 field office employees in the safety management sys-
14 tem and auditing; and

15 (6) the status of updating airworthiness re-
16 quirements, including implementing recommenda-
17 tions in the Administration's report entitled "Part
18 23—Small Airplane Certification Process Study"
19 (OK-09-3468, dated July 2009).

20 (c) RECOMMENDATIONS.—In conducting the assess-
21 ment, the Administrator shall make recommendations to
22 improve efficiency and reduce costs through streamlining
23 and reengineering the certification process under section
24 44704 of such title to ensure that the Administrator can
25 conduct certifications and approvals under such section in

1 a manner that supports and enables the development of
2 new products and technologies and the global competitive-
3 ness of the United States aviation industry.

4 (d) REPORT TO CONGRESS.—Not later than 180 days
5 after the date of enactment of this Act, the Administrator
6 shall submit to the Committee on Transportation and In-
7 frastructure of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate a report on the results of the assessment, together
10 with an explanation of how the Administrator will imple-
11 ment recommendations made under subsection (c) and
12 measure the effectiveness of the recommendations.

13 (e) IMPLEMENTATION OF RECOMMENDATIONS.—Not
14 later than 1 year after the date of enactment of this Act,
15 the Administrator shall begin to implement the rec-
16 ommendations made under subsection (c).

17 **SEC. 313. CONSISTENCY OF REGULATORY INTERPRETA-**
18 **TION.**

19 (a) ESTABLISHMENT OF ADVISORY PANEL.—Not
20 later than 90 days after the date of enactment of this Act,
21 the Administrator of the Federal Aviation Administration
22 shall establish an advisory panel comprised of both Gov-
23 ernment and industry representatives to—

1 (1) review the October 2010 report by the Gov-
2 ernment Accountability Office on certification and
3 approval processes (GAO–11–14); and

4 (2) develop recommendations to address the
5 findings in the report and other concerns raised by
6 interested parties, including representatives of the
7 aviation industry.

8 (b) MATTERS TO BE CONSIDERED.—The advisory
9 panel shall—

10 (1) determine the root causes of inconsistent in-
11 terpretation of regulations by the Administration’s
12 Flight Standards Service and Aircraft Certification
13 Service;

14 (2) develop recommendations to improve the
15 consistency of interpreting regulations by the Ad-
16 ministration’s Flight Standards Service and Aircraft
17 Certification Service; and

18 (3) develop recommendations to improve com-
19 munications between the Administration’s Flight
20 Standards Service and Aircraft Certification Service
21 and applicants and certificate and approval holders
22 for the identification and resolution of potentially
23 adverse issues in an expeditious and fair manner.

24 (c) REPORT TO CONGRESS.—Not later than 1 year
25 after the date of enactment of this Act, the Administrator

1 shall transmit to the Committee on Transportation and
2 Infrastructure of the House of Representatives and the
3 Committee on Commerce, Science, and Transportation of
4 the Senate a report on the findings of the advisory panel,
5 together with an explanation of how the Administrator will
6 implement the recommendations of the advisory panel and
7 measure the effectiveness of the recommendations.

8 **SEC. 314. RUNWAY SAFETY.**

9 (a) STRATEGIC RUNWAY SAFETY PLAN.—

10 (1) IN GENERAL.—Not later than 6 months
11 after the date of enactment of this Act, the Adminis-
12 trator of the Federal Aviation Administration shall
13 develop and submit to Congress a report containing
14 a strategic runway safety plan.

15 (2) CONTENTS OF PLAN.—The strategic run-
16 way safety plan—

17 (A) shall include, at a minimum—

18 (i) goals to improve runway safety;

19 (ii) near- and long-term actions de-
20 signed to reduce the severity, number, and
21 rate of runway incursions, losses of stand-
22 ard separation, and operational errors;

23 (iii) time frames and resources needed
24 for the actions described in clause (ii);

1 (iv) a continuous evaluative process to
2 track performance toward the goals re-
3 ferred to in clause (i); and

4 (v) a review with respect to runway
5 safety of every commercial service airport
6 (as defined in section 47102 of title 49,
7 United States Code) in the United States
8 and proposed action to improve airport
9 lighting, provide better signs, and improve
10 runway and taxiway markings at those air-
11 ports; and

12 (B) shall address the increased runway
13 safety risk associated with the expected in-
14 creased volume of air traffic.

15 (b) PROCESS.—Not later than 6 months after the
16 date of enactment of this Act, the Administrator shall de-
17 velop a process for tracking and investigating operational
18 errors, losses of standard separation, and runway incur-
19 sions that includes procedures for—

20 (1) identifying who is responsible for tracking
21 operational errors, losses of standard separation,
22 and runway incursions, including a process for lower
23 level employees to report to higher supervisory levels
24 and for frontline managers to receive the informa-
25 tion in a timely manner;

1 inspecting, or overseeing the inspection of, the oper-
2 ations of that carrier.

3 (b) ANNUAL REPORT TO CONGRESS.—Not later than
4 1 year after the date of enactment of this Act, and annu-
5 ally thereafter, the Administrator shall 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 on the
9 Flight Standards Evaluation Program, including the Ad-
10 ministrator’s findings and recommendations with respect
11 to the program.

12 (c) FLIGHT STANDARDS EVALUATION PROGRAM DE-
13 FINED.—In this section, the term “Flight Standards Eval-
14 uation Program” means the program established by the
15 Federal Aviation Administration in FS 1100.1B CHG3,
16 including any subsequent revisions thereto.

17 **SEC. 316. COCKPIT SMOKE.**

18 (a) STUDY.—The Comptroller General of the United
19 States shall conduct a study on the effectiveness of over-
20 sight activities of the Federal Aviation Administration re-
21 lating to the use of new technologies to prevent or mitigate
22 the effects of dense, continuous smoke in the cockpit of
23 a commercial aircraft.

24 (b) REPORT TO CONGRESS.—Not later than 18
25 months after the date of enactment of this Act, the Comp-

1 troller General shall submit to Congress a report on the
2 results of the study.

3 **SEC. 317. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**
4 **ER OBSERVATION TECHNOLOGY.**

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

8 (b) SPECIFIC REVIEW.—The review shall include, at
9 a minimum, an examination of off-airport, low-altitude
10 weather reporting needs, an assessment of technical alter-
11 natives (including automated weather observation sta-
12 tions), an investment analysis, and recommendations for
13 improving weather reporting.

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

18 **SEC. 318. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**
19 **TO USE NIGHT VISION GOGGLES.**

20 (a) STUDY.—The Administrator of the Federal Avia-
21 tion Administration shall carry out a study on the feasi-
22 bility of requiring pilots of helicopters providing air ambu-
23 lance services under part 135 of title 14, Code of Federal
24 Regulations, to use night vision goggles during nighttime
25 operations.

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

7 (c) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, the Administrator
9 shall submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the results of the study.

13 **SEC. 319. 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 any successor regulation);
5 or

6 (3) subject to subsection (c), a person that—

7 (A) provides contract maintenance work-
8 ers, services, or maintenance functions to a part
9 121 air carrier or part 145 repair station; and

10 (B) meets the requirements of the part
11 121 air carrier or the part 145 repair station,
12 as appropriate.

13 (c) TERMS AND CONDITIONS.—Covered work per-
14 formed by a person who is employed by a person described
15 in subsection (b)(3) shall be subject to the following terms
16 and conditions:

17 (1) The applicable part 121 air carrier shall be
18 directly in charge of the covered work being per-
19 formed.

20 (2) The covered work shall be carried out in ac-
21 cordance with the part 121 air carrier's maintenance
22 manual.

23 (3) The person shall carry out the covered work
24 under the supervision and control of the part 121

1 association that performs maintenance, preventative
2 maintenance, or alterations.

3 **SEC. 320. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Administrator of the
6 Federal Aviation Administration shall initiate a study of
7 air quality in aircraft cabins to—

8 (1) assess bleed air quality on the full range of
9 commercial aircraft operating in the United States;

10 (2) identify oil-based contaminants, hydraulic
11 fluid toxins, and other air toxins that appear in
12 cabin air and measure the quantity and prevalence,
13 or absence, of those toxins through a comprehensive
14 sampling program;

15 (3) determine the specific amount and duration
16 of toxic fumes present in aircraft cabins that con-
17 stitutes a health risk to passengers;

18 (4) develop a systematic reporting standard for
19 smoke and fume events in aircraft cabins; and

20 (5) identify the potential health risks to individ-
21 uals exposed to toxic fumes during flight.

22 (b) **AUTHORITY TO MONITOR AIR IN AIRCRAFT CAB-**
23 **INS.**—For purposes of conducting the study required by
24 subsection (a), the Administrator of the Federal Aviation
25 Administration shall require domestic air carriers to allow

1 air quality monitoring on their aircraft in a manner that
2 imposes no significant costs on the air carrier and does
3 not interfere with the normal operation of the aircraft.

4 **SEC. 321. IMPROVED PILOT LICENSES.**

5 (a) IN GENERAL.—The Administrator of the Federal
6 Aviation Administration shall issue improved pilot licenses
7 consistent with requirements under this section.

8 (b) TIMING.—Not later than 270 days after the date
9 of enactment of this Act, the Administrator shall—

10 (1) provide to the Committee on Transportation
11 and Infrastructure of the House of Representatives
12 and the Committee on Commerce, Science, and
13 Transportation of the Senate a report containing—

14 (A) a timeline for the phased issuance of
15 improved pilot licenses under this section that
16 ensures all pilots are issued such licenses not
17 later than 2 years after the initial issuance of
18 such licenses under paragraph (2); and

19 (B) recommendations for the Federal in-
20 stallation of infrastructure necessary to take
21 advantage of information contained on im-
22 proved pilot licenses issued under this section,
23 which identify the necessary infrastructure, in-
24 dicate the Federal entity that should be respon-
25 sible for installing, funding, and operating the

1 pilot license issued under this section has been tampered
2 with, altered, or counterfeited.

3 (e) USE OF DESIGNEES.—The Administrator may
4 use designees to carry out subsection (a) to the extent
5 practicable in order to minimize the burdens on pilots.

6 (f) REPORT TO CONGRESS.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, and annually
9 thereafter, the Administrator shall submit to the
10 Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Sen-
13 ate a report on the issuance of improved pilot li-
14 censes under this section.

15 (2) EXPIRATION.—The Administrator shall not
16 be required to submit annual reports under this sub-
17 section after the date on which the Administrator
18 has issued improved pilot licenses under this section
19 to all pilots.

20 **Subtitle B—Unmanned Aircraft** 21 **Systems**

22 **SEC. 331. DEFINITIONS.**

23 In this subtitle, the following definitions apply:

1 (1) ARCTIC.—The term “Arctic” means the
2 United States zone of the Chukchi Sea, Beaufort
3 Sea, and Bering Sea north of the Aleutian chain.

4 (2) CERTIFICATE OF WAIVER; CERTIFICATE OF
5 AUTHORIZATION.—The terms “certificate of waiver”
6 and “certificate of authorization” mean a Federal
7 Aviation Administration grant of approval for a spe-
8 cific flight operation.

9 (3) PERMANENT AREAS.—The term “perma-
10 nent areas” means areas on land or water that pro-
11 vide for launch, recovery, and operation of small un-
12 manned aircraft.

13 (4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
14 The term “public unmanned aircraft system” means
15 an unmanned aircraft system that meets the quali-
16 fications and conditions required for operation of a
17 public aircraft (as defined in section 40102 of title
18 49, United States Code).

19 (5) SENSE AND AVOID CAPABILITY.—The term
20 “sense and avoid capability” means the capability of
21 an unmanned aircraft to remain a safe distance
22 from and to avoid collisions with other airborne air-
23 craft.

1 technology in the national airspace system, and the
 2 unmanned aircraft systems industry, shall develop a
 3 comprehensive plan to safely accelerate the integra-
 4 tion of civil unmanned aircraft systems into the na-
 5 tional airspace system.

6 (2) CONTENTS OF PLAN.—The plan required
 7 under paragraph (1) shall contain, at a minimum,
 8 recommendations or projections on—

9 (A) the rulemaking to be conducted under
 10 subsection (b), with specific recommendations
 11 on how the rulemaking will—

12 (i) define the acceptable standards for
 13 operation and certification of civil un-
 14 manned aircraft systems;

15 (ii) ensure that any civil unmanned
 16 aircraft system includes a sense and avoid
 17 capability; and

18 (iii) establish standards and require-
 19 ments for the operator and pilot of a civil
 20 unmanned aircraft system, including
 21 standards and requirements for registra-
 22 tion and licensing;

23 (B) the best methods to enhance the tech-
 24 nologies and subsystems necessary to achieve
 25 the safe and routine operation of civil un-

1 manned aircraft systems in the national air-
2 space system;

3 (C) a phased-in approach to the integra-
4 tion of civil unmanned aircraft systems into the
5 national airspace system;

6 (D) a timeline for the phased-in approach
7 described under subparagraph (C);

8 (E) creation of a safe

9 (F) airspace designation for cooperative
10 manned and unmanned flight operations in the
11 national airspace system;

12 (G) establishment of a process to develop
13 certification, flight standards, and air traffic re-
14 quirements for civil unmanned aircraft systems
15 at test ranges where such systems are subject
16 to testing;

17 (H) the best methods to ensure the safe
18 operation of civil unmanned aircraft systems
19 and public unmanned aircraft systems simulta-
20 neously in the national airspace system; and

21 (I) incorporation of the plan into the an-
22 nual NextGen Implementation Plan document
23 (or any successor document) of the Federal
24 Aviation Administration.

1 (3) DEADLINE.—The plan required under para-
2 graph (1) shall provide for the safe integration of
3 civil unmanned aircraft systems into the national
4 airspace system as soon as practicable, but not later
5 than September 30, 2015.

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

10 (5) ROADMAP.—Not later than 1 year after the
11 date of enactment of this Act, the Secretary shall
12 approve and make available in print and on the Ad-
13 ministration’s Internet Web site a 5-year roadmap
14 for the introduction of civil unmanned aircraft sys-
15 tems into the national airspace system, as coordi-
16 nated by the Unmanned Aircraft Program Office of
17 the Administration. The Secretary shall update the
18 roadmap annually.

19 (b) RULEMAKING.—Not later than 18 months after
20 the date on which the plan required under subsection
21 (a)(1) is submitted to Congress under subsection (a)(4),
22 the Secretary shall publish in the Federal Register—

23 (1) a final rule on small unmanned aircraft sys-
24 tems that will allow for civil operation of such sys-
25 tems in the national airspace system, to the extent

1 the systems do not meet the requirements for expedited operational authorization under section 333 of
2 this Act;
3

4 (2) a notice of proposed rulemaking to implement the recommendations of the plan required
5 under subsection (a)(1), with the final rule to be
6 published not later than 16 months after the date of
7 publication of the notice; and
8

9 (3) an update to the Administration's most recent policy statement on unmanned aircraft systems,
10 contained in Docket No. FAA-2006-25714.
11

12 (c) PILOT PROJECTS.—

13 (1) ESTABLISHMENT.—Not later than 180 days
14 after the date of enactment of this Act, the Administrator shall establish a program to integrate unmanned aircraft systems into the national airspace
15 system at 6 test ranges. The program shall terminate 5 years after the date of enactment of this Act.
16
17

18 (2) PROGRAM REQUIREMENTS.—In establishing
19 the program under paragraph (1), the Administrator shall—
20
21

22 (A) safely designate airspace for integrated
23 manned and unmanned flight operations in the
24 national airspace system;

1 (B) develop certification standards and air
2 traffic requirements for unmanned flight oper-
3 ations at test ranges;

4 (C) coordinate with and leverage the re-
5 sources of the National Aeronautics and Space
6 Administration and the Department of Defense;

7 (D) address both civil and public un-
8 manned aircraft systems;

9 (E) ensure that the program is coordinated
10 with the Next Generation Air Transportation
11 System; and

12 (F) provide for verification of the safety of
13 unmanned aircraft systems and related naviga-
14 tion procedures before integration into the na-
15 tional airspace system.

16 (3) TEST RANGE LOCATIONS.—In determining
17 the location of the 6 test ranges of the program
18 under paragraph (1), the Administrator shall—

19 (A) take into consideration geographic and
20 climatic diversity;

21 (B) take into consideration the location of
22 ground infrastructure and research needs; and

23 (C) consult with the National Aeronautics
24 and Space Administration and the Department
25 of Defense.

1 (4) TEST RANGE OPERATION.—A project at a
2 test range shall be operational not later than 180
3 days after the date on which the project is estab-
4 lished.

5 (5) REPORT TO CONGRESS.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of the termination of the pro-
8 gram under paragraph (1), the Administrator
9 shall submit to the Committee on Commerce,
10 Science, and Transportation of the Senate and
11 the Committee on Transportation and Infra-
12 structure and the Committee on Science, Space,
13 and Technology of the House of Representa-
14 tives a report setting forth the Administrator’s
15 findings and conclusions concerning the
16 projects.

17 (B) ADDITIONAL CONTENTS.—The report
18 under subparagraph (A) shall include a descrip-
19 tion and assessment of the progress being made
20 in establishing special use airspace to fill the
21 immediate need of the Department of De-
22 fense—

23 (i) to develop detection techniques for
24 small unmanned aircraft systems; and

1 (ii) to validate the sense and avoid ca-
2 pability and operation of unmanned air-
3 craft systems.

4 (d) EXPANDING USE OF UNMANNED AIRCRAFT SYS-
5 TEMS IN ARCTIC.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary shall develop a plan and initiate a process to
9 work with relevant Federal agencies and national
10 and international communities to designate perma-
11 nent areas in the Arctic where small unmanned air-
12 craft may operate 24 hours per day for research and
13 commercial purposes. The plan for operations in
14 these permanent areas shall include the development
15 of processes to facilitate the safe operation of un-
16 manned aircraft beyond line of sight. Such areas
17 shall enable over-water flights from the surface to at
18 least 2,000 feet in altitude, with ingress and egress
19 routes from selected coastal launch sites.

20 (2) AGREEMENTS.—To implement the plan
21 under paragraph (1), the Secretary may enter into
22 an agreement with relevant national and inter-
23 national communities.

24 (3) AIRCRAFT APPROVAL.—Not later than 1
25 year after the entry into force of an agreement nec-

1 essary to effectuate the purposes of this subsection,
2 the Secretary shall work with relevant national and
3 international communities to establish and imple-
4 ment a process, or may apply an applicable process
5 already established, for approving the use of un-
6 manned aircraft in the designated permanent areas
7 in the Arctic without regard to whether an un-
8 manned aircraft is used as a public aircraft, a civil
9 aircraft, or a model aircraft.

10 **SEC. 333. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**
11 **CRAFT SYSTEMS.**

12 (a) IN GENERAL.—Notwithstanding any other re-
13 quirement of this subtitle, and not later than 180 days
14 after the date of enactment of this Act, the Secretary of
15 Transportation shall determine if certain unmanned air-
16 craft systems may operate safely in the national airspace
17 system before completion of the plan and rulemaking re-
18 quired by section 332 of this Act or the guidance required
19 by section 334 of this Act.

20 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
21 TEMS.—In making the determination under subsection
22 (a), the Secretary shall determine, at a minimum—

23 (1) which types of unmanned aircraft systems,
24 if any, as a result of their size, weight, speed, oper-
25 ational capability, proximity to airports and popu-

1 matures and the necessary safety analysis and data
2 become available, and until standards are completed
3 and technology issues are resolved;

4 (3) facilitate the capability of public agencies to
5 develop and use test ranges, subject to operating re-
6 strictions required by the Federal Aviation Adminis-
7 tration, to test and operate unmanned aircraft sys-
8 tems; and

9 (4) provide guidance on a public entity’s re-
10 sponsibility when operating an unmanned aircraft
11 without a civil airworthiness certificate issued by the
12 Administration.

13 (b) STANDARDS FOR OPERATION AND CERTIFI-
14 CATION.—Not later than December 31, 2015, the Admin-
15 istrator shall develop and implement operational and cer-
16 tification requirements for the operation of public un-
17 manned aircraft systems in the national airspace system.

18 (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of enactment of this Act, the Secretary
21 shall enter into agreements with appropriate govern-
22 ment agencies to simplify the process for issuing cer-
23 tificates of waiver or authorization with respect to
24 applications seeking authorization to operate public

1 unmanned aircraft systems in the national airspace
2 system.

3 (2) CONTENTS.—The agreements shall—

4 (A) with respect to an application de-
5 scribed in paragraph (1)—

6 (i) provide for an expedited review of
7 the application;

8 (ii) require a decision by the Adminis-
9 trator on approval or disapproval within 60
10 business days of the date of submission of
11 the application; and

12 (iii) allow for an expedited appeal if
13 the application is disapproved;

14 (B) allow for a one-time approval of simi-
15 lar operations carried out during a fixed period
16 of time; and

17 (C) allow a government public safety agen-
18 cy to operate unmanned aircraft weighing 4.4
19 pounds or less, if operated—

20 (i) within the line of sight of the oper-
21 ator;

22 (ii) less than 400 feet above the
23 ground;

24 (iii) during daylight conditions;

25 (iv) within Class G airspace; and

1 (v) outside of 5 statute miles from
2 any airport, heliport, seaplane base, space-
3 port, or other location with aviation activi-
4 ties.

5 **SEC. 335. SAFETY STUDIES.**

6 The Administrator of the Federal Aviation Adminis-
7 tration shall carry out all safety studies necessary to sup-
8 port the integration of unmanned aircraft systems into the
9 national airspace system.

10 **SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law relating to the incorporation of unmanned air-
13 craft systems into Federal Aviation Administration plans
14 and policies, including this subtitle, the Administrator of
15 the Federal Aviation Administration may not promulgate
16 any rule or regulation regarding a model aircraft, or an
17 aircraft being developed as a model aircraft, if—

18 (1) the aircraft is flown strictly for hobby or
19 recreational use;

20 (2) the aircraft is operated in accordance with
21 a community-based set of safety guidelines and with-
22 in the programming of a nationwide community-
23 based organization;

24 (3) the aircraft is limited to not more than 55
25 pounds unless otherwise certified through a design,

1 construction, inspection, flight test, and operational
2 safety program administered by a community-based
3 organization;

4 (4) the aircraft is operated in a manner that
5 does not interfere with and gives way to any manned
6 aircraft; and

7 (5) when flown within 5 miles of an airport, the
8 operator of the aircraft provides the airport operator
9 and the airport air traffic control tower (when an air
10 traffic facility is located at the airport) with prior
11 notice of the operation (model aircraft operators fly-
12 ing from a permanent location within 5 miles of an
13 airport should establish a mutually-agreed upon op-
14 erating procedure with the airport operator and the
15 airport air traffic control tower (when an air traffic
16 facility is located at the airport)).

17 (b) STATUTORY CONSTRUCTION.—Nothing in this
18 section shall be construed to limit the authority of the Ad-
19 ministrator to pursue enforcement action against persons
20 operating model aircraft who endanger the safety of the
21 national airspace system.

22 (c) MODEL AIRCRAFT DEFINED.—In this section, the
23 term “model aircraft” means an unmanned aircraft that
24 is—

1 (1) capable of sustained flight in the atmos-
2 phere;

3 (2) flown within visual line of sight of the per-
4 son operating the aircraft; and

5 (3) flown for hobby or recreational purposes.

6 **Subtitle C—Safety and Protections**

7 **SEC. 341. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-
8 TION OFFICE.**

9 Section 106 (as amended by this Act) is further
10 amended by adding at the end the following:

11 “(t) AVIATION SAFETY WHISTLEBLOWER INVES-
12 TIGATION OFFICE.—

13 “(1) ESTABLISHMENT.—There is established in
14 the Federal Aviation Administration (in this sub-
15 section referred to as the ‘Agency’) an Aviation
16 Safety Whistleblower Investigation Office (in this
17 subsection referred to as the ‘Office’).

18 “(2) DIRECTOR.—

19 “(A) APPOINTMENT.—The head of the Of-
20 fice shall be the Director, who shall be ap-
21 pointed by the Secretary of Transportation.

22 “(B) QUALIFICATIONS.—The Director
23 shall have a demonstrated ability in investiga-
24 tions and knowledge of or experience in avia-
25 tion.

1 “(D) summaries of the responses of the
2 Administrator to such recommendations.”.

3 **SEC. 342. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT**
4 **STANDARDS INSPECTORS.**

5 (a) IN GENERAL.—Section 44711 is amended by
6 adding at the end the following:

7 “(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT
8 STANDARDS INSPECTORS.—

9 “(1) PROHIBITION.—A person holding an oper-
10 ating certificate issued under title 14, Code of Fed-
11 eral Regulations, may not knowingly employ, or
12 make a contractual arrangement that permits, an in-
13 dividual to act as an agent or representative of the
14 certificate holder in any matter before the Federal
15 Aviation Administration if the individual, in the pre-
16 ceding 2-year period—

17 “(A) served as, or was responsible for over-
18 sight of, a flight standards inspector of the Ad-
19 ministration; and

20 “(B) had responsibility to inspect, or over-
21 see inspection of, the operations of the certifi-
22 cate holder.

23 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

24 For purposes of paragraph (1), an individual shall
25 be considered to be acting as an agent or representa-

1 tive of a certificate holder in a matter before the Ad-
2 ministration if the individual makes any written or
3 oral communication on behalf of the certificate hold-
4 er to the Administration (or any of its officers or
5 employees) in connection with a particular matter,
6 whether or not involving a specific party and without
7 regard to whether the individual has participated in,
8 or had responsibility for, the particular matter while
9 serving as a flight standards inspector of the Admin-
10 istration.”.

11 (b) APPLICABILITY.—The amendment made by sub-
12 section (a) shall not apply to an individual employed by
13 a certificate holder as of the date of enactment of this
14 Act.

15 **SEC. 343. REVIEW OF AIR TRANSPORTATION OVERSIGHT**
16 **SYSTEM DATABASE.**

17 (a) REVIEWS.—The Administrator of the Federal
18 Aviation Administration shall establish a process by which
19 the air transportation oversight system database of the
20 Administration is reviewed by regional teams of employees
21 of the Administration, including at least one employee on
22 each team representing aviation safety inspectors, on a
23 monthly basis to ensure that—

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

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

4 (b) MONTHLY TEAM REPORTS.—

5 (1) IN GENERAL.—A regional team of employ-
6 ees conducting a monthly review of the air transpor-
7 tation oversight system database under subsection
8 (a) shall submit to the Administrator, the Associate
9 Administrator for Aviation Safety, and the Director
10 of Flight Standards Service a report each month on
11 the results of the review.

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

14 (A) any trends in regulatory compliance
15 discovered by the team of employees in con-
16 ducting the monthly review; and

17 (B) any corrective actions taken or pro-
18 posed to be taken in response to the trends.

19 (c) BIENNIAL REPORTS TO CONGRESS.—The Ad-
20 ministrator, on a biennial basis, shall submit to the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate a report on the
24 results of the reviews of the air transportation oversight

1 Science, and Transportation of the Senate a report
2 on the results of the study conducted under this sec-
3 tion.

4 **SEC. 345. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**
5 **APPLICABLE TO FLIGHT CREWMEMBERS.**

6 (a) RULEMAKING ON APPLICABILITY OF PART 121
7 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART
8 91 OPERATIONS.—Not later than 180 days after the date
9 of enactment of this Act, the Administrator of the Federal
10 Aviation Administration shall initiate a rulemaking pro-
11 ceeding, if such a proceeding has not already been initi-
12 ated, to require a flight crewmember who is employed by
13 an air carrier conducting operations under part 121 of
14 title 14, Code of Federal Regulations, and who accepts
15 an additional assignment for flying under part 91 of such
16 title from the air carrier or from any other air carrier con-
17 ducting operations under part 121 or 135 of such title,
18 to apply the period of the additional assignment (regard-
19 less of whether the assignment is performed by the flight
20 crewmember before or after an assignment to fly under
21 part 121 of such title) toward any limitation applicable
22 to the flight crewmember relating to duty periods or flight
23 times under part 121 of such title.

24 (b) RULEMAKING ON APPLICABILITY OF PART 135
25 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART

1 91 OPERATIONS.—Not later than 1 year after the date
2 of enactment of this Act, the Administrator shall initiate
3 a rulemaking proceeding to require a flight crewmember
4 who is employed by an air carrier conducting operations
5 under part 135 of title 14, Code of Federal Regulations,
6 and who accepts an additional assignment for flying under
7 part 91 of such title from the air carrier or any other air
8 carrier conducting operations under part 121 or 135 of
9 such title, to apply the period of the additional assignment
10 (regardless of whether the assignment is performed by the
11 flight crewmember before or after an assignment to fly
12 under part 135 of such title) toward any limitation appli-
13 cable to the flight crewmember relating to duty periods
14 or flight times under part 135 of such title.

15 (c) SEPARATE RULEMAKING PROCEEDINGS RE-
16 QUIRED.—The rulemaking proceeding required under sub-
17 section (b) shall be separate from the rulemaking pro-
18 ceeding required under subsection (a).

19 **SEC. 346. CERTAIN EXISTING FLIGHT TIME LIMITATIONS**
20 **AND REST REQUIREMENTS.**

21 The Administrator of the Federal Aviation Adminis-
22 tration may not finalize the interpretation proposed in
23 Docket No. FAA–2010–1259, relating to rest require-
24 ments, and published in the Federal Register on December
25 23, 2010.

1 **SEC. 347. EMERGENCY LOCATOR TRANSMITTERS ON GEN-**
2 **ERAL AVIATION AIRCRAFT.**

3 (a) INSPECTION.—As part of the annual inspection
4 of general aviation aircraft, the Administrator of the Fed-
5 eral Aviation Administration shall require a detailed in-
6 spection of each emergency locator transmitter (in this
7 section referred to as an “ELT”) installed in general avia-
8 tion aircraft operating in the United States to ensure that
9 the ELT is mounted and retained in accordance with the
10 manufacturer’s specifications.

11 (b) MOUNTING AND RETENTION.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, the Administrator
14 shall determine if the ELT mounting requirements
15 and retention tests specified by Technical Standard
16 Orders C91a and C126 are adequate to assess reten-
17 tion capabilities in ELT designs.

18 (2) REVISION.—Based on the determination
19 under paragraph (1), the Administrator shall make
20 any necessary revisions to the requirements and re-
21 tention tests referred to in paragraph (1) to ensure
22 that ELTs are properly retained in the event of an
23 aircraft accident.

24 (c) REPORT.—Upon the completion of any revisions
25 under subsection (b)(2), the Administrator shall submit
26 a report on the implementation of this section to—

1 (1) the Committee on Commerce, Science, and
2 Transportation of the Senate; and

3 (2) the Committee on Transportation and In-
4 frastructure of the House of Representatives.

5 **TITLE IV—AIR SERVICE**
6 **IMPROVEMENTS**

7 **Subtitle A—Passenger Air Service**
8 **Improvements**

9 **SEC. 401. SMOKING PROHIBITION.**

10 (a) IN GENERAL.—Section 41706 is amended—

11 (1) in the section heading by striking “**sched-**
12 **uled**” and inserting “**passenger**”; and

13 (2) by striking subsections (a) and (b) and in-
14 serting the following:

15 “(a) SMOKING PROHIBITION IN INTERSTATE AND
16 INTRASTATE AIR TRANSPORTATION.—An individual may
17 not smoke—

18 “(1) in an aircraft in scheduled passenger inter-
19 state or intrastate air transportation; or

20 “(2) in an aircraft in nonscheduled passenger
21 interstate or intrastate air transportation, if a flight
22 attendant is a required crewmember on the aircraft
23 (as determined by the Administrator of the Federal
24 Aviation Administration).

1 “(b) **SMOKING PROHIBITION IN FOREIGN AIR**
2 **TRANSPORTATION.**—The Secretary of Transportation
3 shall require all air carriers and foreign air carriers to pro-
4 hibit smoking—

5 “(1) in an aircraft in scheduled passenger for-
6 eign air transportation; and

7 “(2) in an aircraft in nonscheduled passenger
8 foreign air transportation, if a flight attendant is a
9 required crewmember on the aircraft (as determined
10 by the Administrator or a foreign government).”.

11 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
12 ter 417 is amended by striking the item relating to section
13 41706 and inserting the following:

“41706. Prohibitions against smoking on passenger flights.”.

14 **SEC. 402. MONTHLY AIR CARRIER REPORTS.**

15 (a) **IN GENERAL.**—Section 41708 is amended by
16 adding at the end the following:

17 “(c) **DIVERTED AND CANCELLED FLIGHTS.**—

18 “(1) **MONTHLY REPORTS.**—The Secretary shall
19 require an air carrier referred to in paragraph (2)
20 to file with the Secretary a monthly report on each
21 flight of the air carrier that is diverted from its
22 scheduled destination to another airport and each
23 flight of the air carrier that departs the gate at the
24 airport at which the flight originates but is cancelled
25 before wheels-off time.

1 “(II) the wheels-off time at the
2 diverted airport;

3 “(III) the wheels-on time at the
4 scheduled arrival airport; and

5 “(IV) the gate-arrival time at the
6 scheduled arrival airport.

7 “(B) For flights cancelled after gate de-
8 parture—

9 “(i) the flight number of the cancelled
10 flight;

11 “(ii) the scheduled origin and destina-
12 tion airports of the cancelled flight;

13 “(iii) the date and time of the can-
14 celled flight;

15 “(iv) the gate-departure time of the
16 cancelled flight; and

17 “(v) the time the aircraft returned to
18 the gate.

19 “(4) PUBLICATION.—The Secretary shall com-
20 pile the information provided in the monthly reports
21 filed pursuant to paragraph (1) in a single monthly
22 report and publish such report on the Internet Web
23 site of the Department of Transportation.”.

24 (b) EFFECTIVE DATE.—Beginning not later than 90
25 days after the date of enactment of this Act, the Secretary

1 of Transportation shall require monthly reports pursuant
2 to the amendment made by subsection (a).

3 **SEC. 403. MUSICAL INSTRUMENTS.**

4 (a) IN GENERAL.—Subchapter I of chapter 417 is
5 amended by adding at the end the following:

6 **“§ 41724. Musical instruments**

7 “(a) IN GENERAL.—

8 “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-
9 GAGE.—An air carrier providing air transportation
10 shall permit a passenger to carry a violin, guitar, or
11 other musical instrument in the aircraft cabin, with-
12 out charging the passenger a fee in addition to any
13 standard fee that carrier may require for comparable
14 carry-on baggage, if—

15 “(A) the instrument can be stowed safely
16 in a suitable baggage compartment in the air-
17 craft cabin or under a passenger seat, in ac-
18 cordance with the requirements for carriage of
19 carry-on baggage or cargo established by the
20 Administrator; and

21 “(B) there is space for such stowage at the
22 time the passenger boards the aircraft.

23 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-
24 GAGE.—An air carrier providing air transportation
25 shall permit a passenger to carry a musical instru-

1 ment that is too large to meet the requirements of
2 paragraph (1) in the aircraft cabin, without charging
3 the passenger a fee in addition to the cost of the ad-
4 ditional ticket described in subparagraph (E), if—

5 “(A) the instrument is contained in a case
6 or covered so as to avoid injury to other pas-
7 sengers;

8 “(B) the weight of the instrument, includ-
9 ing the case or covering, does not exceed 165
10 pounds or the applicable weight restrictions for
11 the aircraft;

12 “(C) the instrument can be stowed in ac-
13 cordance with the requirements for carriage of
14 carry-on baggage or cargo established by the
15 Administrator;

16 “(D) neither the instrument nor the case
17 contains any object not otherwise permitted to
18 be carried in an aircraft cabin because of a law
19 or regulation of the United States; and

20 “(E) the passenger wishing to carry the in-
21 strument in the aircraft cabin has purchased an
22 additional seat to accommodate the instrument.

23 “(3) LARGE INSTRUMENTS AS CHECKED BAG-
24 GAGE.—An air carrier shall transport as baggage a
25 musical instrument that is the property of a pas-

1 senger traveling in air transportation that may not
2 be carried in the aircraft cabin if—

3 “(A) the sum of the length, width, and
4 height measured in inches of the outside linear
5 dimensions of the instrument (including the
6 case) does not exceed 150 inches or the applica-
7 ble size restrictions for the aircraft;

8 “(B) the weight of the instrument does not
9 exceed 165 pounds or the applicable weight re-
10 strictions for the aircraft; and

11 “(C) the instrument can be stowed in ac-
12 cordance with the requirements for carriage of
13 carry-on baggage or cargo established by the
14 Administrator.

15 “(b) REGULATIONS.—Not later than 2 years after
16 the date of enactment of this section, the Secretary shall
17 issue final regulations to carry out subsection (a).

18 “(c) EFFECTIVE DATE.—The requirements of this
19 section shall become effective on the date of issuance of
20 the final regulations under subsection (b).”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 such subchapter is amended by adding at the end the fol-
23 lowing:

“41724. Musical instruments.”.

24 **SEC. 404. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

25 Section 47107(s)(3) is amended to read as follows:

1 “(3) SUNSET PROVISION.—This subsection shall
2 cease to be effective beginning October 1, 2015.”.

3 **SEC. 405. AIRFARES FOR MEMBERS OF THE ARMED**
4 **FORCES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the Armed Forces is comprised of approxi-
7 mately 1,450,000 members who are stationed on ac-
8 tive duty at more than 6,000 military bases in 146
9 different countries;

10 (2) the United States is indebted to the mem-
11 bers of the Armed Forces, many of whom are in
12 grave danger due to their engagement in, or expo-
13 sure to, combat;

14 (3) military service, especially in the current
15 war against terrorism, often requires members of the
16 Armed Forces to be separated from their families on
17 short notice, for long periods of time, and under
18 very stressful conditions;

19 (4) the unique demands of military service often
20 preclude members of the Armed Forces from pur-
21 chasing discounted advance airline tickets in order
22 to visit their loved ones at home; and

23 (5) it is the patriotic duty of the people of the
24 United States to support the members of the Armed

1 Forces who are defending the Nation's interests
2 around the world at great personal sacrifice.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) all United States commercial air carriers
6 should seek to lend their support with flexible, gen-
7 erous policies applicable to members of the Armed
8 Forces who are traveling on leave or liberty at their
9 own expense; and

10 (2) each United States air carrier, for all mem-
11 bers of the Armed Forces who have been granted
12 leave or liberty and who are traveling by air at their
13 own expense, should—

14 (A) seek to provide reduced air fares that
15 are comparable to the lowest airfare for ticketed
16 flights and that eliminate to the maximum ex-
17 tent possible advance purchase requirements;

18 (B) seek to eliminate change fees or
19 charges and any penalties;

20 (C) seek to eliminate or reduce baggage
21 and excess weight fees;

22 (D) offer flexible terms that allow members
23 to purchase, modify, or cancel tickets without
24 time restrictions, and to waive fees (including
25 baggage fees), ancillary costs, or penalties; 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 TO CONGRESS.—Not later than 180 days
11 after the date of enactment of this Act, the Comptroller
12 General shall transmit to Congress a report on the results
13 of the study.

14 **SEC. 408. DOT AIRLINE CONSUMER COMPLAINT INVESTIGA-**
15 **TIONS.**

16 The Secretary of Transportation may investigate con-
17 sumer complaints regarding—

18 (1) flight cancellations;

19 (2) compliance with Federal regulations con-
20 cerning overbooking seats on flights;

21 (3) lost, damaged, or delayed baggage, and dif-
22 ficulties with related airline claims procedures;

23 (4) problems in obtaining refunds for unused or
24 lost tickets or fare adjustments;

1 (5) incorrect or incomplete information about
2 fares, discount fare conditions and availability, over-
3 charges, and fare increases;

4 (6) the rights of passengers who hold frequent
5 flyer miles or equivalent redeemable awards earned
6 through customer-loyalty programs; and

7 (7) deceptive or misleading advertising.

8 **SEC. 409. STUDY OF OPERATORS REGULATED UNDER PART**
9 **135.**

10 (a) **STUDY REQUIRED.**—The Administrator of the
11 Federal Aviation Administration, in consultation with in-
12 terested parties, shall conduct a study of operators regu-
13 lated under part 135 of title 14, Code of Federal Regula-
14 tions.

15 (b) **CONTENTS.**—In conducting the study under sub-
16 section (a), the Administrator shall analyze the part 135
17 fleet in the United States, which shall include analysis
18 of—

19 (1) the size and type of aircraft in the fleet;

20 (2) the equipment utilized by the fleet;

21 (3) the hours flown each year by the fleet;

22 (4) the utilization rates with respect to the
23 fleet;

24 (5) the safety record of various categories of
25 use and aircraft types with respect to the fleet,

1 through a review of the database of the National
2 Transportation Safety Board;

3 (6) the sales revenues of the fleet; and

4 (7) the number of passengers and airports
5 served by the fleet.

6 (c) REPORT TO CONGRESS.—Not later than 18
7 months after the date of enactment of this Act, the Ad-
8 ministrator shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate a report on the results of the study
12 conducted under subsection (a).

13 **SEC. 410. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

14 (a) CELL PHONE STUDY.—Not later than 120 days
15 after the date of enactment of this Act, the Administrator
16 of the Federal Aviation Administration shall conduct a
17 study on the impact of the use of cell phones for voice
18 communications in an aircraft during a flight in scheduled
19 passenger air transportation where currently permitted by
20 foreign governments in foreign air transportation.

21 (b) CONTENTS.—The study shall include—

22 (1) a review of foreign government and air car-
23 rier policies on the use of cell phones during flight;

1 ber of flights to and from the airport so as not to exceed
 2 the maximum departure and arrival rate, the Adminis-
 3 trator shall take such action as is necessary to ensure such
 4 reduction is implemented.

5 (c) SUBSEQUENT SCHEDULE INCREASES.—Subse-
 6 quent to any reduction in operations under subsection (a)
 7 or (b) at an airport, if the Administrator determines that
 8 the hourly number of aircraft operations at that airport
 9 is less than the amount that can be handled safely and
 10 efficiently, the Administrator shall ensure that priority is
 11 given to United States air carriers in permitting additional
 12 aircraft operations with respect to that hour.

13 **SEC. 414. RONALD REAGAN WASHINGTON NATIONAL AIR-**
 14 **PORT SLOT EXEMPTIONS.**

15 (a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—
 16 Section 41718 is amended by adding at the end the fol-
 17 lowing:

18 “(g) ADDITIONAL SLOT EXEMPTIONS.—

19 “(1) INCREASE IN SLOT EXEMPTIONS.—Not
 20 later than 90 days after the date of enactment of
 21 the FAA Modernization and Reform Act of 2012,
 22 the Secretary shall grant, by order 16 exemptions
 23 from—

24 “(A) the application of sections
 25 49104(a)(5), 49109, and 41714 to air carriers

1 to operate limited frequencies and aircraft on
2 routes between Ronald Reagan Washington Na-
3 tional Airport and airports located beyond the
4 perimeter described in section 49109; and

5 “(B) the requirements of subparts K and
6 S of part 93, Code of Federal Regulations.

7 “(2) NEW ENTRANTS AND LIMITED INCUM-
8 BENTS.—Of the slot exemptions made available
9 under paragraph (1), the Secretary shall make 8
10 available to limited incumbent air carriers or new
11 entrant air carriers (as such terms are defined in
12 section 41714(h)). Such exemptions shall be allo-
13 cated pursuant to the application process established
14 by the Secretary under subsection (d). The Sec-
15 retary shall consider the extent to which the exemp-
16 tions will—

17 “(A) provide air transportation with do-
18 mestic network benefits in areas beyond the pe-
19 rimeter described in section 49109;

20 “(B) increase competition in multiple mar-
21 kets;

22 “(C) not reduce travel options for commu-
23 nities served by small hub airports and medium
24 hub airports within the perimeter described in
25 section 49109;

1 perimeter destination to be served and the slots the
2 carrier shall discontinue using to serve a large hub
3 airport located within the perimeter.

4 “(5) CONDITIONS.—Beyond-perimeter flight op-
5 erations carried out by an air carrier using an ex-
6 emption granted under this subsection shall be sub-
7 ject to the following conditions:

8 “(A) An air carrier may not operate a
9 multi-aisle or widebody aircraft in conducting
10 such operations.

11 “(B) An air carrier granted an exemption
12 under this subsection is prohibited from trans-
13 ferring the rights to its beyond-perimeter ex-
14 emptions pursuant to section 41714(j).

15 “(h) SCHEDULING PRIORITY.—In administering this
16 section, the Secretary shall—

17 “(1) afford a scheduling priority to operations
18 conducted by new entrant air carriers and limited
19 incumbent air carriers over operations conducted by
20 other air carriers granted additional slot exemptions
21 under subsection (g) for service to airports located
22 beyond the perimeter described in section 49109;

23 “(2) afford a scheduling priority to slot exemp-
24 tions currently held by new entrant air carriers and
25 limited incumbent air carriers for service to airports

1 “(iii) slots held under a sale and li-
2 cense-back financing arrangement with an-
3 other air carrier, where the slots are under
4 the marketing control of the other air car-
5 rier; and”.

6 (d) TRANSFER OF EXEMPTIONS.—Section 41714(j)
7 is amended by striking the period at the end and inserting
8 “, except through an air carrier merger or acquisition.”.

9 (e) DEFINITION OF AIRPORT PURPOSES.—Section
10 49104(a)(2)(A) is amended—

11 (1) in clause (ii) by striking “or” at the end;

12 (2) in clause (iii) by striking the period at the
13 end and inserting “; or”; and

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

15 “(iv) a business or activity not incon-
16 sistent with the needs of aviation that has
17 been approved by the Secretary.”.

18 **SEC. 415. PASSENGER AIR SERVICE IMPROVEMENTS.**

19 (a) IN GENERAL.—Subtitle VII is amended by insert-
20 ing after chapter 421 the following:

21 **“CHAPTER 423—PASSENGER AIR SERVICE**
22 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

1 “(A) provide adequate food, potable water,
2 restroom facilities, comfortable cabin tempera-
3 tures, and access to medical treatment for pas-
4 sengers onboard an aircraft at the airport when
5 the departure of a flight is delayed or the dis-
6 embarkation of passengers is delayed;

7 “(B) share facilities and make gates avail-
8 able at the airport in an emergency; and

9 “(C) allow passengers to deplane following
10 an excessive tarmac delay in accordance with
11 paragraph (3).

12 “(3) DEPLANING FOLLOWING AN EXCESSIVE
13 TARMAC DELAY.—For purposes of paragraph (2)(C),
14 an emergency contingency plan submitted by an air
15 carrier under subsection (a) shall incorporate the
16 following requirements:

17 “(A) A passenger shall have the option to
18 deplane an aircraft and return to the airport
19 terminal when there is an excessive tarmac
20 delay.

21 “(B) The option described in subparagraph
22 (A) shall be offered to a passenger even if a
23 flight in covered air transportation is diverted
24 to a commercial airport other than the origi-
25 nally scheduled airport.

1 “(C) Notwithstanding the requirements de-
2 scribed in subparagraphs (A) and (B), a pas-
3 senger shall not have an option to deplane an
4 aircraft and return to the airport terminal in
5 the case of an excessive tarmac delay if—

6 “(i) an air traffic controller with au-
7 thority over the aircraft advises the pilot in
8 command that permitting a passenger to
9 deplane would significantly disrupt airport
10 operations; or

11 “(ii) the pilot in command determines
12 that permitting a passenger to deplane
13 would jeopardize passenger safety or secu-
14 rity.

15 “(c) AIRPORT PLANS.—An emergency contingency
16 plan submitted by an airport operator under subsection
17 (a) shall contain a description of how the operator, to the
18 maximum extent practicable, will—

19 “(1) provide for the deplanement of passengers
20 following excessive tarmac delays;

21 “(2) provide for the sharing of facilities and
22 make gates available at the airport in an emergency;
23 and

24 “(3) provide a sterile area following excessive
25 tarmac delays for passengers who have not yet

1 cleared United States Customs and Border Protec-
2 tion.

3 “(d) UPDATES.—

4 “(1) AIR CARRIERS.—An air carrier shall up-
5 date each emergency contingency plan submitted by
6 the carrier under subsection (a) every 3 years and
7 submit the update to the Secretary for review and
8 approval.

9 “(2) AIRPORTS.—An airport operator shall up-
10 date each emergency contingency plan submitted by
11 the operator under subsection (a) every 5 years and
12 submit the update to the Secretary for review and
13 approval.

14 “(e) APPROVAL.—

15 “(1) IN GENERAL.—Not later than 60 days
16 after the date of the receipt of an emergency contin-
17 gency plan submitted under subsection (a) or an up-
18 date submitted under subsection (d), the Secretary
19 shall review and approve or, if necessary, require
20 modifications to the plan or update to ensure that
21 the plan or update will effectively address emer-
22 gencies and provide for the health and safety of pas-
23 sengers.

24 “(2) FAILURE TO APPROVE OR REQUIRE MODI-
25 FICATIONS.—If the Secretary fails to approve or re-

1 quire modifications to a plan or update under para-
2 graph (1) within the timeframe specified in that
3 paragraph, the plan or update shall be deemed to be
4 approved.

5 “(3) ADHERENCE REQUIRED.—An air carrier
6 or airport operator shall adhere to an emergency
7 contingency plan of the carrier or operator approved
8 under this section.

9 “(f) MINIMUM STANDARDS.—The Secretary shall es-
10 tablish, as necessary or desirable, minimum standards for
11 elements in an emergency contingency plan required to be
12 submitted under this section.

13 “(g) PUBLIC ACCESS.—An air carrier or airport op-
14 erator required to submit an emergency contingency plan
15 under this section shall ensure public access to the plan
16 after its approval under this section on the Internet Web
17 site of the carrier or operator or by such other means as
18 determined by the Secretary.

19 “(h) REPORTS.—Not later than 30 days after any
20 flight experiences an excessive tarmac delay, the air car-
21 rier responsible for such flight shall submit a written de-
22 scription of the incident and its resolution to the Aviation
23 Consumer Protection Division of the Department of
24 Transportation.

1 “(i) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) COMMERCIAL AIRPORT.—The term ‘com-
4 mercial airport’ means a large hub, medium hub,
5 small hub, or nonhub airport.

6 “(2) COVERED AIR TRANSPORTATION.—The
7 term ‘covered air transportation’ means scheduled or
8 public charter passenger air transportation provided
9 by an air carrier that operates an aircraft that as
10 originally designed has a passenger capacity of 30 or
11 more seats.

12 “(3) TARMAC DELAY.—The term ‘tarmac delay’
13 means the period during which passengers are on
14 board an aircraft on the tarmac—

15 “(A) awaiting takeoff after the aircraft
16 doors have been closed or after passengers have
17 been boarded if the passengers have not been
18 advised they are free to deplane; or

19 “(B) awaiting deplaning after the aircraft
20 has landed.

21 “(4) EXCESSIVE TARMAC DELAY.—The term
22 ‘excessive tarmac delay’ means a tarmac delay that
23 lasts for a length of time, as determined by the Sec-
24 retary.

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 e-mail 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 **Subtitle B—Essential Air Service**

17 **SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-** 18 **CATIONS THAT AVERAGE FEWER THAN 10** 19 **ENPLANEMENTS PER DAY.**

20 Section 41731 is amended—

21 (1) in subsection (a)(1) by amending subpara-
 22 graph (B) to read as follows:

23 “(B) had an average of 10
 24 enplanements per service day or more, as
 25 determined by the Secretary, during the

1 most recent fiscal year beginning after
2 September 30, 2012;”;

3 (2) by amending subsection (c) to read as fol-
4 lows:

5 “(c) EXCEPTION FOR LOCATIONS IN ALASKA AND
6 HAWAII.—Subparagraphs (B), (C), and (D) of subsection
7 (a)(1) shall not apply with respect to locations in the State
8 of Alaska or the State of Hawaii.”;

9 (3) by amending subsection (d) to read as fol-
10 lows:

11 “(d) EXCEPTIONS FOR LOCATIONS MORE THAN 175
12 DRIVING MILES FROM THE NEAREST LARGE OR MEDIUM
13 HUB AIRPORT.—Subsection (a)(1)(B) shall not apply with
14 respect to locations that are more than 175 driving miles
15 from the nearest large or medium hub airport.”; and

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

17 “(e) WAIVERS.—For fiscal year 2013 and each fiscal
18 year thereafter, the Secretary may waive, on an annual
19 basis, subsection (a)(1)(B) with respect to a location if
20 the location demonstrates to the Secretary’s satisfaction
21 that the reason the location averages fewer than 10
22 enplanements per day is due to a temporary decline in
23 enplanements.

24 “(f) DEFINITION.—For purposes of subsection
25 (a)(1)(B), the term ‘enplanements’ means the number of

1 passengers enplaning, at an eligible place, on flights oper-
2 ated by the subsidized essential air service carrier.”.

3 **SEC. 422. ESSENTIAL AIR SERVICE ELIGIBILITY.**

4 Section 41731(a)(1) is further amended—

5 (1) in subparagraph (C) by striking the period
6 at the end and inserting “; and”; and

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

8 “(D) is a community that, at any time
9 during the period between September 30, 2010,
10 and September 30, 2011, inclusive—

11 “(i) received essential air service for
12 which compensation was provided to an air
13 carrier under this subchapter; or

14 “(ii) received a 90-day notice of intent
15 to terminate essential air service and the
16 Secretary required the air carrier to con-
17 tinue to provide such service to the com-
18 munity.”.

19 **SEC. 423. ESSENTIAL AIR SERVICE MARKETING.**

20 Section 41733(c)(1) is amended—

21 (1) by redesignating subparagraph (E) as sub-
22 paragraph (F);

23 (2) by striking “and” at the end of subpara-
24 graph (D); and

1 (3) by inserting after subparagraph (D) the fol-
2 lowing:

3 “(E) whether the air carrier has included a
4 plan in its proposal to market its services to the
5 community; and”.

6 **SEC. 424. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
7 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
8 **SENTIAL AIR SERVICE.**

9 Section 41733 is amended by adding at the end the
10 following:

11 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
12 NATION OF ELIGIBILITY.—

13 “(1) IN GENERAL.—The Secretary shall notify
14 each community receiving basic essential air service
15 for which compensation is being paid under this sub-
16 chapter on or before the 45th day before issuing any
17 final decision to end the payment of such compensa-
18 tion due to a determination by the Secretary that
19 providing such service requires a rate of subsidy per
20 passenger in excess of the subsidy cap.

21 “(2) PROCEDURES TO AVOID TERMINATION.—
22 The Secretary shall establish, by order, procedures
23 by which each community notified of an impending
24 loss of subsidy under paragraph (1) may work di-
25 rectly with an air carrier to ensure that the air car-

1 “(iii) the proposal is consistent with
2 the legal and regulatory requirements of
3 the essential air service program.

4 “(h) SUBSIDY CAP DEFINED.—In this section, the
5 term ‘subsidy cap’ means the subsidy-per-passenger cap
6 established by section 332 of the Department of Transpor-
7 tation and Related Agencies Appropriations Act, 2000
8 (Public Law 106–69; 113 Stat. 1022).”.

9 **SEC. 426. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
10 **CANTLY INCREASED COSTS.**

11 (a) EMERGENCY ACROSS-THE-BOARD ADJUST-
12 MENT.—Subject to the availability of funds, the Secretary
13 may increase the rates of compensation payable to air car-
14 riers under subchapter II of chapter 417 of title 49,
15 United States Code, to compensate such carriers for in-
16 creased aviation fuel costs without regard to any agree-
17 ment or requirement relating to the renegotiation of con-
18 tracts or any notice requirement under section 41734 of
19 such title.

20 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-
21 DIVIDUAL CONTRACTS.—

22 (1) IN GENERAL.—Section 41734(d) is amend-
23 ed by striking “continue to pay” and all that follows
24 through “compensation sufficient—” and inserting

1 “provide the carrier with compensation sufficient—
2 ”.

3 (2) **EFFECTIVE DATE.**—The amendment made
4 by paragraph (1) shall apply to compensation to air
5 carriers for air service provided after the 30th day
6 following the date of enactment of this Act.

7 (c) **SUBSIDY CAP.**—Subject to the availability of
8 funds, the Secretary may waive, on a case-by-case basis,
9 the subsidy-per-passenger cap established by section 332
10 of the Department of Transportation and Related Agen-
11 cies Appropriations Act, 2000 (Public Law 106–69; 113
12 Stat. 1022). A waiver issued under this subsection shall
13 remain in effect for a limited period of time, as determined
14 by the Secretary.

15 **SEC. 427. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

16 (a) **COMPENSATION GUIDELINES.**—Section
17 41737(a)(1) is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (B);

20 (2) in subparagraph (C) by striking the period
21 at the end and inserting a semicolon; and

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

23 “(D) include provisions under which the Sec-
24 retary may encourage an air carrier to improve air
25 service for which compensation is being paid under

1 this subchapter by incorporating financial incentives
 2 in an essential air service contract based on specified
 3 performance goals, including goals related to improv-
 4 ing on-time performance, reducing the number of
 5 flight cancellations, establishing reasonable fares (in-
 6 cluding joint fares beyond the hub airport), estab-
 7 lishing convenient connections to flights providing
 8 service beyond hub airports, and increasing mar-
 9 keting efforts; and

10 “(E) include provisions under which the Sec-
 11 retary may execute a long-term essential air service
 12 contract to encourage an air carrier to provide air
 13 service to an eligible place if it would be in the pub-
 14 lic interest to do so.”.

15 (b) DEADLINE FOR ISSUANCE OF REVISED GUID-
 16 ANCE.—Not later than 1 year after the date of enactment
 17 of this Act, the Secretary of Transportation shall issue re-
 18 vised guidelines governing the rate of compensation pay-
 19 able under subchapter II of chapter 417 that incorporate
 20 the amendments made by this section.

21 (c) UPDATE.—Not later than 2 years after the date
 22 of issuance of revised guidelines pursuant to subsection
 23 (b), the Secretary shall submit to the Committee on
 24 Transportation and Infrastructure of the House of Rep-
 25 resentatives and the Committee on Commerce, Science,

1 and Transportation of the Senate an update of the extent
2 to which the revised guidelines have been implemented and
3 the impact, if any, such implementation has had on air
4 carrier performance and community satisfaction with air
5 service for which compensation is being paid under sub-
6 chapter II of chapter 417.

7 **SEC. 428. ESSENTIAL AIR SERVICE REFORM.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
9 41742(a) is amended—

10 (1) in paragraph (1)—

11 (A) by inserting “for each fiscal year” be-
12 fore “is authorized”; and

13 (B) by striking “under this subchapter for
14 each fiscal year” and inserting “under this sub-
15 chapter”; and

16 (2) in paragraph (2) by striking “and
17 \$54,699,454 for the period beginning on October 1,
18 2011, and ending on February 17, 2012,” and in-
19 serting “, \$143,000,000 for fiscal year 2012,
20 \$118,000,000 for fiscal year 2013, \$107,000,000 for
21 fiscal year 2014, and \$93,000,000 for fiscal year
22 2015”.

23 (b) DISTRIBUTION OF ADDITIONAL FUNDS.—Section
24 41742(b) is amended to read as follows:

1 “(b) DISTRIBUTION OF ADDITIONAL FUNDS.—Not-
2 withstanding any other provision of law, in any fiscal year
3 in which funds credited to the account established under
4 section 45303, including the funds derived from fees im-
5 posed under the authority contained in section 45301(a),
6 exceed the \$50,000,000 made available under subsection
7 (a)(1), such funds shall be made available immediately for
8 obligation and expenditure to carry out the essential air
9 service program under this subchapter.”.

10 (c) AVAILABILITY OF FUNDS.—Section 41742 is
11 amended by adding at the end the following:

12 “(c) AVAILABILITY OF FUNDS.—The funds made
13 available under this section shall remain available until ex-
14 pended.”.

15 **SEC. 429. SMALL COMMUNITY AIR SERVICE.**

16 (a) PRIORITIES.—Section 41743(c)(5) is amended—

17 (1) by striking “and” at the end of subpara-
18 graph (D);

19 (2) in subparagraph (E) by striking “fashion.”
20 and inserting “fashion; and”; and

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

22 “(F) multiple communities cooperate to
23 submit a regional or multistate application to
24 consolidate air service into one regional air-
25 port.”.

1 (b) EXTENSION OF AUTHORIZATION.—Section
 2 41743(e)(2) is amended to read as follows:

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—
 4 There is authorized to be appropriated to the Sec-
 5 retary \$6,000,000 for each of fiscal years 2012
 6 through 2015 to carry out this section. Such sums
 7 shall remain available until expended.”.

8 **SEC. 430. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**
 9 **TICIPATION PROGRAM.**

10 Section 41747, and the item relating to section
 11 41747 in the analysis for chapter 417, are repealed.

12 **SEC. 431. EXTENSION OF FINAL ORDER ESTABLISHING**
 13 **MILEAGE ADJUSTMENT ELIGIBILITY.**

14 Section 409(d) of the Vision 100—Century of Avia-
 15 tion Reauthorization Act (49 U.S.C. 41731 note) is
 16 amended by striking “February 17, 2012.” and inserting
 17 “September 30, 2015.”.

18 **TITLE V—ENVIRONMENTAL**
 19 **STREAMLINING**

20 **SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

21 (a) GENERAL REQUIREMENTS.—Section
 22 40128(a)(1)(C) is amended by inserting “or voluntary
 23 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 1-year period
14 over such park.”.

15 (c) AIR TOUR MANAGEMENT PLANS.—Section
16 40128(b) is amended—

17 (1) in paragraph (1) by adding at the end the
18 following:

19 “(C) EXCEPTION.—An application to begin
20 commercial air tour operations at Crater Lake
21 National Park may be denied without the estab-
22 lishment of an air tour management plan by the
23 Director of the National Park Service if the Di-
24 rector determines that such operations would

1 adversely affect park resources or visitor experi-
2 ences.”; and

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

4 “(7) VOLUNTARY AGREEMENTS.—

5 “(A) IN GENERAL.—As an alternative to
6 an air tour management plan, the Director and
7 the Administrator may enter into a voluntary
8 agreement with a commercial air tour operator
9 (including a new entrant commercial air tour
10 operator and an operator that has interim oper-
11 ating authority) that has applied to conduct
12 commercial air tour operations over a national
13 park to manage commercial air tour operations
14 over such national park.

15 “(B) PARK PROTECTION.—A voluntary
16 agreement under this paragraph with respect to
17 commercial air tour operations over a national
18 park shall address the management issues nec-
19 essary to protect the resources of such park and
20 visitor use of such park without compromising
21 aviation safety or the air traffic control system
22 and may—

23 “(i) include provisions such as those
24 described in subparagraphs (B) through
25 (E) of paragraph (3);

1 “(ii) include provisions to ensure the
 2 stability of, and compliance with, the vol-
 3 untary agreement; and

4 “(iii) provide for fees for such oper-
 5 ations.

6 “(C) PUBLIC REVIEW.—The Director and
 7 the Administrator shall provide an opportunity
 8 for public review of a proposed voluntary agree-
 9 ment under this paragraph and shall consult
 10 with any Indian tribe whose tribal lands are, or
 11 may be, flown over by a commercial air tour op-
 12 erator under a voluntary agreement under this
 13 paragraph. After such opportunity for public re-
 14 view and consultation, the voluntary agreement
 15 may be implemented without further adminis-
 16 trative or environmental process beyond that
 17 described in this subsection.

18 “(D) TERMINATION.—

19 “(i) IN GENERAL.—A voluntary agree-
 20 ment under this paragraph may be termi-
 21 nated at any time at the discretion of—

22 “(I) the Director, if the Director
 23 determines that the agreement is not
 24 adequately protecting park resources
 25 or visitor experiences; or

1 “(II) the Administrator, if the
2 Administrator determines that the
3 agreement is adversely affecting avia-
4 tion safety or the national aviation
5 system.

6 “(ii) EFFECT OF TERMINATION.—If a
7 voluntary agreement with respect to a na-
8 tional park is terminated under this sub-
9 paragraph, the operators shall conform to
10 the requirements for interim operating au-
11 thority under subsection (c) until an air
12 tour management plan for the park is in
13 effect.”.

14 (d) INTERIM OPERATING AUTHORITY.—Section
15 40128(c) is amended—

16 (1) by striking paragraph (2)(I) and inserting
17 the following:

18 “(I) may allow for modifications of the in-
19 terim operating authority without further envi-
20 ronmental review beyond that described in this
21 subsection, if—

22 “(i) adequate information regarding
23 the existing and proposed operations of the
24 operator under the interim operating au-

1 thority is provided to the Administrator
2 and the Director;

3 “(ii) the Administrator determines
4 that there would be no adverse impact on
5 aviation safety or the air traffic control
6 system; and

7 “(iii) the Director agrees with the
8 modification, based on the professional ex-
9 pertise of the Director regarding the pro-
10 tection of the resources, values, and visitor
11 use and enjoyment of the park.”; and

12 (2) in paragraph (3)(A) by striking “if the Ad-
13 ministrator determines” and all that follows through
14 the period at the end and inserting “without further
15 environmental process beyond that described in this
16 paragraph, if—

17 “(i) adequate information on the pro-
18 posed operations of the operator is pro-
19 vided to the Administrator and the Direc-
20 tor by the operator making the request;

21 “(ii) the Administrator agrees that
22 there would be no adverse impact on avia-
23 tion safety or the air traffic control sys-
24 tem; and

1 “(iii) the Director agrees, based on
2 the Director’s professional expertise re-
3 garding the protection of park resources
4 and values and visitor use and enjoy-
5 ment.”.

6 (e) OPERATOR REPORTS.—Section 40128 is amend-
7 ed—

8 (1) by redesignating subsections (d), (e), and
9 (f) as subsections (e), (f), and (g), respectively; and

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) COMMERCIAL AIR TOUR OPERATOR RE-
13 PORTS.—

14 “(1) REPORT.—Each commercial air tour oper-
15 ator conducting a commercial air tour operation over
16 a national park under interim operating authority
17 granted under subsection (c) or in accordance with
18 an air tour management plan or voluntary agree-
19 ment under subsection (b) shall submit to the Ad-
20 ministrators and the Director a report regarding the
21 number of commercial air tour operations over each
22 national park that are conducted by the operator
23 and such other information as the Administrator
24 and Director may request in order to facilitate ad-
25 ministering the provisions of this section.

1 “(2) REPORT SUBMISSION.—Not later than 90
2 days after the date of enactment of the FAA Mod-
3 ernization and Reform Act of 2012, the Adminis-
4 trator and the Director shall jointly issue an initial
5 request for reports under this subsection. The re-
6 ports shall be submitted to the Administrator and
7 the Director with a frequency and in a format pre-
8 scribed by the Administrator and the Director.”.

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

10 (a) GENERAL REQUIREMENTS.—Section 47128(a) is
11 amended—

12 (1) in the first sentence by striking “prescribe
13 regulations” and inserting “issue guidance”; and

14 (2) in the second sentence by striking “regula-
15 tions” and inserting “guidance”.

16 (b) APPLICATIONS AND SELECTION.—Section
17 47128(b)(4) is amended by inserting before the semicolon
18 the following: “, including the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and
20 local environmental policy acts, Executive orders, agency
21 regulations and guidance, and other Federal environ-
22 mental requirements”.

23 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION
24 REQUIREMENTS.—Section 47128 is amended by adding at
25 the end the following:

1 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-
2 TION REQUIREMENTS.—A Federal agency, other than the
3 Federal Aviation Administration, that is responsible for
4 issuing an approval, license, or permit to ensure compli-
5 ance with a Federal environmental requirement applicable
6 to a project or activity to be carried out by a State using
7 amounts from a block grant made under this section
8 shall—

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

10 “(2) use the environmental analysis prepared by
11 the State for the project or activity if such analysis
12 is adequate; and

13 “(3) as necessary, consult with the State to de-
14 scribe the supplemental analysis the State must pro-
15 vide to meet applicable Federal requirements.”.

16 **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
17 **VIEWS.**

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

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

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

4 “(3) to conduct special studies or reviews to
5 support approved noise compatibility measures de-
6 scribed in part 150 of title 14, Code of Federal Reg-
7 ulations;

8 “(4) to conduct special studies or reviews to
9 support environmental mitigation in a record of deci-
10 sion or finding of no significant impact by the Fed-
11 eral Aviation Administration; and

12 “(5) to facilitate the timely processing, review,
13 and completion of environmental activities associated
14 with new or amended flight procedures, including
15 performance-based navigation procedures, such as
16 required navigation performance procedures and
17 area navigation procedures.”.

18 **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
19 **PROCEDURES.**

20 Section 47504 is amended by adding at the end the
21 following:

22 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
23 DURES.—

24 “(1) IN GENERAL.—In accordance with sub-
25 section (c)(1), the Secretary may make a grant to an

1 airport operator to assist in completing environ-
 2 mental review and assessment activities for pro-
 3 posals to implement flight procedures at such airport
 4 that have been approved as part of an airport noise
 5 compatibility program under subsection (b).

6 “(2) **ADDITIONAL STAFF.**—The Administrator
 7 may accept funds from an airport operator, includ-
 8 ing funds provided to the operator under paragraph
 9 (1), to hire additional staff or obtain the services of
 10 consultants in order to facilitate the timely proc-
 11 essing, review, and completion of environmental ac-
 12 tivities associated with proposals to implement flight
 13 procedures at such airport that have been approved
 14 as part of an airport noise compatibility program
 15 under subsection (b).

16 “(3) **RECEIPTS CREDITED AS OFFSETTING COL-**
 17 **LECTIONS.**—Notwithstanding section 3302 of title
 18 31, any funds accepted under this section—

19 “(A) shall be credited as offsetting collec-
 20 tions to the account that finances the activities
 21 and services for which the funds are accepted;

22 “(B) shall be available for expenditure only
 23 to pay the costs of activities and services for
 24 which the funds are accepted; and

1 “(C) shall remain available until ex-
2 pended.”.

3 **SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF**
4 **RESIDENTIAL PROPERTIES.**

5 Section 47504 (as amended by this Act) is further
6 amended by adding at the end the following:

7 “(f) DETERMINATION OF FAIR MARKET VALUE OF
8 RESIDENTIAL PROPERTIES.—In approving a project to
9 acquire residential real property using financial assistance
10 made available under this section or chapter 471, the Sec-
11 retary shall ensure that the appraisal of the property to
12 be acquired disregards any decrease or increase in the fair
13 market value of the real property caused by the project
14 for which the property is to be acquired, or by the likeli-
15 hood that the property would be acquired for the project,
16 other than that due to physical deterioration within the
17 reasonable control of the owner.”.

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

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

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

4 “(a) PROHIBITION.—Except as otherwise provided by
5 this section, after December 31, 2015, a person may not
6 operate a civil subsonic jet airplane with a maximum
7 weight of 75,000 pounds or less, and for which an air-
8 worthiness certificate (other than an experimental certifi-
9 cate) has been issued, to or from an airport in the United
10 States unless the Secretary of Transportation finds that
11 the aircraft complies with stage 3 noise levels.

12 “(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIG-
13 UOUS STATES.—Subsection (a) shall not apply to aircraft
14 operated only outside the 48 contiguous States.

15 “(c) TEMPORARY OPERATIONS.—The Secretary may
16 allow temporary operation of an aircraft otherwise prohib-
17 ited from operation under subsection (a) to or from an
18 airport in the contiguous United States by granting a spe-
19 cial flight authorization for one or more of the following
20 circumstances:

21 “(1) To sell, lease, or use the aircraft outside
22 the 48 contiguous States.

23 “(2) To scrap the aircraft.

24 “(3) To obtain modifications to the aircraft to
25 meet stage 3 noise levels.

1 “(4) To perform scheduled heavy maintenance
2 or significant modifications on the aircraft at a
3 maintenance facility located in the contiguous 48
4 States.

5 “(5) To deliver the aircraft to an operator leas-
6 ing the aircraft from the owner or return the air-
7 craft to the lessor.

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

11 “(7) To provide transport of persons and goods
12 in the relief of an emergency situation.

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

19 “(d) REGULATIONS.—The Secretary may prescribe
20 such regulations or other guidance as may be necessary
21 for the implementation of this section.

22 “(e) STATUTORY CONSTRUCTION.—

23 “(1) AIP GRANT ASSURANCES.—Noncompliance
24 with subsection (a) shall not be construed as a viola-

1 tion of section 47107 or any regulations prescribed
2 thereunder.

3 “(2) PENDING APPLICATIONS.—Nothing in this
4 section may be construed as interfering with, nul-
5 lifying, or otherwise affecting determinations made
6 by the Federal Aviation Administration, or to be
7 made by the Administration, with respect to applica-
8 tions under part 161 of title 14, Code of Federal
9 Regulations, that were pending on the date of enact-
10 ment of this section.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) PENALTIES.—Section 47531 is amended—

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

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

17 (2) JUDICIAL REVIEW.—Section 47532 is
18 amended by inserting “or 47534” after “47528–
19 47531”.

20 (3) ANALYSIS.—The analysis for subchapter II
21 of chapter 475 is amended—

22 (A) by striking the item relating to section
23 47531 and inserting the following:

 “47531. Penalties.”; and

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

1 **SEC. 508. HIGH PERFORMANCE, SUSTAINABLE, AND COST-**
2 **EFFECTIVE AIR TRAFFIC CONTROL FACILI-**
3 **TIES.**

4 The Administrator of the Federal Aviation Adminis-
5 tration may implement, to the extent practicable, sustain-
6 able practices for the incorporation of energy-efficient de-
7 sign, equipment, systems, and other measures in the con-
8 struction and major renovation of air traffic control facili-
9 ties of the Administration in order to reduce energy con-
10 sumption at, improve the environmental performance of,
11 and reduce the cost of maintenance for such facilities.

12 **SEC. 509. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) the European Union directive extending the
15 European Union’s emissions trading proposal to
16 international civil aviation without working through
17 the International Civil Aviation Organization (in this
18 section referred to as the “ICAO”) in a consensus-
19 based fashion is inconsistent with the Convention on
20 International Civil Aviation, completed in Chicago on
21 December 7, 1944 (TIAS 1591; commonly known as
22 the “Chicago Convention”), and other relevant air
23 services agreements and antithetical to building
24 international cooperation to address effectively the
25 problem of greenhouse gas emissions by aircraft en-
26 gaged in international civil aviation;

1 **SEC. 511. PILOT PROGRAM FOR ZERO-EMISSION AIRPORT**
2 **VEHICLES.**

3 (a) IN GENERAL.—Chapter 471 is amended by in-
4 serting after section 47136 the following:

5 **“§ 47136a. Zero-emission airport vehicles and infra-**
6 **structure**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 may establish a pilot program under which the sponsor
9 of a public-use airport may use funds made available
10 under section 47117 or section 48103 for use at such air-
11 port to carry out activities associated with the acquisition
12 and operation of zero-emission vehicles (as defined in sec-
13 tion 88.102–94 of title 40, Code of Federal Regulations),
14 including the construction or modification of infrastruc-
15 ture to facilitate the delivery of fuel and services necessary
16 for the use of such vehicles.

17 “(b) LOCATION IN AIR QUALITY NONATTAINMENT
18 AREAS.—

19 “(1) IN GENERAL.—A public-use airport may
20 be eligible for participation in the program only if
21 the airport is located in a nonattainment area (as
22 defined in section 171 of the Clean Air Act (42
23 U.S.C. 7501)).

24 “(2) SHORTAGE OF APPLICANTS.—If the Sec-
25 retary receives an insufficient number of applications
26 from public-use airports located in such areas, the

1 Secretary may permit public-use airports that are
2 not located in such areas to participate in the pro-
3 gram.

4 “(c) SELECTION CRITERIA.—In selecting from
5 among applicants for participation in the program, the
6 Secretary shall give priority consideration to applicants
7 that will achieve the greatest air quality benefits measured
8 by the amount of emissions reduced per dollar of funds
9 expended under the program.

10 “(d) FEDERAL SHARE.—Notwithstanding any other
11 provision of this subchapter, the Federal share of the costs
12 of a project carried out under the program shall be 50
13 percent.

14 “(e) TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—The sponsor of a public-use
16 airport carrying out activities funded under the pro-
17 gram may not use more than 10 percent of the
18 amounts made available under the program in any
19 fiscal year for technical assistance in carrying out
20 such activities.

21 “(2) USE OF UNIVERSITY TRANSPORTATION
22 CENTER.—Participants in the program may use a
23 university transportation center receiving grants
24 under section 5506 in the region of the airport to

1 receive the technical assistance described in para-
2 graph (1).

3 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—
4 The Secretary may develop and make available materials
5 identifying best practices for carrying out activities funded
6 under the program based on projects carried out under
7 section 47136 and other sources.”

8 (b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not
9 later than 18 months after the date of enactment of this
10 Act, the Secretary of Transportation shall submit to the
11 Committee on Science, Space, and Technology and the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives and the Committee on Com-
14 merce, Science, and Transportation of the Senate a report
15 containing—

16 (1) an evaluation of the effectiveness of the pro-
17 gram established by section 47136a of title 49,
18 United States Code (as added by this section);

19 (2) the performance measures used to measure
20 such effectiveness, such as the goals for the projects
21 implemented and the amount of emissions reduction
22 achieved through these projects;

23 (3) an assessment of the sufficiency of the data
24 collected during the program to make a decision on
25 whether or not to implement the program;

1 (4) an identification of all public-use airports
2 that expressed an interest in participating in the
3 program; and

4 (5) a description of the mechanisms used by the
5 Secretary to ensure that the information and exper-
6 tise gained by participants in the program is trans-
7 ferred among the participants and to other inter-
8 ested parties, including other public-use airports.

9 (c) CONFORMING AMENDMENT.—The analysis for
10 such chapter is amended by inserting after the item relat-
11 ing to section 47136 the following:

“47136a. Zero-emission airport vehicles and infrastructure.”.

12 (d) TECHNICAL AMENDMENT.—Section 47136(f)(2)
13 is amended—

14 (1) in the paragraph heading by striking “ELI-
15 GIBLE CONSORTIUM” and inserting “UNIVERSITY
16 TRANSPORTATION CENTER”; and

17 (2) by striking “an eligible consortium” and in-
18 serting “a university transportation center”.

19 **SEC. 512. INCREASING THE ENERGY EFFICIENCY OF AIR-**
20 **PORT POWER SOURCES.**

21 (a) IN GENERAL.—Chapter 471 is amended by in-
22 serting after section 47140 the following:

1 **“§ 47140a. Increasing the energy efficiency of airport**
2 **power sources**

3 “(a) IN GENERAL.—The Secretary of Transportation
4 shall establish a program under which the Secretary shall
5 encourage the sponsor of each public-use airport to assess
6 the airport’s energy requirements, including heating and
7 cooling, base load, back-up power, and power for on-road
8 airport vehicles and ground support equipment, in order
9 to identify opportunities to increase energy efficiency at
10 the airport.

11 “(b) GRANTS.—

12 “(1) IN GENERAL.—The Secretary may make
13 grants from amounts made available under section
14 48103 to assist airport sponsors that have completed
15 the assessment described in subsection (a) to acquire
16 or construct equipment, including hydrogen equip-
17 ment and related infrastructure, that will increase
18 energy efficiency at the airport.

19 “(2) APPLICATION.—To be eligible for a grant
20 under paragraph (1), the sponsor of a public-use air-
21 port shall submit an application to the Secretary at
22 such time, in such manner, and containing such in-
23 formation as the Secretary may require.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 such chapter is amended by inserting after the item relat-
3 ing to section 47140 the following:

“47140a. Increasing the energy efficiency of airport power sources.”.

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 Moderniza-
2 tion and Reform Act of 2012); 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 Aviation Administration shall commission an independent
2 study on frontline manager staffing requirements in air
3 traffic control facilities.

4 (b) CONSIDERATIONS.—In conducting the study, the
5 Administrator may take into consideration—

6 (1) the managerial tasks expected to be per-
7 formed by frontline managers, including employee
8 development, management, and counseling;

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

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

14 (4) facility type;

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

17 (6) proficiency and training requirements; and

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

20 (c) PARTICIPATION.—The Administrator shall ensure
21 the participation of frontline managers who currently work
22 in safety-related operational areas of the Administration.

23 (d) DETERMINATIONS.—The Administrator shall
24 transmit any determinations made as a result of the study
25 to the heads of the appropriate lines of business within

1 the Administration, including the Chief Operating Officer
 2 of the Air Traffic Organization.

3 (e) REPORT.—Not later than 9 months after the date
 4 of enactment of this Act, the Administrator shall submit
 5 to the Committee on Commerce, Science, and Transpor-
 6 tation of the Senate and the Committee on Transportation
 7 and Infrastructure of the House of Representatives a re-
 8 port on the results of the study and a description of any
 9 determinations submitted to the Chief Operating Officer
 10 under subsection (d).

11 (f) DEFINITION.—In this section, the term “frontline
 12 manager” means first-level, operational supervisors and
 13 managers who work in safety-related operational areas of
 14 the Administration.

15 **SEC. 605. FAA TECHNICAL TRAINING AND STAFFING.**

16 (a) STUDY.—

17 (1) IN GENERAL.—The Administrator of the
 18 Federal Aviation Administration shall conduct a
 19 study to assess the adequacy of the Administrator’s
 20 technical training strategy and improvement plan for
 21 airway transportation systems specialists (in this
 22 section referred to as “FAA systems specialists”).

23 (2) CONTENTS.—The study shall include—

1 (A) a review of the current technical train-
2 ing strategy and improvement plan for FAA
3 systems specialists;

4 (B) recommendations to improve the tech-
5 nical training strategy and improvement plan
6 needed by FAA systems specialists to be pro-
7 ficient in the maintenance of the latest tech-
8 nologies;

9 (C) a description of actions that the Ad-
10 ministration has undertaken to ensure that
11 FAA systems specialists receive up-to-date
12 training on the latest technologies; and

13 (D) a recommendation regarding the most
14 cost-effective approach to provide training to
15 FAA systems specialists.

16 (3) REPORT.—Not later than 1 year after the
17 date of enactment of this Act, the Administrator
18 shall submit to the Committee on Transportation
19 and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and
21 Transportation of the Senate a report on the results
22 of the study.

23 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

24 (1) STUDY BY NATIONAL ACADEMY OF
25 SCIENCES.—Not later than 90 days after the date of

1 enactment of this Act, the Administrator of the Fed-
 2 eral Aviation Administration shall make appropriate
 3 arrangements for the National Academy of Sciences
 4 to conduct a study of the assumptions and methods
 5 used by the Federal Aviation Administration to esti-
 6 mate staffing needs for FAA systems specialists to
 7 ensure proper maintenance and certification of the
 8 national airspace system.

9 (2) CONSULTATION.—In conducting the study,
 10 the National Academy of Sciences shall—

11 (A) consult with the exclusive bargaining
 12 representative certified under section 7111 of
 13 title 5, United States Code; and

14 (B) include recommendations for objective
 15 staffing standards that maintain the safety of
 16 the national airspace system.

17 (3) REPORT.—Not later than 1 year after the
 18 initiation of the arrangements under paragraph (1),
 19 the National Academy of Sciences shall submit to
 20 Congress a report on the results of the study.

21 **SEC. 606. SAFETY CRITICAL STAFFING.**

22 (a) IN GENERAL.—Not later than October 1, 2012,
 23 the Administrator of the Federal Aviation Administration
 24 shall implement, in as cost-effective a manner as possible,
 25 the staffing model for aviation safety inspectors developed

1 candidate for placement in an airport traffic control fa-
2 cility if the candidate has—

3 “(A) received a control tower operator cer-
4 tification (referred to in this subsection as a
5 ‘CTO’ certificate); and

6 “(B) satisfied all other applicable qualifica-
7 tion requirements for an air traffic control spe-
8 cialist position, including successful completion
9 of orientation training at the Federal Aviation
10 Administration Academy.

11 “(2) COMPENSATION AND BENEFITS.—An indi-
12 vidual appointed under paragraph (1) shall receive
13 the same compensation and benefits, and be treated
14 in the same manner as, any other individual ap-
15 pointed as a developmental air traffic controller.

16 “(3) REPORT.—Not later than 2 years after the
17 date of enactment of the FAA Modernization and
18 Reform Act of 2012, the Administrator shall submit
19 to Congress a report that evaluates the effectiveness
20 of the air traffic control specialist qualification train-
21 ing provided pursuant to this section, including the
22 graduation rates of candidates who received a CTO
23 certificate and are working in airport traffic control
24 facilities.

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. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.**

11 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

12 Not later than 90 days after the date of enactment of this
13 Act, the Administrator of the Federal Aviation Adminis-
14 tration shall enter into appropriate arrangements with the
15 National Academy of Sciences to conduct a study of the
16 air traffic controller standards used by the Federal Avia-
17 tion Administration (in this section referred to as the
18 “FAA”) to estimate staffing needs for FAA air traffic
19 controllers to ensure the safe operation of the national air-
20 space system in the most cost effective manner.

21 (b) CONSULTATION.—In conducting the study, the
22 National Academy of Sciences shall consult with the exclu-
23 sive bargaining representative of employees of the FAA
24 certified under section 7111 of title 5, United States Code,

1 and other interested parties, including Government and in-
2 dustry representatives.

3 (c) CONTENTS.—The study shall include—

4 (1) an examination of representative informa-
5 tion on productivity, human factors, traffic activity,
6 and improved technology and equipment used in air
7 traffic control;

8 (2) an examination of recent National Academy
9 of Sciences reviews of the complexity model per-
10 formed by MITRE Corporation that support the
11 staffing standards models for the en route air traffic
12 control environment; and

13 (3) consideration of the Administration's cur-
14 rent and estimated budgets and the most cost-effec-
15 tive staffing model to best leverage available fund-
16 ing.

17 (d) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the National Academy of
19 Sciences shall submit to the Committee on Transportation
20 and Infrastructure of the House of Representatives and
21 the Committee on Commerce, Science, and Transportation
22 of the Senate a report on the results of the study.

1 **SEC. 609. AIR TRAFFIC CONTROLLER TRAINING AND**
2 **SCHEDULING.**

3 (a) TRAINING STRATEGY AND IMPROVEMENT
4 PLAN.—The Administrator of the Federal Aviation Ad-
5 ministration shall conduct a study to assess the adequacy
6 of training programs for air traffic controllers, including
7 the Administrator’s technical training strategy and im-
8 provement plan for air traffic controllers.

9 (1) CONTENTS.—The study shall include—

10 (A) a review of the current training system
11 for air traffic controllers, including the tech-
12 nical training strategy and improvement plan;

13 (B) an analysis of the competencies re-
14 quired of air traffic controllers for successful
15 performance in the current and future projected
16 air traffic control environment;

17 (C) an analysis of the competencies pro-
18 jected to be required of air traffic controllers as
19 the Federal Aviation Administration transitions
20 to the Next Generation Air Transportation Sys-
21 tem;

22 (D) an analysis of various training ap-
23 proaches available to satisfy the air traffic con-
24 troller competencies identified under subpara-
25 graphs (B) and (C);

1 (3) establish standards to identify the number
2 of developmental air traffic controllers that can be
3 accommodated at each facility, based on—

4 (A) the number of available on-the-job
5 training instructors;

6 (B) available classroom space;

7 (C) the number of available simulators;

8 (D) training requirements; and

9 (E) the number of recently placed new per-
10 sonnel already in training.

11 (c) AIR TRAFFIC CONTROLLER SCHEDULING.—Not
12 later than 60 days after the date of enactment of this Act,
13 the Inspector General of the Department of Transpor-
14 tation shall conduct an assessment of the Federal Aviation
15 Administration's air traffic controller scheduling practices.

16 (1) CONTENTS.—The assessment shall include,
17 at a minimum—

18 (A) an analysis of how air traffic controller
19 schedules are determined;

20 (B) an evaluation of how safety is taken
21 into consideration when schedules are being de-
22 veloped and adopted;

23 (C) an evaluation of scheduling practices
24 that are cost effective to the Government;

1 (D) an examination of how scheduling
2 practices impact air traffic controller perform-
3 ance; and

4 (E) any recommendations the Inspector
5 General may have related to air traffic con-
6 troller scheduling practices.

7 (2) REPORT.—Not later than 120 days after
8 the date of enactment of this Act, the Inspector
9 General shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Represent-
11 atives and the Committee on Commerce, Science,
12 and Transportation of the Senate a report on the re-
13 sults of the assessment conducted under this sub-
14 section.

15 **SEC. 610. FAA FACILITY CONDITIONS.**

16 (a) STUDY.—The Comptroller General of the United
17 States shall conduct a study of and review—

18 (1) the conditions of a sampling of Federal
19 Aviation Administration facilities across the United
20 States, including offices, towers, centers, and ter-
21 minal radar air control;

22 (2) reports from employees of the Administra-
23 tion relating to respiratory ailments and other health
24 conditions resulting from exposure to mold, asbestos,

1 poor air quality, radiation, and facility-related haz-
2 ards in facilities of the Administration;

3 (3) conditions of such facilities that could inter-
4 fere with such employees' ability to effectively and
5 safely perform their duties;

6 (4) the ability of managers and supervisors of
7 such employees to promptly document and seek re-
8 mediation for unsafe facility conditions;

9 (5) whether employees of the Administration
10 who report facility-related illnesses are treated ap-
11 propriately;

12 (6) utilization of scientifically approved remedi-
13 ation techniques to mitigate hazardous conditions in
14 accordance with applicable State and local regula-
15 tions and Occupational Safety and Health Adminis-
16 tration practices by the Administration; and

17 (7) resources allocated to facility maintenance
18 and renovation by the Administration.

19 (b) FACILITY CONDITION INDICES.—The Comp-
20 troller General shall review the facility condition indices
21 of the Administration for inclusion in the recommenda-
22 tions under subsection (c).

23 (c) RECOMMENDATIONS.—Based on the results of the
24 study and review of facility condition indices under sub-
25 section (a), the Comptroller General shall make such rec-

1 ommendations as the Comptroller General considers nec-
 2 essary—

3 (1) to prioritize those facilities needing the
 4 most immediate attention based on risks to employee
 5 health and safety;

6 (2) to ensure that the Administration is using
 7 scientifically approved remediation techniques in all
 8 facilities; and

9 (3) to assist the Administration in making pro-
 10 grammatic changes so that aging facilities do not de-
 11 teriorate to unsafe levels.

12 (d) **REPORT.**—Not later than 1 year after the date
 13 of enactment of this Act, the Comptroller General shall
 14 submit to the Administrator, the Committee on Com-
 15 merce, Science, and Transportation of the Senate, and the
 16 Committee on Transportation and Infrastructure of the
 17 House of Representatives a report on results of the study,
 18 including the recommendations under subsection (c).

19 **SEC. 611. TECHNICAL CORRECTION.**

20 Section 40122(g)(3) is amended by adding at the end
 21 the following: “Notwithstanding any other provision of
 22 law, retroactive to April 1, 1996, the Board shall have the
 23 same remedial authority over such employee appeals that
 24 it had as of March 31, 1996.”.

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 dislo-
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 Administration
3 who may carry out the authority described in subsection
4 (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 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)(1)(A) by inserting “chap-
11 ter 451,” before “section 47107(b)”;

12 (2) in subsection (a)(5)(A)(i)—

13 (A) by striking “or chapter 449” and in-
14 serting “chapter 449”; and

15 (B) by inserting after “44909)” the fol-
16 lowing: “, or chapter 451”;

17 (3) in subsection (d)(2)—

18 (A) in the first sentence—

19 (i) by striking “44723) or” and in-
20 serting the following: “44723), chapter
21 451,”;

22 (ii) by striking “46302” and inserting
23 “section 46302”; and

1 (iii) by striking “46318, or 47107(b)”
2 and inserting “section 46318, section
3 46319, or section 47107(b)”; and
4 (B) in the second sentence—
5 (i) by striking “46302” and inserting
6 “section 46302”;
7 (ii) by striking “46303,” and insert-
8 ing “or section 46303 of this title”; and
9 (iii) by striking “such chapter 449”
10 and inserting “any of those provisions”;
11 and
12 (4) in subsection (f)(1)(A)(i)—
13 (A) by striking “or chapter 449” and in-
14 serting “chapter 449”; and
15 (B) by inserting after “44909)” the fol-
16 lowing: “, or chapter 451”.

17 **SEC. 804. CONSOLIDATION AND REALIGNMENT OF FAA**
18 **SERVICES AND FACILITIES.**

19 (a) NATIONAL FACILITIES REALIGNMENT AND CON-
20 SOLIDATION REPORT.—

21 (1) IN GENERAL.—The Administrator of the
22 Federal Aviation Administration shall develop a re-
23 port, to be known as the National Facilities Realign-
24 ment and Consolidation Report, in accordance with
25 the requirements of this subsection.

1 (2) PURPOSE.—The purpose of the report shall
2 be—

3 (A) to support the transition to the Next
4 Generation Air Transportation System; and

5 (B) to reduce capital, operating, mainte-
6 nance, and administrative costs of the FAA
7 where such cost reductions can be implemented
8 without adversely affecting safety.

9 (3) CONTENTS.—The report shall include—

10 (A) recommendations of the Administrator
11 on realignment and consolidation of services
12 and facilities (including regional offices) of the
13 FAA; and

14 (B) for each of the recommendations, a de-
15 scription of—

16 (i) the Administrator's justification;

17 (ii) the projected costs and savings;

18 and

19 (iii) the proposed timing for imple-
20 mentation.

21 (4) INPUT.—The report shall be developed by
22 the Administrator (or the Administrator's des-
23 ignee)—

24 (A) in coordination with the Chief
25 NextGen Officer and the Chief Operating Offi-

1 cer of the Air Traffic Organization of the FAA;

2 and

3 (B) with the participation of—

4 (i) representatives of labor organiza-

5 tions representing operations and mainte-

6 nance employees of the air traffic control

7 system; and

8 (ii) industry stakeholders.

9 (5) SUBMISSION TO CONGRESS.—Not later than

10 120 days after the date of enactment of this Act, the

11 Administrator shall submit the report to the Com-

12 mittee on Transportation and Infrastructure of the

13 House of Representatives and the Committee on

14 Commerce, Science, and Transportation of the Sen-

15 ate.

16 (6) PUBLIC NOTICE AND COMMENT.—The Ad-

17 ministrator shall publish the report in the Federal

18 Register and allow 45 days for the submission of

19 public comments.

20 (b) REPORT TO CONGRESS CONTAINING REC-

21 OMMENDATIONS OF ADMINISTRATOR.—Not later than 60

22 days after the last day of the period for public comment

23 under subsection (a)(6), the Administrator shall submit

24 to the committees specified in subsection (a)(5)—

1 (B) EXCLUSION.—The terms do not in-
2 clude a reduction in personnel resulting from
3 workload adjustments.

4 **SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
5 **CARGO AIRCRAFT.**

6 (a) STUDY.—Not later than 180 days after the date
7 of enactment of this Act, the Administrator of the Federal
8 Aviation Administration, in consultation with appropriate
9 air carriers, aircraft manufacturers, and air carrier labor
10 representatives, shall conduct a study to assess the feasi-
11 bility of developing a physical means, or a combination of
12 physical and procedural means, to prohibit individuals
13 other than authorized flight crewmembers from accessing
14 the flight deck of an all-cargo aircraft.

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator shall submit
17 to the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee on
19 Commerce, Science, and Transportation of the Senate a
20 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 Congress or publish that the Ad-
16 ministrator recommends eliminating or consolidating
17 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 a 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 a printed format is
9 essential to the mission of the Administration;
10 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 impact of increases in aviation fuel prices that range from
2 5 percent to 200 percent over the 2010 baseline.

3 **SEC. 809. WIND TURBINE LIGHTING.**

4 (a) **STUDY.**—The Administrator of the Federal Avia-
5 tion Administration shall conduct a study on wind turbine
6 lighting systems.

7 (b) **CONTENTS.**—In conducting the study, the Ad-
8 ministrator shall examine the following:

9 (1) The aviation safety issues associated with
10 alternative lighting strategies, technologies, and reg-
11 ulations.

12 (2) The feasibility of implementing alternative
13 lighting strategies or technologies to improve avia-
14 tion safety.

15 (3) Any other issue relating to wind turbine
16 lighting.

17 (c) **REPORT.**—Not later than 1 year after the date
18 of enactment of this Act, the Administrator shall submit
19 to Congress a report on the results of the study, including
20 information and recommendations concerning the issues
21 examined under subsection (b).

22 **SEC. 810. AIR-RAIL CODE SHARING STUDY.**

23 (a) **CODE SHARE STUDY.**—Not later than 180 days
24 after the date of enactment of this Act, the Comptroller

1 General of the United States shall initiate a study regard-
2 ing—

3 (1) existing airline and intercity passenger rail
4 code sharing arrangements; and

5 (2) the feasibility, costs to taxpayers and other
6 parties, and benefits of increasing the intermodal
7 connectivity of airline and intercity passenger rail fa-
8 cilities and systems to improve passenger travel.

9 (b) CONSIDERATIONS.—In conducting the study, the
10 Comptroller General shall consider—

11 (1) the potential costs to taxpayers and other
12 parties and benefits of the implementation of more
13 integrated scheduling between airlines and Amtrak
14 or other intercity passenger rail carriers achieved
15 through code sharing arrangements;

16 (2) airport and intercity passenger rail oper-
17 ations that can improve connectivity between air-
18 ports and intercity passenger rail facilities and sta-
19 tions;

20 (3) the experience of other countries with re-
21 spect to airport and intercity passenger rail
22 connectivity; and

23 (4) such other issues the Comptroller General
24 considers appropriate.

1 (c) REPORT.—Not later than 1 year after initiating
2 the study required by subsection (a), the Comptroller Gen-
3 eral shall submit to the Committee on Commerce, Science,
4 and Transportation of the Senate and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives a report on the results of the study, including
7 any conclusions of the Comptroller General resulting from
8 the study.

9 **SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT**
10 **RULES AREA.**

11 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later
12 than 180 days after the date of enactment of this Act,
13 the Administrator of the Federal Aviation Administration,
14 in consultation with the Secretary of Homeland Security
15 and the Secretary of Defense, shall submit to the Com-
16 mittee on Transportation and Infrastructure and the
17 Committee on Homeland Security of the House of Rep-
18 resentatives and the Committee on Commerce, Science,
19 and Transportation of the Senate a plan for the D.C. Met-
20 ropolitan Area Special Flight Rules Area.

21 (b) CONTENTS OF PLAN.—The plan shall outline spe-
22 cific changes to the D.C. Metropolitan Area Special Flight
23 Rules Area that will decrease operational impacts and im-
24 prove general aviation access to airports in the National
25 Capital Region that are currently impacted by the zone.

1 **SEC. 812. FAA REVIEW AND REFORM.**

2 (a) **AGENCY REVIEW.**—Not later than 60 days after
3 the date of enactment of this Act, the Administrator of
4 the Federal Aviation Administration shall undertake a
5 thorough review of each program, office, and organization
6 within the Administration, including the Air Traffic Orga-
7 nization, to identify—

8 (1) duplicative positions, programs, roles, or of-
9 fices;

10 (2) wasteful practices;

11 (3) redundant, obsolete, or unnecessary func-
12 tions;

13 (4) inefficient processes; and

14 (5) ineffectual or outdated policies.

15 (b) **ACTIONS TO STREAMLINE AND REFORM FAA.**—
16 Not later than 120 days after the date of enactment of
17 this Act, the Administrator shall undertake such actions
18 as may be necessary to address the Administrator's find-
19 ings under subsection (a), including—

20 (1) consolidating, phasing-out, or eliminating
21 duplicative positions, programs, roles, or offices;

22 (2) eliminating or streamlining wasteful prac-
23 tices;

24 (3) eliminating or phasing-out redundant, obso-
25 lete, or unnecessary functions;

1 (b) USE OF REVENUE.—An airport sponsor that is
2 in compliance with the conditions under subsection (c)
3 may allocate revenue identified by the Administrator
4 under subsection (a) for Federal, State, or local transpor-
5 tation infrastructure projects carried out by the airport
6 sponsor or by a governing body within the geographical
7 limits of the airport sponsor’s jurisdiction.

8 (c) CONDITIONS.—An airport sponsor may not allo-
9 cate revenue identified by the Administrator under sub-
10 section (a) unless the airport sponsor—

11 (1) enters into a written agreement with the
12 Administrator that sets forth a 5-year capital im-
13 provement program for the airport, which—

14 (A) includes the projected costs for the op-
15 eration, maintenance, and capacity needs of the
16 airport in order to comply with applicable de-
17 sign and safety standards of the Administra-
18 tion; and

19 (B) appropriately adjusts such costs to ac-
20 count for inflation;

21 (2) agrees in writing—

22 (A) to waive all rights to receive entitle-
23 ment funds or discretionary funds to be used at
24 the airport under section 47114 or 47115 of
25 title 49, United States Code, during the 5-year

1 period of the capital improvement plan de-
2 scribed in paragraph (1);

3 (B) to perpetually comply with sections
4 47107(b) and 47133 of such title, unless grant-
5 ed specific exceptions by the Administrator in
6 accordance with this section; and

7 (C) to operate the airport as a public-use
8 airport, unless the Administrator specifically
9 grants a request to allow the airport to close;
10 and

11 (3) complies with all grant assurance obliga-
12 tions in effect as of the date of the enactment of this
13 Act during the 20-year period beginning on the date
14 of enactment of this Act.

15 (d) COMPLETION OF DETERMINATION.—Not later
16 than 90 days after receiving an airport sponsor's applica-
17 tion and requisite supporting documentation to declare
18 that certain mineral revenue is not needed to carry out
19 the 5-year capital improvement program at such airport,
20 the Administrator shall determine whether the airport
21 sponsor's request should be granted. The Administrator
22 may not unreasonably deny an application under this sub-
23 section.

1 (e) RULEMAKING.—Not later than 90 days after the
2 date of enactment of this Act, the Administrator shall pro-
3 mulgate regulations to carry out this section.

4 (f) GENERAL AVIATION AIRPORT DEFINED.—In this
5 section, the term “general aviation airport” has the mean-
6 ing given that term in section 47102 of title 49, United
7 States Code, as amended by this Act.

8 **SEC. 814. CONTRACTING.**

9 When drafting contract proposals for training facili-
10 ties under the general contracting authority of the Federal
11 Aviation Administration, the Administrator of the Federal
12 Aviation Administration shall ensure—

13 (1) the proposal is drafted so that all parties
14 can fairly compete; and

15 (2) the proposal takes into consideration the
16 most cost-effective location, accessibility, and serv-
17 ices options.

18 **SEC. 815. FLOOD PLANNING.**

19 (a) STUDY.—The Administrator of the Federal Avia-
20 tion Administration, in consultation with the Adminis-
21 trator of the Federal Emergency Management Agency,
22 shall conduct a review and submit to the Committee on
23 Commerce, Science, and Transportation of the Senate and
24 the Committee on Transportation and Infrastructure of
25 the House of Representatives a report on the state of pre-

1 paredness and response capability for airports located in
2 flood plains to respond to and seek assistance in rebuilding
3 after catastrophic flooding.

4 (b) ELIGIBILITY OF DEMOLITION AND REBUILDING
5 OF PROPERTIES.—Section 1366(e) of the National Flood
6 Insurance Act of 1968 (42 U.S.C. 4104e(e)) is amended
7 by adding at the end the following:

8 “(6) ELIGIBILITY OF DEMOLITION AND RE-
9 BUILDING OF PROPERTIES.—The Director shall con-
10 sider as an eligible activity the demolition and re-
11 building of properties to at least base flood levels or
12 higher, if required by the Director or if required by
13 any State or local ordinance, and in accordance with
14 project implementation criteria established by the
15 Director.”.

16 **SEC. 816. HISTORICAL AIRCRAFT DOCUMENTS.**

17 (a) PRESERVATION OF DOCUMENTS.—

18 (1) IN GENERAL.—The Administrator of the
19 Federal Aviation Administration shall take such ac-
20 tions as the Administrator determines necessary to
21 preserve original aircraft type certificate engineering
22 and technical data in the possession of the Federal
23 Aviation Administration related to—

24 (A) approved aircraft type certificate num-
25 bers ATC 1 through ATC 713; and

1 (B) Group-2 approved aircraft type certifi-
2 cate numbers 2–1 through 2–544.

3 (2) REVISION OF ORDER.—Not later than 3
4 years after the date of enactment of this Act, the
5 Administrator shall revise FAA Order 1350.15C,
6 Item Number 8110. Such revision shall prohibit the
7 destruction of the historical aircraft documents iden-
8 tified in paragraph (1).

9 (3) CONSULTATION.—The Administrator may
10 carry out paragraph (1) in consultation with the Ar-
11 chivist of the United States and the Administrator
12 of General Services.

13 (b) AVAILABILITY OF DOCUMENTS.—

14 (1) FREEDOM OF INFORMATION ACT RE-
15 QUESTS.—The Administrator shall make the docu-
16 ments to be preserved under subsection (a)(1) avail-
17 able to a person—

18 (A) upon receipt of a request made by the
19 person pursuant to section 552 of title 5,
20 United States Code; and

21 (B) subject to a prohibition on use of the
22 documents for commercial purposes.

23 (2) TRADE SECRETS, COMMERCIAL, AND FINAN-
24 CIAL INFORMATION.—Section 552(b)(4) of such title

1 shall not apply to requests for documents to be made
2 available pursuant to paragraph (1).

3 (c) **HOLDER OF TYPE CERTIFICATE.**—

4 (1) **RIGHTS OF HOLDER.**—Nothing in this sec-
5 tion shall affect the rights of a holder or owner of
6 a type certificate identified in subsection (a)(1), nor
7 require the holder or owner to provide, surrender, or
8 preserve any original or duplicate engineering or
9 technical data to or for the Federal Aviation Admin-
10 istration, a person, or the public.

11 (2) **LIABILITY.**—There shall be no liability on
12 the part of, and no cause of action of any nature
13 shall arise against, a holder of a type certificate, its
14 authorized representative, its agents, or its employ-
15 ees, or any firm, person, corporation, or insurer re-
16 lated to the type certificate data and documents
17 identified in subsection (a)(1).

18 (3) **AIRWORTHINESS.**—Notwithstanding any
19 other provision of law, the holder of a type certifi-
20 cate identified in subsection (a)(1) shall only be re-
21 sponsible for Federal Aviation Administration regu-
22 lation requirements related to type certificate data
23 and documents identified in subsection (a)(1) for
24 aircraft having a standard airworthiness certificate
25 issued prior to the date the documents are released

1 to a person by the Federal Aviation Administration
2 under subsection (b)(1).

3 **SEC. 817. RELEASE FROM RESTRICTIONS.**

4 (a) **IN GENERAL.**—Subject to subsection (b), the Sec-
5 retary of Transportation is authorized to grant to an air-
6 port, city, or county a release from any of the terms, con-
7 ditions, reservations, or restrictions contained in a deed
8 under which the United States conveyed to the airport,
9 city, or county an interest in real property for airport pur-
10 poses pursuant to section 16 of the Federal Airport Act
11 (60 Stat. 179) or section 23 of the Airport and Airway
12 Development Act of 1970 (84 Stat. 232).

13 (b) **CONDITION.**—Any release granted by the Sec-
14 retary pursuant to subsection (a) shall be subject to the
15 following conditions:

16 (1) The applicable airport, city, or county shall
17 agree that in conveying any interest in the real prop-
18 erty which the United States conveyed to the air-
19 port, city, or county, the airport, city, or county will
20 receive consideration for such interest that is equal
21 to its fair market value.

22 (2) Any consideration received by the airport,
23 city, or county under paragraph (1) shall be used ex-
24 clusively for the development, improvement, oper-

1 ation, or maintenance of a public airport by the air-
2 port, city, or county.

3 (3) Any other conditions required by the Sec-
4 retary.

5 **SEC. 818. SENSE OF CONGRESS.**

6 It is the sense of Congress that Los Angeles World
7 Airports, the operator of Los Angeles International Air-
8 port (LAX)—

9 (1) should consult on a regular basis with rep-
10 representatives of the community surrounding the air-
11 port regarding—

12 (A) the ongoing operations of LAX; and

13 (B) plans to expand, modify, or realign
14 LAX facilities; and

15 (2) should include in such consultations any or-
16 ganization, the membership of which includes at
17 least 100 individuals who reside within 10 miles of
18 the airport, that notifies Los Angeles World Airports
19 of its desire to be included in such consultations.

20 **SEC. 819. HUMAN INTERVENTION MOTIVATION STUDY.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall develop a Human Intervention Motiva-
24 tion Study program for cabin crew members employed by
25 commercial air carriers in the United States.

1 **SEC. 820. STUDY OF AERONAUTICAL MOBILE TELEMETRY.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration, in consultation with other Federal agencies,
5 shall submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Science, Space, and Technology and the Committee on
8 Energy and Commerce of the House of Representatives
9 a report that identifies—

10 (1) the current and anticipated, with respect to
11 the next decade, need by civil aviation, including
12 equipment manufacturers, for aeronautical mobile
13 telemetry services; and

14 (2) the potential impact to the aerospace indus-
15 try of the introduction of a new radio service that
16 operates in the same spectrum allocated to the aero-
17 nautical mobile telemetry service.

18 **SEC. 821. CLARIFICATION OF REQUIREMENTS FOR VOLUN-**
19 **TEER PILOTS OPERATING CHARITABLE MED-**
20 **ICAL FLIGHTS.**

21 (a) REIMBURSEMENT OF FUEL COSTS.—Notwith-
22 standing any other law or regulation, in administering sec-
23 tion 61.113(c) of title 14, Code of Federal Regulations
24 (or any successor regulation), the Administrator of the
25 Federal Aviation Administration shall allow an aircraft
26 owner or operator to accept reimbursement from a volun-

1 teer pilot organization for the fuel costs associated with
 2 a flight operation to provide transportation for an indi-
 3 vidual or organ for medical purposes (and for other associ-
 4 ated individuals), if the aircraft owner or operator has—

5 (1) volunteered to provide such transportation;

6 and

7 (2) notified any individual that will be on the
 8 flight, at the time of inquiry about the flight, that
 9 the flight operation is for charitable purposes and is
 10 not subject to the same requirements as a commer-
 11 cial flight.

12 (b) **CONDITIONS TO ENSURE SAFETY.**—The Admin-
 13 istrator may impose minimum standards with respect to
 14 training and flight hours for single-engine, multi-engine,
 15 and turbine-engine operations conducted by an aircraft
 16 owner or operator that is being reimbursed for fuel costs
 17 by a volunteer pilot organization, including mandating
 18 that the pilot in command of such aircraft hold an instru-
 19 ment rating and be current and qualified for the aircraft
 20 being flown to ensure the safety of flight operations de-
 21 scribed in subsection (a).

22 (c) **VOLUNTEER PILOT ORGANIZATION.**—In this sec-
 23 tion, the term “volunteer pilot organization” means an or-
 24 ganization that—

1 (1) is described in section 501(c)(3) of the In-
2 ternal Revenue Code of 1986 and is exempt from
3 taxation under section 501(a) of such Code; and

4 (2) is organized for the primary purpose of pro-
5 viding, arranging, or otherwise fostering charitable
6 medical transportation.

7 **SEC. 822. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**
8 **PORT PROPERTIES.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall establish a pilot
12 program under which operators of up to 4 public-use air-
13 ports may receive grants for activities related to the rede-
14 velopment of airport properties in accordance with the re-
15 quirements of this section.

16 (b) GRANTS.—Under the pilot program, the Adminis-
17 trator may make a grant in a fiscal year, from funds made
18 available for grants under section 47117(e)(1)(A) of title
19 49, United States Code, to an airport operator for a
20 project—

21 (1) to support joint planning, engineering, de-
22 sign, and environmental permitting of projects, in-
23 cluding the assembly and redevelopment of property
24 purchased with noise mitigation funds made avail-
25 able under section 48103 of such title or passenger

1 facility revenue collected under section 40117 of
2 such title; and

3 (2) to encourage airport-compatible land uses
4 and generate economic benefits to the local airport
5 authority and adjacent community.

6 (c) ELIGIBILITY.—An airport operator shall be eligi-
7 ble to participate in the pilot program if—

8 (1) the operator has received approval for a
9 noise compatibility program under section 47504 of
10 such title; and

11 (2) the operator demonstrates, as determined
12 by the Administrator—

13 (A) a readiness to implement cooperative
14 land use management and redevelopment plans
15 with neighboring local jurisdictions; and

16 (B) the probability of a clear economic
17 benefit to neighboring local jurisdictions and fi-
18 nancial return to the airport through the imple-
19 mentation of those plans.

20 (d) DISTRIBUTION.—The Administrator shall seek to
21 award grants under the pilot program to airport operators
22 representing different geographic areas of the United
23 States.

24 (e) PARTNERSHIP WITH NEIGHBORING LOCAL JU-
25 RISDICTIONS.—An airport operator shall use grant funds

1 made available under the pilot program only in partner-
2 ship with neighboring local jurisdictions.

3 (f) GRANT REQUIREMENTS.—The Administrator
4 may not make a grant to an airport operator under the
5 pilot program unless the grant is—

6 (1) made to enable the airport operator and
7 local jurisdictions undertaking community redevelop-
8 ment efforts to expedite those efforts;

9 (2) subject to a requirement that the local juris-
10 diction governing the property interests subject to
11 the redevelopment efforts has adopted and will con-
12 tinue in effect zoning regulations that permit air-
13 port-compatible redevelopment; and

14 (3) subject to a requirement that, in deter-
15 mining the part of the proceeds from disposing of
16 land that is subject to repayment and reinvestment
17 requirements under section 47107(c)(2)(A) of such
18 title, the total amount of a grant issued under the
19 pilot program that is attributable to the redevelop-
20 ment of such land shall be added to other amounts
21 that must be repaid or reinvested under that section
22 upon disposal of such land by the airport operator.

23 (g) EXCEPTIONS TO REPAYMENT AND REINVEST-
24 MENT REQUIREMENTS.—Amounts paid to the Secretary
25 of Transportation under subsection (f)(3)—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Federal share of the allowable
3 costs of a project carried out under the pilot pro-
4 gram shall be 80 percent.

5 (2) ALLOWABLE COSTS.—In determining the al-
6 lowable costs, the Administrator shall deduct from
7 the total costs of the activities described in sub-
8 section (b) that portion of the costs which is equal
9 to that portion of the total property to be redev-
10 oped under this section that is not owned or to be
11 acquired by the airport operator pursuant to the
12 noise compatibility program or that is not owned by
13 the affected neighboring local jurisdictions or other
14 public entities.

15 (i) MAXIMUM AMOUNT.—Not more than \$5,000,000
16 of the funds made available for grants under section
17 47117(e)(1)(A) of such title may be expended under the
18 pilot program for any single public-use airport.

19 (j) USE OF PASSENGER REVENUE.—An airport oper-
20 ator participating in the pilot program may use passenger
21 facility revenue collected under section 40117 of such title
22 to pay any project cost described in subsection (b) that
23 is not financed by a grant under the pilot program.

24 (k) SUNSET.—This section shall not be in effect after
25 September 30, 2015.

1 **SEC. 823. REPORT ON NEW YORK CITY AND NEWARK AIR**
2 **TRAFFIC CONTROL FACILITIES.**

3 Under previous agreements, the Federal Aviation Ad-
4 ministration negotiated staffing levels at the air traffic
5 control facilities in the Newark and New York City areas.
6 Not later than 90 days after the date of enactment of this
7 Act, the Administrator of the Federal Aviation Adminis-
8 tration shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives a report on the Federal Aviation Ad-
12 ministration’s staffing and scheduling plans for air traffic
13 control facilities in the New York City and Newark Region
14 for the 1-year period beginning on such date of enactment.

15 **SEC. 824. CYLINDERS OF COMPRESSED OXYGEN OR OTHER**
16 **OXIDIZING GASES.**

17 (a) IN GENERAL.—Subject to subsections (b) and (c),
18 entities transporting, in the State of Alaska, cylinders of
19 compressed oxygen or other oxidizing gases aboard air-
20 craft shall be exempt from compliance with the regulations
21 described in subsection (d), to the extent that the regula-
22 tions require that oxidizing gases transported aboard air-
23 craft be enclosed in outer packaging capable of passing
24 the flame penetration resistance test and the thermal re-
25 sistance test, without regard to the end use of the cyl-
26 inders.

1 (b) APPLICABILITY OF EXEMPTION.—The exemption
2 provided under subsection (a) shall apply only if—

3 (1) transportation of the cylinders by a ground-
4 based or water-based mode of transportation is un-
5 available and transportation by aircraft is the only
6 practical means for transporting the cylinders to
7 their destination;

8 (2) each cylinder is fully covered with a fire- or
9 flame-resistant blanket that is secured in place; and

10 (3) the operator of the aircraft complies with
11 the applicable notification procedures under section
12 175.33 of title 49, Code of Federal Regulations.

13 (c) AIRCRAFT RESTRICTION.—The exemption pro-
14 vided under subsection (a) shall apply only to the following
15 types of aircraft:

16 (1) Cargo-only aircraft transporting the cyl-
17 inders to a delivery destination that receives cargo-
18 only service at least once a week.

19 (2) Passenger and cargo-only aircraft trans-
20 porting the cylinders to a delivery destination that
21 does not receive cargo-only service at least once a
22 week.

23 (d) DESCRIPTION OF REGULATORY REQUIRE-
24 MENTS.—The regulations described in this subsection are
25 the regulations of the Pipeline and Hazardous Materials

1 Safety Administration contained in sections
 2 173.302(f)(3), 173.302(f)(4), 173.302(f)(5),
 3 173.304(f)(3), 173.304(f)(4), and 173.304(f)(5) of title
 4 49, Code of Federal Regulations.

5 **SEC. 825. ORPHAN AVIATION EARMARKS.**

6 (a) EARMARK DEFINED.—In this section, the term
 7 “earmark” means a statutory provision or report language
 8 included primarily at the request of a Senator or a Mem-
 9 ber, Delegate, or Resident Commissioner of the House of
 10 Representatives providing, authorizing, or recommending
 11 a specific amount of discretionary budget authority, credit
 12 authority, or other spending authority for a contract, loan,
 13 loan guarantee, grant, or other expenditure with or to an
 14 entity or a specific State, locality, or Congressional dis-
 15 trict, other than through a statutory or administrative for-
 16 mula-driven or competitive award process.

17 (b) RESCISSION.—If any earmark relating to the
 18 Federal Aviation Administration has more than 90 per-
 19 cent of applicable appropriated amounts remaining avail-
 20 able for obligation at the end of the 9th fiscal year begin-
 21 ning after the fiscal year in which those amounts were ap-
 22 propriated, the unobligated portion of those amounts is
 23 rescinded effective at the end of that 9th fiscal year, ex-
 24 cept that the Administrator of the Federal Aviation Ad-
 25 ministration may delay any such rescission if the Adminis-

1 trator determines that an obligation with respect to those
2 amounts is likely to occur during the 12-month period be-
3 ginning on the last day of that 9th fiscal year.

4 (c) IDENTIFICATION AND REPORT.—

5 (1) AGENCY IDENTIFICATION.—At the end of
6 each fiscal year, the Administrator shall identify and
7 report to the Director of the Office of Management
8 and Budget every earmark related to the Adminis-
9 tration and with respect to which there is an unobli-
10 gated balance of appropriated amounts.

11 (2) ANNUAL REPORT.—Not later than 1 year
12 after the date of enactment of this Act, and annually
13 thereafter, the Director shall submit to Congress
14 and make available to the public on the Internet
15 Web site of the Office a report that includes—

16 (A) a listing of each earmark related to the
17 Administration and with respect to which there
18 is an unobligated balance of appropriated
19 amounts, which shall include the amount of the
20 original earmark, the amount of the unobligated
21 balance related to that earmark, and the date
22 on which the funding expires, if applicable;

23 (B) the number of rescissions under sub-
24 section (b) and the savings resulting from those
25 rescissions for the previous fiscal year; and

1 (C) a listing of earmarks related to the Ad-
2 ministration with amounts scheduled for rescis-
3 sion at the end of the current fiscal year.

4 **SEC. 826. PRIVACY PROTECTIONS FOR AIR PASSENGER**
5 **SCREENING WITH ADVANCED IMAGING TECH-**
6 **NOLOGY.**

7 Section 44901 is amended by adding at the end the
8 following:

9 “(l) LIMITATIONS ON USE OF ADVANCED IMAGING
10 TECHNOLOGY FOR SCREENING PASSENGERS.—

11 “(1) DEFINITIONS.—In this subsection, the fol-
12 lowing definitions apply:

13 “(A) ADVANCED IMAGING TECHNOLOGY.—

14 The term ‘advanced imaging technology’—

15 “(i) means a device used in the
16 screening of passengers that creates a vis-
17 ual image of an individual showing the sur-
18 face of the skin and revealing other objects
19 on the body; and

20 “(ii) may include devices using
21 backscatter x-rays or millimeter waves and
22 devices referred to as ‘whole-body imaging
23 technology’ or ‘body scanning machines’.

1 “(B) APPROPRIATE CONGRESSIONAL COM-
2 MITTEES.—The term ‘appropriate congressional
3 committees’ means—

4 “(i) the Committee on Commerce,
5 Science, and Transportation and the Com-
6 mittee on Homeland Security and Govern-
7 mental Affairs of the Senate; and

8 “(ii) the Committee on Homeland Se-
9 curity of the House of Representatives.

10 “(C) AUTOMATIC TARGET RECOGNITION
11 SOFTWARE.—The term ‘automatic target rec-
12 ognition software’ means software installed on
13 an advanced imaging technology that produces
14 a generic image of the individual being screened
15 that is the same as the images produced for all
16 other screened individuals.

17 “(2) USE OF ADVANCED IMAGING TECH-
18 NOLOGY.—Beginning June 1, 2012, the Assistant
19 Secretary of Homeland Security (Transportation Se-
20 curity Administration) shall ensure that any ad-
21 vanced imaging technology used for the screening of
22 passengers under this section—

23 “(A) is equipped with and employs auto-
24 matic target recognition software; and

1 “(B) complies with such other require-
2 ments as the Assistant Secretary determines
3 necessary to address privacy considerations.

4 “(3) EXTENSION.—

5 “(A) IN GENERAL.—The Assistant Sec-
6 retary may extend the deadline specified in
7 paragraph (2), if the Assistant Secretary deter-
8 mines that—

9 “(i) an advanced imaging technology
10 equipped with automatic target recognition
11 software is not substantially as effective at
12 screening passengers as an advanced imag-
13 ing technology without such software; or

14 “(ii) additional testing of such soft-
15 ware is necessary.

16 “(B) DURATION OF EXTENSIONS.—The
17 Assistant Secretary may issue one or more ex-
18 tensions under subparagraph (A). The duration
19 of each extension may not exceed one year.

20 “(4) REPORTS.—

21 “(A) IN GENERAL.—Not later than 60
22 days after the deadline specified in paragraph
23 (2), and not later than 60 days after the date
24 on which the Assistant Secretary issues any ex-
25 tension under paragraph (3), the Assistant Sec-

1 retary shall submit to the appropriate congress-
2 sional committees a report on the implementa-
3 tion of this subsection.

4 “(B) ELEMENTS.—A report submitted
5 under subparagraph (A) shall include the fol-
6 lowing:

7 “(i) A description of all matters the
8 Assistant Secretary considers relevant to
9 the implementation of the requirements of
10 this subsection.

11 “(ii) The status of compliance by the
12 Transportation Security Administration
13 with such requirements.

14 “(iii) If the Administration is not in
15 full compliance with such requirements—

16 “(I) the reasons for the non-
17 compliance; and

18 “(II) a timeline depicting when
19 the Assistant Secretary expects the
20 Administration to achieve full compli-
21 ance.

22 “(C) SECURITY CLASSIFICATION.—To the
23 greatest extent practicable, a report prepared
24 under subparagraph (A) shall be submitted in

1 an unclassified format. If necessary, the report
2 may include a classified annex.”.

3 **SEC. 827. COMMERCIAL SPACE LAUNCH LICENSE REQUIRE-**
4 **MENTS.**

5 Section 50905(c)(3) of title 51, United States Code,
6 is amended by striking “Beginning 8 years after the date
7 of enactment of the Commercial Space Launch Amend-
8 ments Act of 2004,” and inserting “Beginning on October
9 1, 2015,”.

10 **SEC. 828. AIR TRANSPORTATION OF LITHIUM CELLS AND**
11 **BATTERIES.**

12 (a) IN GENERAL.—The Secretary of Transportation,
13 including a designee of the Secretary, may not issue or
14 enforce any regulation or other requirement regarding the
15 transportation by aircraft of lithium metal cells or bat-
16 teries or lithium ion cells or batteries, whether transported
17 separately or packed with or contained in equipment, if
18 the requirement is more stringent than the requirements
19 of the ICAO Technical Instructions.

20 (b) EXCEPTIONS.—

21 (1) PASSENGER CARRYING AIRCRAFT.—Not-
22 withstanding subsection (a), the Secretary may en-
23 force the prohibition on transporting primary (non-
24 rechargeable) lithium batteries and cells aboard pas-
25 senger carrying aircraft set forth in special provision

1 (B) may adopt and enforce a permanent
2 regulation, more stringent than the require-
3 ments of the ICAO Technical Instructions, that
4 governs the transportation by aircraft of such
5 cells or batteries, if—

6 (i) the Secretary bases the regulation
7 upon substantial credible evidence that the
8 otherwise permissible presence of such cells
9 or batteries would substantially contribute
10 to the initiation or propagation of an on-
11 board fire;

12 (ii) the regulation addresses solely the
13 deficiencies in existing regulations; and

14 (iii) the regulation imposes the least
15 disruptive and least expensive variation
16 from existing requirements while ade-
17 quately addressing identified deficiencies.

18 (c) ICAO TECHNICAL INSTRUCTIONS DEFINED.—In
19 this section, the term “ICAO Technical Instructions”
20 means the International Civil Aviation Organization Tech-
21 nical Instructions for the Safe Transport of Dangerous
22 Goods by Air (as amended, including amendments adopted
23 after the date of enactment of this Act).

1 **SEC. 829. CLARIFICATION OF MEMORANDUM OF UNDER-**
2 **STANDING WITH OSHA.**

3 Not later than 6 months after the date of enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall—

6 (1) establish milestones, in consultation with
7 the Occupational Safety and Health Administration,
8 in a report to Congress—

9 (A) for the completion of work begun
10 under the August 2000 memorandum of under-
11 standing between the Administrations; and

12 (B) to address issues that need further ac-
13 tion, as set forth in the December 2000 joint
14 report of the Administrations; and

15 (2) initiate development of a policy statement to
16 set forth the circumstances in which requirements of
17 the Occupational Safety and Health Administration
18 may be applied to crewmembers while working in an
19 aircraft.

20 **SEC. 830. APPROVAL OF APPLICATIONS FOR THE AIRPORT**
21 **SECURITY SCREENING OPT-OUT PROGRAM.**

22 (a) IN GENERAL.—Section 44920(b) is amended to
23 read as follows:

24 “(b) APPROVAL OF APPLICATIONS.—

25 “(1) IN GENERAL.—Not later than 120 days
26 after the date of receipt of an application submitted

1 by an airport operator under subsection (a), the
2 Under Secretary shall approve or deny the applica-
3 tion.

4 “(2) STANDARDS.—The Under Secretary shall
5 approve an application submitted by an airport oper-
6 ator under subsection (a) if the Under Secretary de-
7 termines that the approval would not compromise se-
8 curity or detrimentally affect the cost-efficiency or
9 the effectiveness of the screening of passengers or
10 property at the airport.

11 “(3) REPORTS ON DENIALS OF APPLICA-
12 TIONS.—

13 “(A) IN GENERAL.—If the Under Sec-
14 retary denies an application submitted by an
15 airport operator under subsection (a), the
16 Under Secretary shall provide to the airport op-
17 erator, not later than 60 days following the
18 date of the denial, a written report that sets
19 forth—

20 “(i) the findings that served as the
21 basis for the denial;

22 “(ii) the results of any cost or security
23 analysis conducted in considering the ap-
24 plication; and

1 “(iii) recommendations on how the
2 airport operator can address the reasons
3 for the denial.

4 “(B) SUBMISSION TO CONGRESS.—The
5 Under Secretary shall submit to the Committee
6 on Commerce, Science, and Transportation of
7 the Senate and the Committee on Homeland
8 Security of the House of Representatives a copy
9 of any report provided to an airport operator
10 under subparagraph (A).”.

11 (b) WAIVERS.—Section 44920(d) is amended—

12 (1) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively, and mov-
14 ing the subparagraphs 2 ems to the right;

15 (2) by striking “The Under Secretary” and in-
16 serting the following:

17 “(1) IN GENERAL.—The Under Secretary”; and

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

19 “(2) WAIVERS.—The Under Secretary may
20 waive the requirement of paragraph (1)(B) for any
21 company that is a United States subsidiary with a
22 parent company that has implemented a foreign
23 ownership, control, or influence mitigation plan that
24 has been approved by the Defense Security Service
25 of the Department of Defense prior to the submis-

1 sion of the application. The Under Secretary has
2 complete discretion to reject any application from a
3 private screening company to provide screening serv-
4 ices at an airport that requires a waiver under this
5 paragraph.”.

6 (c) RECOMMENDATIONS OF AIRPORT OPERATOR.—
7 Section 44920 is amended by adding at the end the fol-
8 lowing:

9 “ (h) RECOMMENDATIONS OF AIRPORT OPERATOR.—
10 As part of any submission of an application for a private
11 screening company to provide screening services at an air-
12 port, the airport operator shall provide to the Under Sec-
13 retary a recommendation as to which company would best
14 serve the security screening and passenger needs of the
15 airport, along with a statement explaining the basis of the
16 operator’s recommendation.”.

17 (d) RECONSIDERATION OF APPLICATIONS PENDING
18 AS OF JANUARY 1, 2011.—

19 (1) IN GENERAL.—Upon the request of an air-
20 port operator, the Secretary of Homeland Security
21 shall reconsider any application for the screening of
22 passengers and property that—

23 (A) was submitted by the operator of an
24 airport pursuant to section 44920(a) of title 49,
25 United States Code;

1 (B) was pending for final decision by the
2 Secretary on any day between January 1, 2011,
3 and February 3, 2011, and was resubmitted by
4 the applicant in accordance with new guidelines
5 provided by the Secretary after February 3,
6 2011; and

7 (C) has not been approved by the Sec-
8 retary on or before the date of enactment of
9 this Act.

10 (2) NOTICE TO AIRPORT OPERATORS.—In re-
11 considering an application submitted under para-
12 graph (1), the Secretary shall—

13 (A) notify the airport operator that sub-
14 mitted the application that the Secretary will
15 reconsider the application;

16 (B) if the application was initially denied,
17 advise the operator of the findings that served
18 as the basis for the denial; and

19 (C) request the operator to provide the
20 Secretary with such additional information as
21 the Secretary determines necessary to recon-
22 sider the application.

23 (3) DEADLINE; STANDARDS.—The Secretary
24 shall approve or deny an application to be reconsid-
25 ered under paragraph (1) not later than the 120th

1 **TITLE IX—FEDERAL AVIATION**
 2 **RESEARCH AND DEVELOPMENT**

3 **SEC. 901. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—Section 48102(a) is amended—

5 (1) in the matter before paragraph (1) by strik-
 6 ing “of this title” and inserting “of this title and,
 7 for each of fiscal years 2012 through 2015, under
 8 subsection (g)”;

9 (2) by striking paragraphs (1) through (8);

10 (3) by redesignating paragraphs (9) through
 11 (15) as paragraphs (1) through (7), respectively;

12 (4) in paragraph (3) (as so redesignated)—

13 (A) in subparagraph (K) by adding “and”
 14 at the end; and

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

17 (5) by striking paragraph (16) and inserting
 18 the following:

19 “(8) \$168,000,000 for each of fiscal years 2012
 20 through 2015.”.

21 (b) SPECIFIC PROGRAM LIMITATIONS.—Section
 22 48102 is amended by inserting after subsection (f) the fol-
 23 lowing:

24 “(g) SPECIFIC AUTHORIZATIONS.—The following
 25 programs described in the research, engineering, and de-

1 velopment account of the national aviation research plan
2 required under section 44501(c) are authorized:

3 “(1) Fire Research and Safety.

4 “(2) Propulsion and Fuel Systems.

5 “(3) Advanced Materials/Structural Safety.

6 “(4) Atmospheric Hazards—Aircraft Icing/Dig-
7 ital System Safety.

8 “(5) Continued Airworthiness.

9 “(6) Aircraft Catastrophic Failure Prevention
10 Research.

11 “(7) Flightdeck/Maintenance/System Integra-
12 tion Human Factors.

13 “(8) System Safety Management.

14 “(9) Air Traffic Control/Technical Operations
15 Human Factors.

16 “(10) Aeromedical Research.

17 “(11) Weather Program.

18 “(12) Unmanned Aircraft Systems Research.

19 “(13) NextGen—Alternative Fuels for General
20 Aviation.

21 “(14) Joint Planning and Development Office.

22 “(15) NextGen—Wake Turbulence Research.

23 “(16) NextGen—Air Ground Integration
24 Human Factors.

1 “(17) NextGen—Self Separation Human Fac-
2 tors.

3 “(18) NextGen—Weather Technology in the
4 Cockpit.

5 “(19) Environment and Energy Research.

6 “(20) NextGen Environmental Research—Air-
7 craft Technologies, Fuels, and Metrics.

8 “(21) System Planning and Resource Manage-
9 ment.

10 “(22) The William J. Hughes Technical Center
11 Laboratory Facility.”

12 (c) PROGRAM AUTHORIZATIONS.—From the other
13 accounts described in the national aviation research plan
14 required under section 44501(c) of title 49, United States
15 Code, the following research and development activities
16 are authorized:

17 (1) Runway Incursion Reduction.

18 (2) System Capacity, Planning, and Improve-
19 ment.

20 (3) Operations Concept Validation.

21 (4) NAS Weather Requirements.

22 (5) Airspace Management Program.

23 (6) NextGen—Air Traffic Control/Technical
24 Operations Human Factors.

1 SEC. 902. DEFINITIONS.

2 In this title, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the FAA.

5 (2) FAA.—The term “FAA” means the Fed-
6 eral Aviation Administration.

7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the same
9 meaning given the term in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (4) NASA.—The term “NASA” means the Na-
12 tional Aeronautics and Space Administration.

13 (5) NOAA.—The term “NOAA” means the Na-
14 tional Oceanic and Atmospheric Administration.

15 SEC. 903. UNMANNED AIRCRAFT SYSTEMS.

16 (a) RESEARCH INITIATIVE.—Section 44504(b) is
17 amended—

18 (1) in paragraph (6) by striking “and” after
19 the semicolon;

20 (2) in paragraph (7) by striking the period at
21 the end and inserting “; and”; and

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

23 “(8) in conjunction with other Federal agencies,
24 as appropriate, to develop technologies and methods
25 to assess the risk of and prevent defects, failures,
26 and malfunctions of products, parts, and processes

1 higher education and pavement research organizations for
2 research and technology demonstrations related to—

3 (1) the design, construction, rehabilitation, and
4 repair of airfield pavements to aid in the develop-
5 ment of safer, more cost effective, and more durable
6 airfield pavements; and

7 (2) engineered material restraining systems for
8 runways at both general aviation airports and air-
9 ports with commercial air carrier operations.

10 **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

11 Section 44505 is amended—

12 (1) by redesignating subsection (d) as sub-
13 section (e); and

14 (2) by inserting after subsection (c) the fol-
15 lowing:

16 “(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

17 “(1) RESEARCH.—Not later than 1 year after
18 the date of enactment of the FAA Modernization
19 and Reform Act of 2012, the Administrator shall
20 conduct research on methods and procedures to im-
21 prove both confidence in and the timeliness of cer-
22 tification of new technologies for their introduction
23 into the national airspace system.

24 “(2) RESEARCH PLAN.—Not later than 6
25 months after the date of enactment of the FAA

1 Modernization and Reform Act of 2012, the Admin-
2 istrator shall develop a plan for the research under
3 paragraph (1) that contains objectives, proposed
4 tasks, milestones, and a 5-year budgetary profile.

5 “(3) REVIEW.—The Administrator shall enter
6 into an arrangement with the National Research
7 Council to conduct an independent review of the
8 plan developed under paragraph (2) and shall pro-
9 vide the results of that review to the Committee on
10 Science, Space, and Technology of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate not later
13 than 18 months after the date of enactment of the
14 FAA Modernization and Reform Act of 2012.”.

15 **SEC. 906. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

16 Section 44511(f) is amended—

17 (1) in paragraph (1) by striking “establish a 4-
18 year pilot” and inserting “maintain an”; and

19 (2) in paragraph (4)—

20 (A) by striking “Not later than 6 months
21 after the expiration of the program under this
22 subsection,” and inserting “Not later than Sep-
23 tember 30, 2012,”; and

24 (B) by striking “program, including rec-
25 ommendations as to the need for establishing a

1 permanent airport cooperative research pro-
 2 gram” and inserting “program”.

3 **SEC. 907. CENTERS OF EXCELLENCE.**

4 (a) GOVERNMENT’S SHARE OF COSTS.—Section
 5 44513(f) is amended to read as follows:

6 “(f) GOVERNMENT’S SHARE OF COSTS.—The United
 7 States Government’s share of establishing and operating
 8 a center and all related research activities that grant re-
 9 cipients carry out shall not exceed 50 percent of the costs,
 10 except that the Administrator may increase such share to
 11 a maximum of 75 percent of the costs for a fiscal year
 12 if the Administrator determines that a center would be
 13 unable to carry out the authorized activities described in
 14 this section without additional funds.”

15 (b) ANNUAL REPORT.—Section 44513 is amended by
 16 adding at the end the following:

17 “(h) ANNUAL REPORT.—The Administrator shall
 18 transmit annually to the Committee on Science, Space,
 19 and Technology of the House of Representatives and the
 20 Committee on Commerce, Science, and Transportation of
 21 the Senate at the time of the President’s budget request
 22 a report that lists—

23 “(1) the research projects that have been initi-
 24 ated by each center in the preceding year;

1 “(2) the amount of funding for each research
2 project and the funding source;

3 “(3) the institutions participating in each re-
4 search project and their shares of the overall fund-
5 ing for each research project; and

6 “(4) the level of cost-sharing for each research
7 project.”.

8 **SEC. 908. CENTER OF EXCELLENCE FOR AVIATION HUMAN**
9 **RESOURCE RESEARCH.**

10 (a) ESTABLISHMENT.—Using amounts made avail-
11 able under section 48102(a) of title 49, United States
12 Code, the Administrator may establish a center of excel-
13 lence to conduct research on—

14 (1) human performance in the air transpor-
15 tation environment, including among air transpor-
16 tation personnel such as air traffic controllers, pi-
17 lots, and technicians; and

18 (2) any other aviation human resource issue
19 pertinent to developing and maintaining a safe and
20 efficient air transportation system.

21 (b) ACTIVITIES.—Activities conducted under this sec-
22 tion may include the following:

23 (1) Research, development, and evaluation of
24 training programs for air traffic controllers, aviation

1 safety inspectors, airway transportation safety spe-
 2 cialists, and engineers.

3 (2) Research and development of best practices
 4 for recruitment of individuals into the aviation field
 5 for mission critical positions.

6 (3) Research, in consultation with other rel-
 7 evant Federal agencies, to develop a baseline of gen-
 8 eral aviation employment statistics and an analysis
 9 of future needs in the aviation field.

10 (4) Research and the development of a com-
 11 prehensive assessment of the airframe and power
 12 plant technician certification process and its effect
 13 on employment trends.

14 (5) Evaluation of aviation maintenance techni-
 15 cian school environments.

16 (6) Research and an assessment of the ability
 17 to develop training programs to allow for the transi-
 18 tion of recently unemployed and highly skilled me-
 19 chanics into the aviation field.

20 **SEC. 909. INTERAGENCY RESEARCH ON AVIATION AND THE**
 21 **ENVIRONMENT.**

22 (a) **IN GENERAL.**—Using amounts made available
 23 under section 48102(a) of title 49, United States Code,
 24 the Administrator, in coordination with NASA and after
 25 consultation with other relevant agencies, may maintain

1 a research program to assess the potential effect of avia-
2 tion activities on the environment and, if warranted, to
3 evaluate approaches to address any such effect.

4 (b) RESEARCH PLAN.—

5 (1) IN GENERAL.—The Administrator, in co-
6 ordination with NASA and after consultation with
7 other relevant agencies, shall jointly develop a plan
8 to carry out the research under subsection (a).

9 (2) CONTENTS.—The plan shall contain an in-
10 ventory of current interagency research being under-
11 taken in this area, future research objectives, pro-
12 posed tasks, milestones, and a 5-year budgetary pro-
13 file.

14 (3) REQUIREMENTS.—The plan—

15 (A) shall be completed not later than 1
16 year after the date of enactment of this Act;

17 (B) shall be submitted to Congress for re-
18 view; and

19 (C) shall be updated, as appropriate, every
20 3 years after the initial submission.

21 **SEC. 910. AVIATION FUEL RESEARCH AND DEVELOPMENT**
22 **PROGRAM.**

23 (a) IN GENERAL.—Using amounts made available
24 under section 48102(a) of title 49, United States Code,
25 the Administrator, in coordination with the Administrator

1 (4) develop recommendations for appropriate
2 policies and guidelines to facilitate a transition to
3 unleaded aviation fuel for piston engine aircraft.

4 (c) COLLABORATION.—In carrying out the program
5 under subsection (a), the Administrator shall collaborate
6 with—

7 (1) industry groups representing aviation con-
8 sumers, manufacturers, and fuel producers and dis-
9 tributors; and

10 (2) other appropriate Federal agencies.

11 (d) REPORT.—Not later than 270 days after the date
12 of enactment of this Act, the Administrator shall provide
13 to the Committee on Science, Space, and Technology of
14 the House of Representatives and the Committee on Com-
15 merce, Science, and Transportation of the Senate a report
16 on the plan, information obtained, and policies and guide-
17 lines developed pursuant to subsection (b).

18 **SEC. 911. RESEARCH PROGRAM ON ALTERNATIVE JET**
19 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

20 (a) IN GENERAL.—Using amounts made available
21 under section 48102(a) of title 49, United States Code,
22 the Administrator shall establish a research program to
23 assist in the development and qualification of jet fuel from
24 alternative sources (such as natural gas, biomass, ethanol,
25 butanol, and hydrogen) and other renewable sources.

1 (1) the programs have well-defined, prioritized,
2 and appropriate research objectives;

3 (2) the programs are properly coordinated with
4 the energy-related and environment-related research
5 programs at NASA, NOAA, and other relevant
6 agencies;

7 (3) the programs have allocated appropriate re-
8 sources to each of the research objectives; and

9 (4) there exist suitable mechanisms for
10 transitioning the research results into the FAA's
11 operational technologies and procedures and certifi-
12 cation activities.

13 (b) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit a report to the Committee on Science, Space, and
16 Technology of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate containing the results of the review.

19 **SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**
20 **SEARCH PROGRAMS.**

21 (a) REVIEW.—Using amounts made available under
22 section 48102(a) of title 49, United States Code, the Ad-
23 ministrator shall enter into an arrangement for an inde-
24 pendent external review of the FAA's aviation safety-re-

1 lated research programs. The review shall assess wheth-
2 er—

3 (1) the programs have well-defined, prioritized,
4 and appropriate research objectives;

5 (2) the programs are properly coordinated with
6 the safety research programs of NASA and other
7 relevant Federal agencies;

8 (3) the programs have allocated appropriate re-
9 sources to each of the research objectives;

10 (4) the programs should include a determina-
11 tion about whether a survey of participants across
12 the air transportation system is an appropriate way
13 to study safety risks within such system; and

14 (5) there exist suitable mechanisms for
15 transitioning the research results from the programs
16 into the FAA’s operational technologies and proce-
17 dures and certification activities in a timely manner.

18 (b) AVIATION SAFETY-RELATED RESEARCH PRO-
19 GRAMS TO BE ASSESSED.—The FAA aviation safety-re-
20 lated research programs to be assessed under the review
21 shall include, at a minimum, the following:

22 (1) Air traffic control/technical operations
23 human factors.

24 (2) Runway incursion reduction.

- 1 (3) Flightdeck/maintenance system integration
- 2 human factors.
- 3 (4) Airports technology research—safety.
- 4 (5) Airport Cooperative Research Program—
- 5 safety.
- 6 (6) Weather Program.
- 7 (7) Atmospheric hazards/digital system safety.
- 8 (8) Fire research and safety.
- 9 (9) Propulsion and fuel systems.
- 10 (10) Advanced materials/structural safety.
- 11 (11) Aging aircraft.
- 12 (12) Aircraft catastrophic failure prevention re-
- 13 search.
- 14 (13) Aeromedical research.
- 15 (14) Aviation safety risk analysis.
- 16 (15) Unmanned aircraft systems research.
- 17 (c) REPORT.—Not later than 14 months after the
- 18 date of enactment of this Act, the Administrator shall sub-
- 19 mit to the Committee on Science, Space, and Technology
- 20 of the House of Representatives and the Committee on
- 21 Commerce, Science, and Transportation of the Senate a
- 22 report on the results of the review.

1 **SEC. 914. PRODUCTION OF CLEAN COAL FUEL TECH-**
2 **NOLOGY FOR CIVILIAN AIRCRAFT.**

3 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—
4 Using amounts made available under section 48102(a) of
5 title 49, United States Code, the Administrator shall es-
6 tablish a research program related to developing jet fuel
7 from clean coal.

8 (b) AUTHORITY TO MAKE GRANTS.—The Adminis-
9 trator shall carry out the program through grants or other
10 measures authorized under section 106(l)(6) of such title,
11 including reimbursable agreements with other Federal
12 agencies.

13 (c) PARTICIPATION IN PROGRAM.—In carrying out
14 the program, the Administrator shall include participation
15 by educational and research institutions that have existing
16 facilities and experience in the development and deploy-
17 ment of technology that processes coal into aviation fuel.

18 (d) DESIGNATION OF INSTITUTION AS A CENTER OF
19 EXCELLENCE.—Not later than 180 days after the date
20 of enactment of this Act, the Administrator may designate
21 an institution described in subsection (c) as a Center of
22 Excellence for Coal-to-Jet-Fuel Research.

23 **SEC. 915. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**
24 **ER RESEARCH.**

25 Not later than 60 days after the date of enactment
26 of this Act, the Administrator shall—

1 (1) initiate an evaluation of proposals related to
2 research on the nature of wake vortexes that would
3 increase national airspace system capacity by reduc-
4 ing existing spacing requirements between aircraft of
5 all sizes;

6 (2) begin implementation of a system to im-
7 prove volcanic ash avoidance options for aircraft, in-
8 cluding the development of a volcanic ash warning
9 and notification system for aviation; and

10 (3) coordinate with NOAA, NASA, and other
11 appropriate Federal agencies to conduct research to
12 reduce the hazards presented to commercial aviation
13 related to—

14 (A) ground de-icing and anti-icing, ice pel-
15 lets, and freezing drizzle;

16 (B) oceanic weather, including convective
17 weather;

18 (C) en route turbulence prediction and de-
19 tection; and

20 (D) all hazards during oceanic operations,
21 where commercial traffic is high and only rudi-
22 mentary satellite sensing is available.

1 tation Research Board for the purpose of initiating a
2 study under the Airport Cooperative Research Program
3 on airport sustainability practices.

4 (b) FUNCTIONS.—The purpose of the study shall
5 be—

6 (1) to examine and develop best airport prac-
7 tices and metrics for the sustainable design, con-
8 struction, planning, maintenance, and operation of
9 an airport;

10 (2) to examine potential standards for a rating
11 system based on the best sustainable practices and
12 metrics;

13 (3) to examine potential standards for a vol-
14 untary airport rating process based on the best sus-
15 tainable practices, metrics, and ratings; and

16 (4) to examine and develop recommendations
17 for future actions with regard to sustainability.

18 (c) REPORT.—Not later than 18 months after the
19 date of initiation of the study, a report on the study shall
20 be submitted to the Administrator and the Committee on
21 Science, Space, and Technology of the House of Rep-
22 resentatives and the Committee on Commerce, Science,
23 and Transportation of the Senate.

1 **TITLE X—NATIONAL MEDIATION**
2 **BOARD**

3 **SEC. 1001. RULEMAKING AUTHORITY.**

4 Title I of the Railway Labor Act (45 U.S.C. 151 et
5 seq.) is amended by inserting after section 10 the fol-
6 lowing:

7 **“SEC. 10A. RULES AND REGULATIONS.**

8 “(a) IN GENERAL.—The Mediation Board shall have
9 the authority from time to time to make, amend, and re-
10 scind, in the manner prescribed by section 553 of title 5,
11 United States Code, and after opportunity for a public
12 hearing, such rules and regulations as may be necessary
13 to carry out the provisions of this Act.

14 “(b) APPLICATION.—The requirements of subsection
15 (a) shall not apply to any rule or proposed rule to which
16 the third sentence of section 553(b) of title 5, United
17 States Code, applies.”.

18 **SEC. 1002. RUNOFF ELECTION RULES.**

19 Paragraph Ninth of section 2 of the Railway Labor
20 Act (45 U.S.C. 152) is amended by inserting after the
21 fourth sentence the following: “In any such election for
22 which there are 3 or more options (including the option
23 of not being represented by any labor organization) on the
24 ballot and no such option receives a majority of the valid
25 votes cast, the Mediation Board shall arrange for a second

1 election between the options receiving the largest and the
2 second largest number of votes.”.

3 **SEC. 1003. BARGAINING REPRESENTATIVE CERTIFICATION.**

4 Section 2 of the Railway Labor Act (45 U.S.C. 152)
5 is amended by adding at the end the following:

6 “Twelfth. Showing of interest for representation elec-
7 tions. The Mediation Board, upon receipt of an application
8 requesting that an organization or individual be certified
9 as the representative of any craft or class of employees,
10 shall not direct an election or use any other method to
11 determine who shall be the representative of such craft
12 or class unless the Mediation Board determines that the
13 application is supported by a showing of interest from not
14 less than 50 percent of the employees in the craft or
15 class.”.

16 **SEC. 1004. OVERSIGHT.**

17 Title I of the Railway Labor Act (45 U.S.C. 151 et
18 seq.) is amended by adding at the end the following:

19 **“SEC. 15. EVALUATION AND AUDIT OF MEDIATION BOARD.**

20 “(a) EVALUATION AND AUDIT OF MEDIATION
21 BOARD.—

22 “(1) IN GENERAL.—In order to promote econ-
23 omy, efficiency, and effectiveness in the administra-
24 tion of the programs, operations, and activities of
25 the Mediation Board, the Comptroller General of the

1 United States shall evaluate and audit the programs
 2 and expenditures of the Mediation Board. Such an
 3 evaluation and audit shall be conducted not less fre-
 4 quently than every 2 years, but may be conducted as
 5 determined necessary by the Comptroller General or
 6 the appropriate congressional committees.

7 “(2) RESPONSIBILITY OF COMPTROLLER GEN-
 8 ERAL.—In carrying out the evaluation and audit re-
 9 quired under paragraph (1), the Comptroller Gen-
 10 eral shall evaluate and audit the programs, oper-
 11 ations, and activities of the Mediation Board, includ-
 12 ing, at a minimum—

13 “(A) information management and secu-
 14 rity, including privacy protection of personally
 15 identifiable information;

16 “(B) resource management;

17 “(C) workforce development;

18 “(D) procurement and contracting plan-
 19 ning, practices, and policies;

20 “(E) the extent to which the Mediation
 21 Board follows leading practices in selected man-
 22 agement areas; and

23 “(F) the processes the Mediation Board
 24 follows to address challenges in—

1 “(i) initial investigations of applica-
2 tions requesting that an organization or in-
3 dividual be certified as the representative
4 of any craft or class of employees;

5 “(ii) determining and certifying rep-
6 resentatives of employees; and

7 “(iii) ensuring that the process occurs
8 without interference, influence, or coercion.

9 “(b) IMMEDIATE REVIEW OF CERTIFICATION PROCE-
10 DURES.—Not later than 180 days after the date of enact-
11 ment of this section, the Comptroller General shall review
12 the processes applied by the Mediation Board to certify
13 or decertify representation of employees by a labor organi-
14 zation and make recommendations to the Board and ap-
15 propriate congressional committees regarding actions that
16 may be taken by the Board or Congress to ensure that
17 the processes are fair and reasonable for all parties. Such
18 review shall be conducted separately from any evaluation
19 and audit under subsection (a) and shall include, at a min-
20 imum—

21 “(1) an evaluation of the existing processes and
22 changes to such processes that have occurred since
23 the establishment of the Mediation Board and
24 whether those changes are consistent with congres-
25 sional intent; and

1 “(2) a description of the extent to which such
2 processes are consistent with similar processes ap-
3 plied to other Federal or State agencies with juris-
4 diction over labor relations, and an evaluation of any
5 justifications for any discrepancies between the pro-
6 cesses of the Mediation Board and such similar Fed-
7 eral or State processes.

8 “(c) APPROPRIATE CONGRESSIONAL COMMITTEE
9 DEFINED.—In this section, the term ‘appropriate congres-
10 sional committees’ means the Committee on Transpor-
11 tation and Infrastructure of the House of Representatives,
12 the Committee on Commerce, Science, and Transportation
13 of the Senate, and the Committee on Health, Education,
14 Labor, and Pensions of the Senate.”

15 **TITLE XI—AIRPORT AND AIRWAY**
16 **TRUST FUND PROVISIONS**
17 **AND RELATED TAXES**

18 **SEC. 1100. AMENDMENT OF 1986 CODE.**

19 Except as otherwise expressly provided, whenever in
20 this title an amendment or repeal is expressed in terms
21 of an amendment to, or repeal of, a section or other provi-
22 sion, the reference shall be considered to be made to a
23 section or other provision of the Internal Revenue Code
24 of 1986.

1 **SEC. 1101. EXTENSION OF TAXES FUNDING AIRPORT AND**
2 **AIRWAY TRUST FUND.**

3 (a) **FUEL TAXES.**—Subparagraph (B) of section
4 4081(d)(2) is amended by striking “February 17, 2012”
5 and inserting “September 30, 2015”.

6 (b) **TICKET TAXES.**—

7 (1) **PERSONS.**—Clause (ii) of section
8 4261(j)(1)(A) is amended by striking “February 17,
9 2012” and inserting “September 30, 2015”.

10 (2) **PROPERTY.**—Clause (ii) of section
11 4271(d)(1)(A) is amended by striking “February 17,
12 2012” and inserting “September 30, 2015”.

13 (c) **EFFECTIVE DATE.**—The amendments made by
14 this section shall take effect on February 18, 2012.

15 **SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST**
16 **FUND EXPENDITURE AUTHORITY.**

17 (a) **IN GENERAL.**—Paragraph (1) of section 9502(d)
18 is amended—

19 (1) by striking “February 18, 2012” in the
20 matter preceding subparagraph (A) and inserting
21 “October 1, 2015”, and

22 (2) by striking the semicolon at the end of sub-
23 paragraph (A) and inserting “or the FAA Mod-
24 ernization and Reform Act of 2012;”.

1 (b) CONFORMING AMENDMENT.—Paragraph (2) of
2 section 9502(e) is amended by striking “February 18,
3 2012” and inserting “October 1, 2015”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on February 18, 2012.

6 **SEC. 1103. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**
7 **SHIP PROGRAMS.**

8 (a) FUEL SURTAX.—

9 (1) IN GENERAL.—Subchapter B of chapter 31
10 is amended by adding at the end the following new
11 section:

12 **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**
13 **A FRACTIONAL OWNERSHIP PROGRAM.**

14 “(a) IN GENERAL.—There is hereby imposed a tax
15 on any liquid used (during any calendar quarter by any
16 person) in a fractional program aircraft as fuel—

17 “(1) for the transportation of a qualified frac-
18 tional owner with respect to the fractional ownership
19 aircraft program of which such aircraft is a part, or

20 “(2) with respect to the use of such aircraft on
21 account of such a qualified fractional owner, includ-
22 ing use in deadhead service.

23 “(b) AMOUNT OF TAX.—The rate of tax imposed by
24 subsection (a) is 14.1 cents per gallon.

1 “(C) with respect to at least 2 fractional
2 program aircraft, none of the ownership inter-
3 ests in such aircraft are—

4 “(i) less than the minimum fractional
5 ownership interest, or

6 “(ii) held by the program manager re-
7 ferred to in subparagraph (A),

8 “(D) there exists a dry-lease aircraft ex-
9 change arrangement among all of the fractional
10 owners, and

11 “(E) there are multi-year program agree-
12 ments covering the fractional ownership, frac-
13 tional ownership program management services,
14 and dry-lease aircraft exchange aspects of the
15 program.

16 “(3) DEFINITIONS RELATED TO FRACTIONAL
17 OWNERSHIP INTERESTS.—

18 “(A) QUALIFIED FRACTIONAL OWNER.—
19 The term ‘qualified fractional owner’ means any
20 fractional owner which has a minimum frac-
21 tional ownership interest in at least one frac-
22 tional program aircraft.

23 “(B) MINIMUM FRACTIONAL OWNERSHIP
24 INTEREST.—The term ‘minimum fractional

1 ownership interest’ means, with respect to each
2 type of aircraft—

3 “(i) a fractional ownership interest
4 equal to or greater than 1/16 of at least 1
5 subsonic, fixed wing, or powered lift air-
6 craft, or

7 “(ii) a fractional ownership interest
8 equal to or greater than 1/32 of at least 1
9 rotorcraft aircraft.

10 “(C) FRACTIONAL OWNERSHIP INTER-
11 EST.—The term ‘fractional ownership interest’
12 means—

13 “(i) the ownership of an interest in a
14 fractional program aircraft,

15 “(ii) the holding of a multi-year lease-
16 hold interest in a fractional program air-
17 craft, or

18 “(iii) the holding of a multi-year
19 leasehold interest which is convertible into
20 an ownership interest in a fractional pro-
21 gram aircraft.

22 “(D) FRACTIONAL OWNER.—The term
23 ‘fractional owner’ means any person owning any
24 interest (including the entire interest) in a frac-
25 tional program aircraft.

1 (2) CONFORMING AMENDMENT.—Subsection (e)
2 of section 4082 is amended by inserting “(other
3 than kerosene with respect to which tax is imposed
4 under section 4043)” after “In the case of ker-
5 osene”.

6 (3) TRANSFER OF REVENUES TO AIRPORT AND
7 AIRWAY TRUST FUND.—Paragraph (1) of section
8 9502(b) is amended by redesignating subparagraphs
9 (B) and (C) as subparagraphs (C) and (D), respec-
10 tively, and by inserting after subparagraph (A) the
11 following new subparagraph:

12 “(B) section 4043 (relating to surtax on
13 fuel used in aircraft part of a fractional owner-
14 ship program),”.

15 (4) CLERICAL AMENDMENT.—The table of sec-
16 tions for subchapter B of chapter 31 is amended by
17 adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-
gram.”.

18 (b) FRACTIONAL OWNERSHIP PROGRAMS TREATED
19 AS NON-COMMERCIAL AVIATION.—Subsection (b) of sec-
20 tion 4083 is amended by adding at the end the following
21 new sentence: “Such term shall not include the use of any
22 aircraft before October 1, 2015, if tax is imposed under
23 section 4043 with respect to the fuel consumed in such

1 use or if no tax is imposed on such use under section 4043
2 by reason of subsection (c)(5) thereof.”.

3 (c) EXEMPTION FROM TAX ON TRANSPORTATION OF
4 PERSONS.—Section 4261, as amended by this Act, is
5 amended by redesignating subsection (j) as subsection (k)
6 and by inserting after subsection (i) the following new sub-
7 section:

8 “(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL
9 OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be im-
10 posed by this section or section 4271 on any air transpor-
11 tation if tax is imposed under section 4043 with respect
12 to the fuel used in such transportation. This subsection
13 shall not apply after September 30, 2015.”.

14 (d) EFFECTIVE DATES.—

15 (1) SUBSECTION (a).—The amendments made
16 by subsection (a) shall apply to fuel used after
17 March 31, 2012.

18 (2) SUBSECTION (b).—The amendment made
19 by subsection (b) shall apply to uses of aircraft after
20 March 31, 2012.

21 (3) SUBSECTION (c).—The amendments made
22 by subsection (c) shall apply to taxable transpor-
23 tation provided after March 31, 2012.

1 **SEC. 1104. TRANSPARENCY IN PASSENGER TAX DISCLO-**
2 **SURES.**

3 (a) IN GENERAL.—Section 7275 is amended—

4 (1) by redesignating subsection (c) as sub-
5 section (d),

6 (2) by striking “subsection (a) or (b)” in sub-
7 section (d), as so redesignated, and inserting “sub-
8 section (a), (b), or (c)”, and

9 (3) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) NON-TAX CHARGES.—

12 “(1) IN GENERAL.—In the case of transpor-
13 tation by air for which disclosure on the ticket or
14 advertising for such transportation of the amounts
15 paid for passenger taxes is required by subsection
16 (a)(2) or (b)(1)(B), if such amounts are separately
17 disclosed, it shall be unlawful for the disclosure of
18 such amounts to include any amounts not attrib-
19 utable to such taxes.

20 “(2) INCLUSION IN TRANSPORTATION COST.—

21 Nothing in this subsection shall prohibit the inclu-
22 sion of amounts not attributable to the taxes im-
23 posed by subsection (a), (b), or (c) of section 4261
24 in the disclosure of the amount paid for transpor-
25 tation as required by subsection (a)(1) or (b)(1)(A),

1 or in a separate disclosure of amounts not attrib-
2 utable to such taxes.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to taxable transportation provided
5 after March 31, 2012.

6 **SEC. 1105. TAX-EXEMPT BOND FINANCING FOR FIXED-WING**
7 **EMERGENCY MEDICAL AIRCRAFT.**

8 (a) **IN GENERAL.**—Subsection (e) of section 147 is
9 amended by adding at the end the following new sentence:
10 “The preceding sentence shall not apply to any fixed-wing
11 aircraft equipped for, and exclusively dedicated to pro-
12 viding, acute care emergency medical services (within the
13 meaning of section 4261(g)(2)).”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 this section shall apply to obligations issued after the date
16 of the enactment of this Act.

17 **SEC. 1106. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE**
18 **CARRIER BANKRUPTCY.**

19 (a) **GENERAL RULES.**—

20 (1) **ROLLOVER OF AIRLINE PAYMENT**
21 **AMOUNT.**—If a qualified airline employee receives
22 any airline payment amount and transfers any por-
23 tion of such amount to a traditional IRA within 180
24 days of receipt of such amount (or, if later, within
25 180 days of the date of the enactment of this Act),

1 then such amount (to the extent so transferred)
2 shall be treated as a rollover contribution described
3 in section 402(c) of the Internal Revenue Code of
4 1986. A qualified airline employee making such a
5 transfer may exclude from gross income the amount
6 transferred, in the taxable year in which the airline
7 payment amount was paid to the qualified airline
8 employee by the commercial passenger airline car-
9 rier.

10 (2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO
11 AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER
12 TO ROTH IRA.—A qualified airline employee who has
13 contributed an airline payment amount to a Roth
14 IRA that is treated as a qualified rollover contribu-
15 tion pursuant to section 125 of the Worker, Retiree,
16 and Employer Recovery Act of 2008, may transfer
17 to a traditional IRA, in a trustee-to-trustee transfer,
18 all or any part of the contribution (together with any
19 net income allocable to such contribution), and the
20 transfer to the traditional IRA will be deemed to
21 have been made at the time of the rollover to the
22 Roth IRA, if such transfer is made within 180 days
23 of the date of the enactment of this Act. A qualified
24 airline employee making such a transfer may exclude
25 from gross income the airline payment amount pre-

1 viously rolled over to the Roth IRA, to the extent an
2 amount attributable to the previous rollover was
3 transferred to a traditional IRA, in the taxable year
4 in which the airline payment amount was paid to the
5 qualified airline employee by the commercial pas-
6 senger airline carrier. No amount so transferred to
7 a traditional IRA may be treated as a qualified roll-
8 over contribution with respect to a Roth IRA within
9 the 5-taxable year period beginning with the taxable
10 year in which such transfer was made.

11 (3) EXTENSION OF TIME TO FILE CLAIM FOR
12 REFUND.—A qualified airline employee who excludes
13 an amount from gross income in a prior taxable year
14 under paragraph (1) or (2) may reflect such exclu-
15 sion in a claim for refund filed within the period of
16 limitation under section 6511(a) of such Code (or, if
17 later, April 15, 2013).

18 (4) OVERALL LIMITATION ON AMOUNTS TRANS-
19 FERRED TO TRADITIONAL IRAS.—

20 (A) IN GENERAL.—The aggregate amount
21 of airline payment amounts which may be
22 transferred to 1 or more traditional IRAs under
23 paragraphs (1) and (2) with respect to any
24 qualified employee for any taxable year shall
25 not exceed the excess (if any) of—

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to repurchases after the date of
3 the enactment of this Act.

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

7 **SEC. 1201. COMPLIANCE PROVISION.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go-Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, jointly submitted for printing in the Congressional
13 Record by the Chairmen of the House and Senate Budget
14 Committees, provided that such statement has been sub-
15 mitted prior to the vote on passage in the House acting
16 first on this conference report or amendment between the
17 Houses.

 And the Senate agree to the same.