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

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "FAA Modernization and Reform Act of 2012".
- 4 (b) TABLE OF CONTENTS.—The table of contents for

# 5 this Act is as follows:

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

#### TITLE I—AUTHORIZATIONS

### Subtitle A—Funding of FAA Programs

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. FAA operations.
- Sec. 104. Funding for aviation programs.
- Sec. 105. Delineation of Next Generation Air Transportation System projects.

#### Subtitle B—Passenger Facility Charges

- Sec. 111. Passenger facility charges.
- Sec. 112. GAO study of alternative means of collecting PFCs.
- Sec. 113. Qualifications-based selection.

### Subtitle C—Fees for FAA Services

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

#### Subtitle D—Airport Improvement Program Modifications

- Sec. 131. Airport master plans.
- Sec. 132. AIP definitions.
- Sec. 133. Recycling plans for airports.
- Sec. 134. Contents of competition plans.
- Sec. 135. Grant assurances.
- Sec. 136. Agreements granting through-the-fence access to general aviation airports.
- Sec. 137. Government share of project costs.
- Sec. 138. Allowable project costs.
- Sec. 139. Veterans' preference.
- Sec. 140. Minority and disadvantaged business participation.
- Sec. 141. Special apportionment rules.
- Sec. 142. United States territories minimum guarantee.
- Sec. 143. Reducing apportionments.
- Sec. 144. Marshall Islands, Micronesia, and Palau.

- Sec. 145. Use of apportioned amounts.
- Sec. 146. Designating current and former military airports.
- Sec. 147. Contract tower program.
- Sec. 148. Resolution of disputes concerning airport fees.
- Sec. 149. Sale of private airports to public sponsors.
- Sec. 150. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 151. Midway Island Airport.
- Sec. 152. Miscellaneous amendments.
- Sec. 153. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 154. Priority review of construction projects in cold weather States.
- Sec. 155. Study on national plan of integrated airport systems.
- Sec. 156. Airport privatization program.

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

- Sec. 201. Definitions.
- Sec. 202. NextGen demonstrations and concepts.
- Sec. 203. Clarification of authority to enter into reimbursable agreements.
- Sec. 204. Chief NextGen Officer.
- Sec. 205. Definition of air navigation facility.
- Sec. 206. Clarification to acquisition reform authority.
- Sec. 207. Assistance to foreign aviation authorities.
- Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.
- Sec. 209. Next Generation Air Transportation Senior Policy Committee.
- Sec. 210. Improved management of property inventory.
- Sec. 211. Automatic dependent surveillance-broadcast services.
- Sec. 212. Expert review of enterprise architecture for NextGen.
- Sec. 213. Acceleration of NextGen technologies.
- Sec. 214. Performance metrics.
- Sec. 215. Certification standards and resources.
- Sec. 216. Surface systems acceleration.
- Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 218. Airspace redesign.
- Sec. 219. Study on feasibility of development of a public internet web-based resource on locations of potential aviation obstructions.
- Sec. 220. NextGen research and development center of excellence.
- Sec. 221. Public-private partnerships.
- Sec. 222. Operational incentives.
- Sec. 223. Educational requirements.
- Sec. 224. Air traffic controller staffing initiatives and analysis.
- Sec. 225. Reports on status of greener skies project.

# TITLE III—SAFETY

#### Subtitle A—General Provisions

- Sec. 301. Judicial review of denial of airman certificates.
- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 303. Design and production organization certificates.
- Sec. 304. Cabin crew communication.
- Sec. 305. Line check evaluations.

- Sec. 306. Safety of air ambulance operations.
- Sec. 307. Prohibition on personal use of electronic devices on flight deck.
- Sec. 308. Inspection of repair stations located outside the United States.
- Sec. 309. Enhanced training for flight attendants.
- Sec. 310. Limitation on disclosure of safety information.
- Sec. 311. Prohibition against aiming a laser pointer at an aircraft.
- Sec. 312. Aircraft certification process review and reform.
- Sec. 313. Consistency of regulatory interpretation.
- Sec. 314. Runway safety.
- Sec. 315. Flight Standards Evaluation Program.
- Sec. 316. Cockpit smoke.
- Sec. 317. Off-airport, low-altitude aircraft weather observation technology.
- Sec. 318. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 319. Maintenance providers.
- Sec. 320. Study of air quality in aircraft cabins.
- Sec. 321. Improved pilot licenses.

#### Subtitle B—Unmanned Aircraft Systems

- Sec. 331. Definitions.
- Sec. 332. Integration of civil unmanned aircraft systems into national airspace system.
- Sec. 333. Special rules for certain unmanned aircraft systems.
- Sec. 334. Public unmanned aircraft systems.
- Sec. 335. Safety studies.
- Sec. 336. Special rule for model aircraft.

#### Subtitle C—Safety and Protections

- Sec. 341. Aviation Safety Whistleblower Investigation Office.
- Sec. 342. Postemployment restrictions for flight standards inspectors.
- Sec. 343. Review of air transportation oversight system database.
- Sec. 344. Improved voluntary disclosure reporting system.
- Sec. 345. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 346. Certain existing flight time limitations and rest requirements.
- Sec. 347. Emergency locator transmitters on general aviation aircraft.

#### TITLE IV—AIR SERVICE IMPROVEMENTS

#### Subtitle A—Passenger Air Service Improvements

- Sec. 401. Smoking prohibition.
- Sec. 402. Monthly air carrier reports.
- Sec. 403. Musical instruments.
- Sec. 404. Extension of competitive access reports.
- Sec. 405. Airfares for members of the Armed Forces.
- Sec. 406. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 407. Compensation for delayed baggage.
- Sec. 408. DOT airline consumer complaint investigations.
- Sec. 409. Study of operators regulated under part 135.
- Sec. 410. Use of cell phones on passenger aircraft.
- Sec. 411. Establishment of advisory committee for aviation consumer protection.
- Sec. 412. Disclosure of seat dimensions to facilitate the use of child safety seats on aircraft.

- Sec. 413. Schedule reduction.
- Sec. 414. Ronald Reagan Washington National Airport slot exemptions.
- Sec. 415. Passenger air service improvements.

#### Subtitle B—Essential Air Service

- Sec. 421. Limitation on essential air service to locations that average fewer than 10 enplanements per day.
- Sec. 422. Essential air service eligibility.
- Sec. 423. Essential air service marketing.
- Sec. 424. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 425. Restoration of eligibility to a place determined to be ineligible for subsidized essential air service.
- Sec. 426. Adjustments to compensation for significantly increased costs.
- Sec. 427. Essential air service contract guidelines.
- Sec. 428. Essential air service reform.
- Sec. 429. Small community air service.
- Sec. 430. Repeal of essential air service local participation program.
- Sec. 431. Extension of final order establishing mileage adjustment eligibility.

#### TITLE V—ENVIRONMENTAL STREAMLINING

- Sec. 501. Overflights of national parks.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. Determination of fair market value of residential properties.
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 507. Aircraft departure queue management pilot program.
- Sec. 508. High performance, sustainable, and cost-effective air traffic control facilities.
- Sec. 509. Sense of Congress.
- Sec. 510. Aviation noise complaints.
- Sec. 511. Pilot program for zero-emission airport vehicles.
- Sec. 512. Increasing the energy efficiency of airport power sources.

#### TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Presidential rank award program.
- Sec. 603. Collegiate training initiative study.
- Sec. 604. Frontline manager staffing.
- Sec. 605. FAA technical training and staffing.
- Sec. 606. Safety critical staffing.
- Sec. 607. Air traffic control specialist qualification training.
- Sec. 608. FAA air traffic controller staffing.
- Sec. 609. Air traffic controller training and scheduling.
- Sec. 610. FAA facility conditions.
- Sec. 611. Technical correction.

#### TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit third-party liability of air carriers arising out of acts of terrorism.

Sec. 703. Clarification of reinsurance authority.

Sec. 704. Use of independent claims adjusters.

#### TITLE VIII—MISCELLANEOUS

- Sec. 801. Disclosure of data to Federal agencies in interest of national security.
- Sec. 802. FAA authority to conduct criminal history record checks.
- Sec. 803. Civil penalties technical amendments.
- Sec. 804. Consolidation and realignment of FAA services and facilities.
- Sec. 805. Limiting access to flight decks of all-cargo aircraft.
- Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 807. Prohibition on use of certain funds.
- Sec. 808. Study on aviation fuel prices.
- Sec. 809. Wind turbine lighting.
- Sec. 810. Air-rail code sharing study.
- Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.
- Sec. 812. FAA review and reform.
- Sec. 813. Use of mineral revenue at certain airports.
- Sec. 814. Contracting.
- Sec. 815. Flood planning.
- Sec. 816. Historical aircraft documents.
- Sec. 817. Release from restrictions.
- Sec. 818. Sense of Congress.
- Sec. 819. Human Intervention Motivation Study.
- Sec. 820. Study of aeronautical mobile telemetry.
- Sec. 821. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 822. Pilot program for redevelopment of airport properties.
- Sec. 823. Report on New York City and Newark air traffic control facilities.
- Sec. 824. Cylinders of compressed oxygen or other oxidizing gases.
- Sec. 825. Orphan aviation earmarks.
- Sec. 826. Privacy protections for air passenger screening with advanced imaging technology.
- Sec. 827. Commercial space launch license requirements.
- Sec. 828. Air transportation of lithium cells and batteries.
- Sec. 829. Clarification of memorandum of understanding with OSHA.
- Sec. 830. Approval of applications for the airport security screening opt-out program.

#### TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. Authorization of appropriations.
- Sec. 902. Definitions.
- Sec. 903. Unmanned aircraft systems.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Airport cooperative research program.
- Sec. 907. Centers of excellence.
- Sec. 908. Center of excellence for aviation human resource research.
- Sec. 909. Interagency research on aviation and the environment.
- Sec. 910. Aviation fuel research and development program.
- Sec. 911. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 912. Review of FAA's energy-related and environment-related research programs.
- Sec. 913. Review of FAA's aviation safety-related research programs.

- Sec. 914. Production of clean coal fuel technology for civilian aircraft.
- Sec. 915. Wake turbulence, volcanic ash, and weather research.
- Sec. 916. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
- Sec. 917. Research and development of equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.
- Sec. 918. Expert review of enterprise architecture for NextGen.
- Sec. 919. Airport sustainability planning working group.

#### TITLE X—NATIONAL MEDIATION BOARD

- Sec. 1001. Rulemaking authority.
- Sec. 1002. Runoff election rules.
- Sec. 1003. Bargaining representative certification.
- Sec. 1004. Oversight.

#### TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

- Sec. 1100. Amendment of 1986 code.
- Sec. 1101. Extension of taxes funding airport and airway trust fund.
- Sec. 1102. Extension of airport and airway trust fund expenditure authority.
- Sec. 1103. Treatment of fractional aircraft ownership programs.
- Sec. 1104. Transparency in passenger tax disclosures.
- Sec. 1105. Tax-exempt bond financing for fixed-wing emergency medical aircraft.
- Sec. 1106. Rollover of amounts received in airline carrier bankruptcy.
- Sec. 1107. Termination of exemption for small jet aircraft on nonestablished lines.
- Sec. 1108. Modification of control definition for purposes of section 249.

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

Sec. 1201. Compliance provision.

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

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

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#### 1 SEC. 3. EFFECTIVE DATE.

2 Except as otherwise expressly provided, this Act and 3 the amendments made by this Act shall take effect on the 4 date of enactment of this Act.

# TITLE I—AUTHORIZATIONS 5 Subtitle A—Funding of FAA 6

**Programs** 8 SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND 9 NOISE COMPATIBILITY PLANNING AND PRO-10 GRAMS.

11 (a) AUTHORIZATION.—Section 48103 is amended to read as follows: 12

"§48103. Airport planning and development and 13 14 noise compatibility planning and pro-15 grams

16 "(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway 17 Trust Fund established under section 9502 of the Internal 18 19 Revenue Code of 1986 to make grants for airport planning 20and airport development under section 47104, airport 21 noise compatibility planning under section 47505(a)(2), 22 and carrying out noise compatibility programs under sec-23 tion 47504(c) \$3,350,000,000 for each of fiscal years 24 2012 through 2015.

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

4 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
5 is amended in the matter preceding paragraph (1) by
6 striking "After" and all the follows before "the Secretary"
7 and inserting "After September 30, 2015,".

8 SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

9 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
10 48101(a) is amended by striking paragraphs (1) through
11 (8) and inserting the following:

12 "(1) \$2,731,000,000 for fiscal year 2012.

13 ((2) \$2,715,000,000 for fiscal year 2013.

14 ((3) \$2,730,000,000 for fiscal year 2014.

15 "(4) \$2,730,000,000 for fiscal year 2015.".

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

17 (1) by striking subsections (c), (d), (e), (h), and18 (i); and

19 (2) by redesignating subsections (f) and (g) as20 subsections (c) and (d), respectively.

# 21 SEC. 103. FAA OPERATIONS.

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

25 "(A) \$9,653,000,000 for fiscal year 2012;

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

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

# 5 SEC. 104. FUNDING FOR AVIATION PROGRAMS.

6 (a) AIRPORT AND AIRWAY TRUST FUND GUAR7 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—

"(i) in fiscal year 2013, be equal to
90 percent of the estimated level of receipts plus interest credited to the Airport
and Airway Trust Fund for that fiscal
year; and

19"(ii) in fiscal year 2014 and each fis-20cal year thereafter, be equal to the sum21of—

"(I) 90 percent of the estimated
level of receipts plus interest credited
to the Airport and Airway Trust
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)".
	and inserting "subsection (b)(1)". (c) Additional Authorizations of Appropria-
14	
14 15	(c) Additional Authorizations of Appropria- tions From the General Fund.—Section 48114(a)(2)
14 15 16	(c) Additional Authorizations of Appropria- tions From the General Fund.—Section 48114(a)(2)
14 15 16 17	(c) ADDITIONAL AUTHORIZATIONS OF APPROPRIA- TIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking "2007" and inserting "2015".
14 15 16 17 18	<ul> <li>(c) ADDITIONAL AUTHORIZATIONS OF APPROPRIA- TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)</li> <li>is amended by striking "2007" and inserting "2015".</li> <li>(d) ESTIMATED LEVEL OF RECEIPTS PLUS INTER-</li> </ul>
14 15 16 17 18 19	<ul> <li>(c) ADDITIONAL AUTHORIZATIONS OF APPROPRIA- TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)</li> <li>is amended by striking "2007" and inserting "2015".</li> <li>(d) ESTIMATED LEVEL OF RECEIPTS PLUS INTER- EST DEFINED.—Section 48114(b)(2) is amended—</li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	<ul> <li>(c) ADDITIONAL AUTHORIZATIONS OF APPROPRIA- TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)</li> <li>is amended by striking "2007" and inserting "2015".</li> <li>(d) ESTIMATED LEVEL OF RECEIPTS PLUS INTER- EST DEFINED.—Section 48114(b)(2) is amended—</li> <li>(1) in the paragraph heading by striking</li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>(c) ADDITIONAL AUTHORIZATIONS OF APPROPRIA- TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)</li> <li>is amended by striking "2007" and inserting "2015".</li> <li>(d) ESTIMATED LEVEL OF RECEIPTS PLUS INTER- EST DEFINED.—Section 48114(b)(2) is amended—</li> <li>(1) in the paragraph heading by striking "LEVEL" and inserting "ESTIMATED LEVEL"; and</li> </ul>

1	(e) Enforcement of Guarantees.—Section
2	48114(c)(2) is amended by striking "2007" and inserting
3	<i>"2015"</i> .
4	SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANS-
5	PORTATION SYSTEM PROJECTS.
6	Section 44501(b) is amended—
7	(1) in paragraph $(3)$ by striking "and" after
8	the semicolon;
9	(2) in paragraph $(4)(B)$ by striking "defense."
10	and inserting "defense; and"; and
11	(3) by adding at the end the following:
12	"(5) a list of capital projects that are part of
13	the Next Generation Air Transportation System and
14	funded by amounts appropriated under section
15	48101(a).".
16	Subtitle B—Passenger Facility
17	Charges
18	SEC. 111. PASSENGER FACILITY CHARGES.
19	(a) PFC DEFINED.—Section 40117(a)(5) is amend-
20	ed to read as follows:
21	"(5) PASSENGER FACILITY CHARGE.—The term
22	'passenger facility charge' means a charge or fee im-
23	posed under this section.".
24	(b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT
25	NONHUB AIRPORTS.—Section 40117(l) is amended—

1	(1) by striking paragraph $(7)$ ; and
2	(2) by redesignating paragraph $(8)$ as para-
3	graph (7).
4	(c) Correction of References.—
5	(1) Section 40117.—Section 40117 is amend-
6	ed—
7	(A) in the section heading by striking
8	"fees" and inserting "charges";
9	(B) in the heading for subsection (e) by
10	striking "FEES" and inserting "CHARGES";
11	(C) in the heading for subsection (l) by
12	striking "FEE" and inserting "CHARGE";
13	(D) in the heading for paragraph $(5)$ of
14	subsection (l) by striking "FEE" and inserting
15	"CHARGE";
16	(E) in the heading for subsection (m) by
17	striking "FEES" and inserting "CHARGES";
18	(F) in the heading for paragraph $(1)$ of
19	subsection (m) by striking "FEES" and insert-
20	ing "CHARGES";
21	(G) by striking "fee" each place it appears
22	(other than the second sentence of subsection
23	(g)(4)) and inserting "charge"; and
24	(H) by striking "fees" each place it ap-
25	pears and inserting "charges".

1	(2) Other references.—
2	(A) Subtitle VII is amended by striking
3	"fee" and inserting "charge" each place it ap-
4	pears in each of the following sections:
5	(i) Section 47106(f)(1).
6	(ii) Section 47110(e)(5).
7	(iii) Section 47114(f).
8	(iv) Section 47134(g)(1).
9	(v) Section 47139(b).
10	(vi) Section 47521.
11	(vii) Section 47524(e).
12	(viii) Section 47526(2).
13	(B) Section 47521(5) is amended by strik-
14	ing "fees" and inserting "charges".
15	(3) Clerical Amendment.—The analysis for
16	chapter 401 is amended by striking the item relating
17	to section 40117 and inserting the following:
	"40117. Passenger facility charges.".
18	
10	SEC. 112. GAO STUDY OF ALTERNATIVE MEANS OF COL-
19	SEC. 112. GAO STUDY OF ALTERNATIVE MEANS OF COL- LECTING PFCS.
19	LECTING PFCS.
19 20	<b>LECTING PFCS.</b> (a) IN GENERAL.—The Comptroller General of the
19 20 21	<b>LECTING PFCS.</b> (a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of alternative means

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 do8 mestic and international airports that are not in9 cluded in ticket prices.

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

# 18 SEC. 113. QUALIFICATIONS-BASED SELECTION.

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

# **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 OF6 FEES.—

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

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.

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

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:

"(e) ADJUSTMENT OF FEES.—In addition to adjust ments under subsection (b), the Administrator may peri odically adjust the fees established under this section.".
 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 anaircraft 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 registration23 number reservation.

24 "(7) Recording a security interest in an aircraft25 or aircraft part.

	10
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	ministrator 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 45205 "

24 posed under section 45305.".

1	Subtitle D—Airport Improvement
2	<b>Program Modifications</b>
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	(c) GENERAL AVIATION AIRPORT.—Section 47102 is
2	amended—
3	(1) by redesignating paragraphs $(23)$ through
4	(25) as paragraphs $(25)$ through $(27)$ , respectively;
5	(2) by redesignating paragraphs $(8)$ through
6	(22) as paragraphs $(9)$ through $(23)$ , respectively;
7	and
8	(3) by inserting after paragraph $(7)$ the fol-
9	lowing:
10	"(8) 'general aviation airport' means a public
11	airport that is located in a State and that, as deter-
12	mined by the Secretary—
13	"(A) does not have scheduled service; or
14	"(B) has scheduled service with less than
15	2,500 passenger boardings each year.".
16	(d) Revenue Producing Aeronautical Support
17	FACILITIES.—Section 47102 is amended by inserting
18	after paragraph (23) (as redesignated by subsection $(c)(2)$
19	of this section) the following:
20	"(24) 'revenue producing aeronautical support
21	facilities' means fuel farms, hangar buildings, self-
22	service credit card aeronautical fueling systems, air-
23	plane wash racks, major rehabilitation of a hangar
24	owned by a sponsor, or other aeronautical support

1	facilities that the Secretary determines will increase
2	the revenue producing ability of the airport.".
3	(e) TERMINAL DEVELOPMENT.—Section 47102 (as
4	amended by subsection (c) of this section) is further
5	amended by adding at the end the following:
6	"(28) 'terminal development' means—
7	"(A) development of—
8	"(i) an airport passenger terminal
9	building, including terminal gates;
10	"(ii) access roads servicing exclusively
11	airport traffic that leads directly to or
12	from an airport passenger terminal build-
13	ing; and
14	"(iii) walkways that lead directly to or
15	from an airport passenger terminal build-
16	ing; and
17	"(B) the cost of a vehicle described in sec-
18	tion 47119(a)(1)(B).".
19	SEC. 133. RECYCLING PLANS FOR AIRPORTS.
20	Section 47106(a) is amended—
21	(1) in paragraph (4) by striking "and" at the
22	end;
23	(2) in paragraph (5) by striking "proposed."
24	and inserting "proposed; and"; and
25	(3) by adding at the end the following:

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)"; and
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).

"(B) The airport owner or operator may use revenues
 from a lease described in subparagraph (A) for an ap proved airport development project that is eligible for
 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 by15 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

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

- 4 "(A) Aircraft of the person.
  5 "(B) Aircraft authorized by the person.
  - "(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.

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

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

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:

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

7 "(f) SPECIAL RULE FOR ECONOMICALLY DIS8 TRESSED COMMUNITIES.—The Government's share of al9 lowable project costs shall be 95 percent for a project at
10 an airport that—

- "(1) is receiving essential air service for which
  compensation was provided to an air carrier under
  subchapter II of chapter 417; and
- "(2) is located in an area that meets one or
  more of the criteria established in section 301(a) of
  the Public Works and Economic Development Act of
  1965 (42 U.S.C. 3161(a)), as determined by the
  Secretary of Commerce.".

# 19 SEC. 138. ALLOWABLE PROJECT COSTS.

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

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

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"(i) the cost was incurred before execution of the grant agreement because the airport has a shortened construction season due to climactic 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 be15 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

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

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.".

(c) Relocation of Airport-Owned Facilities.— 1 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 amended-17 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 Administrator of the Federal Aviation Administration, upon 25

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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-TICIPATION.

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

6 (2) Congress has received and reviewed testi-7 mony and documentation of race and gender discrimination from numerous sources, including con-8 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 DISADVAN9 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.

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

"(A) who is required to provide a written 4 5 this section assurance under section or 6 47107(e) that the airport owner or operator will 7 meet the percentage goal of subsection (b) of 8 this section or section 47107(e)(1), as the case 9 may be; or

"(B) who is responsible for determining
whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section
47107(e).".

16 (c) INSPECTOR GENERAL REPORT ON PARTICIPA17 TION IN FAA PROGRAMS BY DISADVANTAGED SMALL
18 BUSINESS CONCERNS.—

(1) IN GENERAL.—For each of fiscal years
20 2013 through 2015, the Inspector General of the
21 Department of Transportation shall submit to Con22 gress a report on the number of new small business
23 concerns owned and controlled by socially and eco24 nomically disadvantaged individuals, including those
25 owned by veterans, that participated in the pro-

1	grams and activities funded using the amounts made
2	available under this Act.

3 (2) NEW SMALL BUSINESS CONCERNS.—For
4 purposes of subsection (a), a new small business
5 concern is a small business concern that did not par6 ticipate in the programs and activities described in
7 subsection (a) in a previous fiscal year.

8 (3) CONTENTS.—The report shall include—

- 9 (A) a list of the top 25 and bottom 25 10 large and medium hub airports in terms of pro-11 viding opportunities for small business concerns 12 owned and controlled by socially and economi-13 cally disadvantaged individuals to participate in 14 the programs and activities funded using the 15 amounts made available under this Act;
- 16 (B) the results of an assessment, to be
  17 conducted by the Inspector General, on the rea18 sons why the top airports have been successful
  19 in providing such opportunities; and
- 20 (C) recommendations to the Administrator
  21 of the Federal Aviation Administration and
  22 Congress on methods for other airports to
  23 achieve results similar to those of the top air24 ports.

# 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 (c)(1)(B) if 11 the Secretary finds that the airport—

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

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

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

(1) by striking subparagraphs (F) and (G); and
(2) by inserting after subparagraph (E) the following:

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 aircraft service in calendar year 2007, but in ei-5 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 Secretary shall apportion amounts for airports in Puerto Rico 20 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 Puerto24 Rico or other United States territories from the discre-

25 tionary fund under section 47115.".

1	SEC. 143. REDUCING APPORTIONMENTS.
2	Section 47114(f)(1) is amended by striking subpara-
3	graphs (A) and (B) and inserting the following:
4	"(A) in the case of a charge of \$3.00 or
5	less—
6	"(i) except as provided in clause (ii),
7	50 percent of the projected revenues from
8	the charge in the fiscal year but not by
9	more than 50 percent of the amount that
10	otherwise would be apportioned under this
11	section; or
12	"(ii) with respect to an airport in Ha-
13	waii, 50 percent of the projected revenues
14	from the charge in the fiscal year but not
15	by more than 50 percent of the excess of—
16	"(I) the amount that otherwise
17	would be apportioned under this sec-
18	tion; over
19	"(II) the amount equal to the
20	amount specified in subclause (I) mul-
21	tiplied by the percentage of the total
22	passenger boardings at the applicable
23	airport that are comprised of inter-
24	island passengers; and
25	"(B) in the case of a charge of more than
26	\$3.00—

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1	"(i) execut as provided in clause (ii)
	"(i) except as provided in clause (ii),
2	75 percent of the projected revenues from
3	the charge in the fiscal year but not by
4	more than 75 percent of the amount that
5	otherwise would be apportioned under this
6	section; or
7	"(ii) with respect to an airport in Ha-
8	waii, 75 percent of the projected revenues
9	from the charge in the fiscal year but not
10	by more than 75 percent of the excess of—
11	"(I) the amount that otherwise
12	would be apportioned under this sec-
13	tion; over
14	"(II) the amount equal to the
15	amount specified in subclause (I) mul-
16	tiplied by the percentage of the total
17	passenger boardings at the applicable
18	airport that are comprised of inter-
19	island passengers.".
20	SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.
21	Section 47115(j) is amended by striking "For fiscal
22	years" and all that follows before "the sponsors" and in-
23	serting "For fiscal years 2012 through 2015,".
24	SEC. 145. USE OF APPORTIONED AMOUNTS.
25	Section 47117(e)(1)(A) is amended—

(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".
13 14	quirements of the preceding sentence are". SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY
14	SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY
14 15 16	SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.
14 15 16	<ul> <li>SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY</li> <li>AIRPORTS.</li> <li>(a) CONSIDERATIONS.—Section 47118(c) is amend-</li> </ul>
14 15 16 17	SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS. (a) CONSIDERATIONS.—Section 47118(c) is amend- ed—
14 15 16 17 18	SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS. (a) CONSIDERATIONS.—Section 47118(c) is amend- ed— (1) in paragraph (1) by striking "or" after the
14 15 16 17 18 19	SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS. (a) CONSIDERATIONS.—Section 47118(c) is amend- ed— (1) in paragraph (1) by striking "or" after the semicolon;
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS. (a) CONSIDERATIONS.—Section 47118(c) is amend- ed— (1) in paragraph (1) by striking "or" after the semicolon; (2) in paragraph (2) by striking "delays." and
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY <ul> <li>AIRPORTS.</li> <li>(a) CONSIDERATIONS.—Section 47118(c) is amended</li> </ul> </li> <li>ed— <ul> <li>(1) in paragraph (1) by striking "or" after the semicolon;</li> <li>(2) in paragraph (2) by striking "delays." and inserting "delays; or"; and</li> </ul> </li> </ul>

24 frastructure facilities at former military airports to

1	support emergency diversionary operations for trans-
2	oceanic flights in locations—
3	"(A) within United States jurisdiction or
4	control; and
5	"(B) where there is a demonstrable lack of
6	diversionary airports within the distance or
7	flight-time required by regulations governing
8	transoceanic flights.".
9	(b) DESIGNATION OF GENERAL AVIATION AIR-
10	PORTS.—Section 47118(g) is amended—
11	(1) in the subsection heading by striking "AIR-
12	PORT" and inserting "AIRPORTS"; and
13	(2) by striking "one of the airports bearing a
14	designation under subsection (a) may be a general
15	aviation airport that was a former military installa-
16	tion" and inserting "3 of the airports bearing des-
17	ignations under subsection (a) may be general avia-
18	tion airports that were former military installa-
19	tions".
20	(c) SAFETY-CRITICAL AIRPORTS.—Section 47118 is
21	amended by adding at the end the following:
22	"(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding
23	any other provision of this chapter, a grant under section
24	47117(e)(1)(B) may be made for a federally owned airport

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

- 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 Regula9 tions.".

# 10 SEC. 147. CONTRACT TOWER PROGRAM.

11(a)COST-BENEFITREQUIREMENT.—Section1247124(b) is amended—

13 (1) in paragraph (1)—
14 (A) by striking "(1) The Secretary" and
15 inserting the following:

17 "(A) CONTINUATION.—The Secretary";18 and

"(1) CONTRACT TOWER PROGRAM.—

(B) by adding at the end the following:
"(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under
the program continued under this paragraph
has a benefit-to-cost ratio of less than 1.0, the
airport sponsor or State or local government
having jurisdiction over the airport shall not be

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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	
15	PORT FEES.
15	(a) IN GENERAL.—Section 47129 is amended—
16	(a) IN GENERAL.—Section 47129 is amended—
16 17	<ul><li>(a) IN GENERAL.—Section 47129 is amended—</li><li>(1) by striking the section heading and insert-</li></ul>
16 17 18	<ul> <li>(a) IN GENERAL.—Section 47129 is amended—</li> <li>(1) by striking the section heading and insert-</li> <li>ing the following:</li> </ul>
16 17 18 19	<ul> <li>(a) IN GENERAL.—Section 47129 is amended—</li> <li>(1) by striking the section heading and insert- ing the following:</li> <li>"§47129. Resolution of disputes concerning airport</li> </ul>
16 17 18 19 20	<ul> <li>(a) IN GENERAL.—Section 47129 is amended—</li> <li>(1) by striking the section heading and insert- ing the following:</li> <li>"§47129. Resolution of disputes concerning airport fees";</li> </ul>
16 17 18 19 20 21	<ul> <li>(a) IN GENERAL.—Section 47129 is amended— <ul> <li>(1) by striking the section heading and inserting the following:</li> </ul> </li> <li>**§47129. Resolution of disputes concerning airport fees"; <ul> <li>(2) by inserting "AND FOREIGN AIR CARRIER"</li> </ul> </li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>(a) IN GENERAL.—Section 47129 is amended— <ul> <li>(1) by striking the section heading and inserting the following:</li> </ul> </li> <li>**§47129. Resolution of disputes concerning airport fees"; <ul> <li>(2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d);</li> </ul> </li> </ul>

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:
14	section 47129 and inserting the following: "47129. Resolution of disputes concerning airport fees.".
14 15	
	"47129. Resolution of disputes concerning airport fees.".
15	<ul><li>"47129. Resolution of disputes concerning airport fees.".</li><li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-</li></ul>
15 16	<ul> <li>"47129. Resolution of disputes concerning airport fees.".</li> <li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON- SORS.</li> </ul>
15 16 17	<ul> <li>"47129. Resolution of disputes concerning airport fees.".</li> <li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON- SORS.</li> <li>(a) IN GENERAL.—Section 47133(b) is amended—</li> </ul>
15 16 17 18	<ul> <li>"47129. Resolution of disputes concerning airport fees.".</li> <li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON- SORS.</li> <li>(a) IN GENERAL.—Section 47133(b) is amended—</li> <li>(1) by striking "Subsection (a) shall not apply</li> </ul>
15 16 17 18 19	<ul> <li>"47129. Resolution of disputes concerning airport fees.".</li> <li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON- SORS.</li> <li>(a) IN GENERAL.—Section 47133(b) is amended—</li> <li>(1) by striking "Subsection (a) shall not apply</li> <li>if" and inserting the following:</li> </ul>
15 16 17 18 19 20	<ul> <li>"47129. Resolution of disputes concerning airport fees.".</li> <li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON- SORS. <ul> <li>(a) IN GENERAL.—Section 47133(b) is amended—</li> <li>(1) by striking "Subsection (a) shall not apply</li> <li>if" and inserting the following:</li> <li>"(1) PRIOR LAWS AND AGREEMENTS.—Sub-</li> </ul> </li> </ul>
15 16 17 18 19 20 21	<ul> <li>"47129. Resolution of disputes concerning airport fees.".</li> <li>SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON- SORS.</li> <li>(a) IN GENERAL.—Section 47133(b) is amended— <ul> <li>(1) by striking "Subsection (a) shall not apply</li> <li>if" and inserting the following:</li> <li>"(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if"; and</li> </ul> </li> </ul>

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.

# SEC. 150. REPEAL OF CERTAIN LIMITATIONS ON METRO POLITAN WASHINGTON AIRPORTS AUTHOR ITY.

4 Section 49108, and the item relating to section5 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 Avia8 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 in18 serting "the airport system to—";

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

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

- 25 (D) by striking paragraph (3);
  - (2) in subsection (b)—

(516900|3)

1	(A) in paragraph (1) by striking the semi-
2	colon and inserting "; and";
3	(B) by striking paragraph (2) and redesig-
4	nating 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)";

(7) in subsections (c)(2)(B) and (c)(5) (as re designated by paragraph (1) of this subsection) by
 striking "section 47110(d)" and inserting "sub 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 "June15 1"; and

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

18 "(1) a summary of airport development and19 planning completed;

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

21 "(3) an accounting of discretionary and appor22 tioned funds allocated;

23 "(4) the allocation of appropriations; and".
24 (d) CORRECTION TO EMISSION CREDITS PROVI25 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	

# 20 SEC. 155. STUDY ON NATIONAL PLAN OF INTEGRATED AIR21 PORT SYSTEMS.

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

section referred to as the "plan") under section 47103 of
 title 49, United States Code.

3 (b) CONTENTS OF STUDY.—The study shall include4 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.

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

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

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

the number of passenger boardings at the airport
 during the prior calendar year bears to the aggre gate of all passenger boardings at all primary air ports during that calendar year.

(6) A documentation and review of the methods 5 6 used by airports to reach the 10,000 passenger 7 enplanement threshold, including whether such air-8 ports 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 cal-12 endar years for which such data is available.

13 (7) Any other matters pertaining to the plan14 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 Sen-22 ate 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 paragraph (1) by striking "5 airports" and inserting "10 10 11 airports".

#### TITLE II—NEXTGEN AIR TRANS-12 PORTATION SYSTEM AND AIR 13 TRAFFIC CONTROL MOD-

# 14 **ERNIZATION** 15

#### 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.

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

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

aircraft to ground stations and to other equipped
 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 informa8 tion from other transmitting aircraft and the ground
9 infrastructure.

10 (5) RNAV.—The term "RNAV" means area11 navigation.

12 (6) RNP.—The term "RNP" means required13 navigation performance.

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

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

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.

	04
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.

"(D) REMOVAL.—The Chief NextGen Officer shall serve at the pleasure of the Administrator shall trator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation 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 prede11 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 annual25 rate of basic pay authorized by subparagraph

(A), the Chief NextGen Officer may receive a 1 2 bonus for any calendar year not to exceed 30 3 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the 4 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	rently 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	"(7) NEXTGEN DEFINED.—For purposes of this
2	subsection, the term 'NextGen' means the Next Gen-
3	eration Air Transportation System.".
4	SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.
5	Section 40102(a)(4) is amended—
6	(1) by redesignating subparagraph (D) as sub-
7	paragraph (E);
8	(2) by striking subparagraphs (B) and (C); and
9	(3) by inserting after subparagraph (A) the fol-
10	lowing:
11	"(B) runway lighting and airport surface
12	visual and other navigation aids;
13	"(C) apparatus, equipment, software, or
14	service for distributing aeronautical and mete-
15	orological information to air traffic control fa-
16	cilities or aircraft;
17	"(D) communication, navigation, or sur-
18	veillance equipment for air-to-ground or air-to-
19	air applications;";
20	(4) in subparagraph (E) (as redesignated by
21	paragraph (1) of this section)—
22	(A) by striking "another structure" and
23	inserting "any structure, equipment,"; and
24	(B) by striking the period at the end and
25	inserting "; and"; and

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.
	<b>TIES.</b> Section 40113(e) is amended—
13 14 15	
14	Section 40113(e) is amended—
14 15 16	Section 40113(e) is amended— (1) in paragraph (1)—
14 15	Section 40113(e) is amended— (1) in paragraph (1)— (A) by inserting "(whether public or pri-
14 15 16 17	Section 40113(e) is amended— (1) in paragraph (1)— (A) by inserting "(whether public or private)" after "authorities"; and
14 15 16 17 18	Section 40113(e) is amended— (1) in paragraph (1)— (A) by inserting "(whether public or private)" after "authorities"; and (B) by striking "safety." and inserting
14 15 16 17 18 19	<ul> <li>Section 40113(e) is amended—</li> <li>(1) in paragraph (1)—</li> <li>(A) by inserting "(whether public or private)" after "authorities"; and</li> <li>(B) by striking "safety." and inserting "safety or efficiency. The Administrator is au-</li> </ul>
14 15 16 17 18 19 20	<ul> <li>Section 40113(e) is amended— <ul> <li>(1) in paragraph (1)—</li> <li>(A) by inserting "(whether public or private)" after "authorities"; and</li> <li>(B) by striking "safety." and inserting</li> <li>"safety or efficiency. The Administrator is authorized to participate in, and submit offers in</li> </ul> </li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>Section 40113(e) is amended— <ul> <li>(1) in paragraph (1)—</li> <li>(A) by inserting "(whether public or private)" after "authorities"; and</li> <li>(B) by striking "safety." and inserting "safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these serv-</li> </ul> </li> </ul>

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-
22 23	GENERATION AIR TRANSPORTATION SYSTEM PLAN- NING, DEVELOPMENT, AND INTERAGENCY COORDI-

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; "(J) working to ensure global interoperability of 11 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

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

4 "(D) Not later than 6 months after the date of enact5 ment of this subparagraph, the head of each Federal agen6 cy that has responsibility for carrying out any activity
7 under the integrated plan under subsection (b) shall exe8 cute a memorandum of understanding with the Office obli9 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 and21 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 Presi25 dent's budget, as submitted under section

1	1105(a) of title 31, United States Code, for
2	each fiscal year covered by the plan to carry out
3	its responsibilities under the plan; and
4	"(II) the development and implementation
5	of the Next Generation Air Transportation Sys-
6	tem remains on schedule;
7	"(ii) include, in the President's budget, a state-
8	ment of the portion of the estimated budget of each
9	Federal agency covered by the plan that relates to
10	the activities of the agency under the Next Genera-
11	tion Air Transportation System; and
12	"(iii) identify and justify as part of the Presi-
13	dent's budget submission any inconsistencies be-
14	tween the plan and amounts requested in the budg-
15	et.
16	"(7) The Associate Administrator for Next Genera-
17	tion Air Transportation System Planning, Development,
18	and Interagency Coordination shall be a voting member
19	of the Joint Resources Council of the Federal Aviation Ad-
20	ministration.".
21	(b) INTEGRATED PLAN.—Section 709(b) of such Act
22	(117 Stat. 2583) is amended—
23	(1) in the matter preceding paragraph $(1)$ —
24	(A) by striking "meets air" and inserting
25	"meets anticipated future air"; and

1	(B) by striking "beyond those currently in-
2	cluded in the Federal Aviation Administration's
3	operational evolution plan";
4	(2) at the end of paragraph $(3)$ by striking
5	"and";
6	(3) at the end of paragraph (4) by striking the
7	period and inserting "; and"; and
8	(4) by adding at the end the following:
9	"(5) a multiagency integrated work plan for the
10	Next Generation Air Transportation System that in-
11	cludes—
12	"(A) an outline of the activities required to
13	achieve the end-state architecture, as expressed
14	in the concept of operations and enterprise ar-
15	chitecture documents, that identifies each Fed-
16	eral agency or other entity responsible for each
17	activity in the outline;
18	"(B) details on a year-by-year basis of spe-
19	cific accomplishments, activities, research re-
20	quirements, rulemakings, policy decisions, and
21	other milestones of progress for each Federal
22	agency or entity conducting activities relating to
23	the Next Generation Air Transportation Sys-
24	tem;

1 "(C) for each element of the Next Genera-2 tion Air Transportation System, an outline, on 3 a year-by-year basis, of what is to be accom-4 plished in that year toward meeting the Next 5 Generation Air Transportation System's end-6 state architecture, as expressed in the concept 7 of operations and enterprise architecture docu-8 ments, as well as identifying each Federal agen-9 cy or other entity that will be responsible for 10 each component of any research, development, 11 or implementation program; 12 "(D) an estimate of all necessary expendi-

12 (D) an estimate of all necessary expendi-13 tures on a year-by-year basis, including a state-14 ment of each Federal agency or entity's respon-15 sibility for costs and available resources, for 16 each stage of development from the basic re-17 search stage through the demonstration and im-18 plementation phase;

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

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	ministrator 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	ministrator 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

contingency plans for dealing with the degradation of the
 System in the event of a natural disaster, major equip 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 be9 fore the period at the end the following "and shall meet
10 at least twice each year".

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

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	SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVEN-
2	TORY.
3	Section 40110(a) is amended by striking paragraphs
4	(2) and (3) and inserting the following:
5	"(2) may construct and improve laboratories
6	and other test facilities; and
7	"(3) may dispose of any interest in property for
8	adequate compensation, and the amount so received
9	shall—
10	"(A) be credited to the appropriation cur-
11	rent when the amount is received;
12	"(B) be merged with and available for the
13	purposes of such appropriation; and
14	"(C) remain available until expended.".
15	SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-
16	CAST SERVICES.
17	(a) Review by DOT Inspector General.—
18	(1) IN GENERAL.—The Inspector General of
19	the Department of Transportation shall conduct a
20	review concerning the Federal Aviation Administra-
21	tion's award and oversight of any contracts entered
22	into by the Administration to provide ADS–B serv-
23	ices for the national airspace system.
24	(2) CONTENTS.—The review shall include, at a
25	minimum—

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

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

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;

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

20 (E) an assessment of whether the Adminis21 tration and any contractors are meeting cost,
22 schedule, and performance milestones, as meas23 ured against the original baseline of the Admin24 istration's program for providing ADS-B serv25 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 enter6 prise architecture for the NextGen.

7 (b) CONTENTS.—At a minimum, the review to be8 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;

(2) assess technical, cost, and schedule risk for
the software development that will be necessary to
achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) determine how risks with automation efforts
for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

25 (c) REPORT.—Not later than 1 year after the date26 of enactment of this Act, the Administrator shall submit

to the Committee on Transportation and Infrastructure
 of the House of Representatives and the Committee on
 Commerce, Science, and Transportation of the Senate a
 report containing the results of the review conducted pur 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 plovee 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:

(A) RNP/RNAV OPERATIONS FOR OEP AIRPORTS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational

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1 changes, to maximize the fuel efficiency and 2 airspace capacity of NextGen commercial operations at each of the 35 operational evolution 3 4 partnership airports identified by the Adminis-5 tration and any medium or small hub airport 6 located within the same metroplex area consid-7 ered appropriate by the Administrator. The Ad-8 ministrator shall, to the maximum extent prac-9 ticable, avoid overlays of existing flight proce-10 dures, but if unavoidable, the Administrator 11 shall clearly identify each required navigation 12 performance and area navigation procedure that 13 is an overlay of an existing instrument flight 14 procedure and the reason why such an overlay 15 was used. 16

16 (B) COORDINATION AND IMPLEMENTATION 17 ACTIVITIES FOR OEP AIRPORTS.—A description 18 of the activities and operational changes and 19 approvals required to coordinate and utilize the 20 procedures at OEP airports.

21 (C) IMPLEMENTATION PLAN FOR OEP AIR22 PORTS.—A plan for implementing the proce23 dures for OEP airports under subparagraph
24 (A) that establishes—

1	(i) clearly defined budget, schedule,
2	project organization, and leadership re-
3	quirements;
4	(ii) specific implementation and tran-
5	sition steps;
6	(iii) baseline and performance metrics
7	for—
8	(I) measuring the Administra-
9	tion's progress in implementing the
10	plan, including the percentage utiliza-
11	tion of required navigation perform-
12	ance in the national airspace system;
13	and
14	(II) achieving measurable fuel
15	burn and carbon dioxide emissions re-
16	ductions compared to current per-
17	formance;
18	(iv) expedited environmental review
19	procedures and processes for timely envi-
20	ronmental approval of area navigation and
21	required navigation performance that offer
22	significant efficiency improvements as de-
23	termined by baseline and performance
24	metrics under clause (iii);

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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

- 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 required navigation performance and area naviga-16 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, and implement— 24

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.

(B) COORDINATION AND IMPLEMENTATION
ACTIVITIES FOR NON-OEP AIRPORTS.—A description of the activities and operational
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	(viii) lifecycle management strategy
2	for RNP procedures to be developed by
3	qualified third parties, if applicable.
4	(D) ADDITIONAL PROCEDURES FOR NON-
5	OEP AIRPORTS.—A process for the identifica-
6	tion, certification, and publication of additional
7	required navigation performance procedures
8	that may provide operational benefits at non-
9	OEP airports in the future.
10	(2) Implementation schedule for non-oep
11	AIRPORTS.—The Administrator shall certify, publish,
12	and implement—
13	(A) not later than 18 months after the
14	date of enactment of this Act, 25 percent of the
15	required procedures for non-OEP airports;
16	(B) not later than 36 months after the
17	date of enactment of this Act, 50 percent of the
18	required procedures for non-OEP airports; and
19	(C) before June 30, 2016, 100 percent of
20	the required procedures for non-OEP airports.
21	(c) Coordinated and Expedited Review.—
22	(1) IN GENERAL.—Navigation performance and
23	area navigation procedures developed, certified, pub-
24	lished, or implemented under this section shall be
25	presumed to be covered by a categorical exclusion

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

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.

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

1	resentatives a plan for implementation of a nationwide
2	data communications system. The plan shall include—
3	(1) clearly defined budget, schedule, project or-
4	ganization, and leadership requirements;
5	(2) specific implementation and transition
6	steps; and
7	(3) baseline and performance metrics for meas-
8	uring the Administration's progress in implementing
9	the plan.
10	(e) Improved Performance Standards.—
11	(1) Assessment of work being performed
12	UNDER NEXTGEN IMPLEMENTATION PLAN.—The
13	Administrator shall clearly outline in the NextGen
14	Implementation Plan document of the Administra-
15	tion the work being performed under the plan to de-
16	termine—
17	(A) whether utilization of ADS–B, RNP,
18	and other technologies as part of NextGen im-
19	plementation will display the position of aircraft
20	more accurately and frequently to enable a
21	more efficient use of existing airspace and re-
22	sult in reduced consumption of aviation fuel
23	and aircraft engine emissions; and

	100
1	(B) the feasibility of reducing aircraft sep-
2	aration standards in a safe manner as a result
3	of the implementation of such technologies.
4	(2) AIRCRAFT SEPARATION STANDARDS.—If the
5	Administrator determines that the standards re-
6	ferred to in paragraph $(1)(B)$ can be reduced safely,
7	the Administrator shall include in the NextGen Im-
8	plementation Plan a timetable for implementation of
9	such reduced standards.
10	(f) THIRD-PARTY USAGE.—The Administration shall
11	establish a program under which the Administrator is au-
12	thorized to use qualified third parties in the development,
13	testing, and maintenance of flight procedures.

## 14 SEC. 214. PERFORMANCE METRICS.

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

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

- 24 (2) average gate-to-gate times;
- 25 (3) fuel burned between key city pairs;

1	(4) operations using the advanced navigation
2	procedures, including performance based navigation
3	procedures;
4	(5) the average distance flown between key city
5	pairs;
6	(6) the time between pushing back from the
7	gate and taking off;
8	(7) continuous climb or descent;
9	(8) average gate arrival delay for all arrivals;
10	(9) flown versus filed flight times for key city
11	pairs;
12	(10) implementation of NextGen Implementa-
13	tion Plan, or any successor document, capabilities
14	designed to reduce emissions and fuel consumption;
15	(11) the Administration's unit cost of providing
16	air traffic control services; and
17	(12) runway safety, including runway incur-
18	sions, operational errors, and loss of standard sepa-
19	ration events.
20	(b) BASELINES.—The Administrator, in consultation
21	with aviation industry stakeholders, shall identify base-
22	lines for each of the metrics established under subsection
23	(a) and appropriate methods to measure deviations from
24	the baselines.

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

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

- (1) a description of the metrics that will be
  used to measure the Administration's progress in
  implementing NextGen capabilities and operational
  results;
- 16 (2) information on any additional metrics devel-17 oped; and
- (3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

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

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

develop a plan to accelerate and streamline the process
 for certification of NextGen technologies, including—

3 (1) establishment of updated project plans and4 timelines;

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

- (3) identification of staffing requirements for
  the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging
  of assistance from third parties and designees;
- 16 (4) establishment of a program under which the
  17 Administration will use third parties in the certifi18 cation process; and
- 19 (5) establishment of performance metrics to20 measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator
shall ensure that equipment, systems, or services used in
the national airspace system meet appropriate certification
requirements regardless of whether the equipment, system, or service is publically or privately owned.

#### 1 SEC. 216. SURFACE SYSTEMS ACCELERATION.

2 (a) IN GENERAL.—The Chief Operating Officer of3 the Air Traffic Organization shall—

4 (1) evaluate the Airport Surface Detection
5 Equipment-Model X program for its potential con6 tribution to implementation of the NextGen initia7 tive;

8 (2) evaluate airport surveillance technologies
9 and associated collaborative surface management
10 software for potential contributions to implementa11 tion of NextGen surface management;

(3) accelerate implementation of the programreferred to in paragraph (1); and

(4) carry out such additional duties as the Administrator of the Federal Aviation Administration
may require.

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

(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and

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

## 1SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC2CONTROL MODERNIZATION PROJECTS.

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

(b) ADHERENCE TO DEADLINES.—Participants in
these processes shall adhere, to the greatest extent possible, to all deadlines and milestones established pursuant
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;

(2) entitle the employee to any additional compensation or benefits with the exception of a per
diem, if appropriate; or

24 (3) entitle the employee to prevent or unduly25 delay the exercise of management prerogatives.

(d) WORKING GROUPS.—Except in extraordinary cir cumstances, the Administrator shall not pay overtime re 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:

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

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

23 (3) Funding cuts have led to delays and defer24 rals of critical capacity enhancing airspace redesign
25 efforts.

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

4 (b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/
5 PHILADELPHIA METROPOLITAN AREA AIRSPACE REDE6 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 Re13 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 Re17 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).

# SEC. 219. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OB 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.

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

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

## 18 SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CEN-

## **19 TER OF EXCELLENCE.**

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

(b) FUNCTIONS.—The Administrator shall ensure
that the center established under subsection (a)—
1 (1) leverages resources and partnerships, in-2 cluding appropriate programs of the Administration, 3 enhance the research and development of to 4 NextGen technologies by academia and industry; and (2) provides educational, technical, and analyt-5 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

(2) leverage and maximize the use of privatesector capital.

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

1 cial instruments to facilitate public-private financing for 2 the equipage of general aviation and commercial aircraft 3 registered under section 44103 of title 49, United States 4 Code. To the extent appropriations are not made available, 5 the Secretary may establish the program, provided the 6 costs are covered by the fees and premiums authorized by 7 subsection (d)(2). For purposes of this section, the term "financial instruments" means loan guarantees and other 8 9 credit assistance designed to leverage and maximize pri-10 vate sector capital.

- 11 (d) PROTECTION OF THE TAXPAYER.—
- (1) LIMITATION ON PRINCIPAL.— The amount
  of any guarantee under this program shall be limited
  to 90 percent of the principal amount of the underlying loan.
- 16 (2) Collateral, fees, and premiums.—The 17 Secretary shall require applicants for the incentive 18 program to post collateral and pay such fees and 19 premiums if feasible, as determined by the Sec-20 retary, to offset costs to the Government of potential 21 defaults, and agree to performance measures that 22 the Secretary considers necessary and in the best in-23 terest of implementing the NextGen program.

24 (3) USE OF FUNDS.—Applications for this pro-25 gram shall be limited to equipment that is installed

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

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

(1) identifies incentive options to encourage the
equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft
equipped with ADS-B technology;

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

(3) includes input from industry stakeholders,
including passenger and cargo air carriers, aerospace
manufacturers, and general aviation aircraft operators.

23 (b) DEADLINE.—The Administrator shall issue the24 report before the earlier of—

(1) the date that is 6 months after the date of
 enactment of this Act; or

3 (2) the date on which aircraft are required to
4 be equipped with ADS–B technology pursuant to the
5 rulemaking under section 211(b).

### 6 SEC. 223. EDUCATIONAL REQUIREMENTS.

7 The Administrator of the Federal Aviation Adminis-8 tration shall make payments to the Department of De-9 fense for the education of dependent children of those Ad-10 ministration employees in Puerto Rico and Guam as they 11 are subject to transfer by policy and practice and meet 12 the eligibility requirements of section 2164(c) of title 10, 13 United States Code.

# 14 SEC. 224. AIR TRAFFIC CONTROLLER STAFFING INITIA15 TIVES AND ANALYSIS.

As soon as practicable, and not later than 1 year
after the date of enactment of this Act, the Administrator
of the Federal Aviation Administration shall—

(1) ensure, to the extent practicable, a sufficient number of contract instructors, classroom
space (including off-site locations as needed), and
simulators to allow for an increase in the number of
air traffic controllers at air traffic control facilities;
(2) distribute, to the extent practicable, the
placement of certified professional air traffic control-

lers-in-training and developmental air traffic control lers at facilities evenly across the calendar year in
 order to avoid training bottlenecks;

4 (3) initiate an analysis, to be conducted in con5 sultation with the exclusive bargaining representa6 tive of air traffic controllers certified under section
7 7111 of title 5, United States Code, of scheduling
8 processes and practices, including overtime sched9 uling practices at those facilities;

10 (4) provide, to the extent practicable and where
11 appropriate, priority to certified professional air
12 traffic controllers-in-training when filling staffing
13 vacancies at facilities;

(5) assess training programs at air traffic control facilities with below-average success rates to determine if training is being carried out in accordance
with Administration standards, and conduct exit
interview analyses with all candidates to determine
potential weaknesses in training protocols, or in the
execution of such training protocols; and

(6) prioritize, to the extent practicable, such efforts to address the recommendations for the facilities identified in the Department of Transportation's
Office of the Inspector General Report Number: AV2009-047.

## 1 SEC. 225. REPORTS ON STATUS OF GREENER SKIES2PROJECT.

3 (a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator 4 5 of the Federal Aviation Administration shall submit to Congress a report on the strategy of the Administrator 6 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 issued on September 9, 2009. 11

12 (b) SUBSEQUENT REPORTS.—

- 13 (1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the re-14 15 port required by subsection (a) and annually thereafter until the pilot program terminates, the Admin-16 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 under25 paragraph (1) shall include the following:

1	(A) A timeline for full implementation of
2	the strategy described in the report submitted
3	under subsection (a).
4	(B) A description of the progress made in
5	carrying out such strategy.
6	(C) A description of the challenges, if any,
7	encountered by the Administrator in carrying
8	out such strategy.
9	TITLE III—SAFETY
10	Subtitle A—General Provisions
11	SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-
12	TIFICATES.
13	(a) Judicial Review of NTSB Decisions.—Sec-
13 14	(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Sec- tion 44703(d) is amended by adding at the end the fol-
14	tion 44703(d) is amended by adding at the end the fol-
14 15	tion 44703(d) is amended by adding at the end the fol- lowing:
14 15 16	tion 44703(d) is amended by adding at the end the fol- lowing: "(3) A person who is substantially affected by an
14 15 16 17	<pre>tion 44703(d) is amended by adding at the end the fol- lowing:</pre>
14 15 16 17 18	tion 44703(d) is amended by adding at the end the fol- lowing: "(3) A person who is substantially affected by an order of the Board under this subsection, or the Adminis- trator if the Administrator decides that an order of the
14 15 16 17 18 19	tion 44703(d) is amended by adding at the end the fol- lowing: "(3) A person who is substantially affected by an order of the Board under this subsection, or the Adminis- trator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	tion 44703(d) is amended by adding at the end the fol- lowing: "(3) A person who is substantially affected by an order of the Board under this subsection, or the Adminis- trator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>tion 44703(d) is amended by adding at the end the following:</li> <li>"(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a</li> </ul>

(b) CONFORMING AMENDMENT.—Section 1153(c) is
 amended by striking "section 44709 or" and inserting
 "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 end8 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-

quested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address

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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

type certificate that has been inactive for 3 or
 more years.".

# 3 SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CER4 TIFICATES.

5 (a) IN GENERAL.—Section 44704(e) is amended to6 read as follows:

7 "(e) DESIGN AND PRODUCTION ORGANIZATION CER-8 TIFICATES.—

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

20 "(2) APPLICATIONS.—On receiving an applica21 tion for a CDPO certificate, the Administrator shall
22 examine and rate the organization submitting the
23 application, in accordance with regulations to be pre24 scribed by the Administrator, to determine whether
25 the organization has adequate engineering, design,

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	(2) in the analysis for such chapter by striking
2	the item relating to section 44704 and inserting the
3	following:
	"44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.".
4	SEC. 304. CABIN CREW COMMUNICATION.
5	(a) IN GENERAL.—Section 44728 is amended—
6	(1) by redesignating subsection (f) as sub-
7	section (g); and
8	(2) by inserting after subsection (e) the fol-
9	lowing:
10	"(f) Minimum Language Skills.—
11	"(1) IN GENERAL.—No person may serve as a
12	flight attendant aboard an aircraft of an air carrier,
13	unless that person has demonstrated to an individual
14	qualified to determine proficiency the ability to read,
15	speak, and write English well enough to—
16	"(A) read material written in English and
17	comprehend the information;
18	"(B) speak and understand English suffi-
19	ciently to provide direction to, and understand
20	and answer questions from, English-speaking
21	individuals;
22	"(C) write incident reports and statements
23	and log entries and statements; and

"(D) carry out written and oral instruc tions regarding the proper performance of their
 duties.

4 "(2) FOREIGN FLIGHTS.—The requirements of
5 paragraph (1) do not apply to a flight attendant
6 serving solely between points outside the United
7 States.".

8 (b) FACILITATION.—The Administrator of the Fed-9 eral Aviation Administration shall work with air carriers 10 to facilitate compliance with the requirements of section 11 44728(f) of title 49, United States Code (as amended by 12 this section).

### 13 SEC. 305. LINE CHECK EVALUATIONS.

14 Section 44729(h) is amended—

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

16 (2) by redesignating paragraph (3) as para-17 graph (2).

18 SEC. 306. SAFETY OF AIR AMBULANCE OPERATIONS.

19 (a) IN GENERAL.—Chapter 447 is amended by add-20 ing at the end the following:

## 21 "§ 44730. Helicopter air ambulance operations

22 "(a) Compliance Regulations.—

23 "(1) IN GENERAL.—Except as provided in para24 graph (2), not later than 180 days after the date of
25 enactment of this section, a part 135 certificate

holder providing air ambulance services shall comply,
 whenever medical personnel are onboard the aircraft,
 with regulations pertaining to weather minimums
 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 Ad20 ministrator shall address the following:

21 "(1) Flight request and dispatch procedures, in22 cluding performance-based flight dispatch proce23 dures.

24 "(2) Pilot training standards, including estab25 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.—
13 14	"(e) Subsequent Rulemaking.— "(1) In general.—Upon completion of the
14	"(1) IN GENERAL.—Upon completion of the
14 15	"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Ad-
14 15 16	"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Ad- ministrator shall conduct a follow-on rulemaking to
14 15 16 17	"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Ad- ministrator shall conduct a follow-on rulemaking to address the following:
14 15 16 17 18	<ul> <li>"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:</li> <li>"(A) Pilot training standards, including—</li> </ul>
14 15 16 17 18 19	<ul> <li>"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:</li> <li>"(A) Pilot training standards, including—</li></ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	<ul> <li>"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:</li> <li>"(A) Pilot training standards, including—</li></ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>"(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:</li> <li>"(A) Pilot training standards, including—</li></ul>

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).

"(f) DEFINITIONS.—In this section, the following
 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 ambu12 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 certifi21 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, by24 registration number, during which helicopters oper-

ated by the certificate holder were providing heli copter air ambulance services.

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

9 "(4) The number of accidents, if any, involving 10 helicopters operated by the certificate holder while 11 providing air ambulance services and a description 12 of the accidents.

13 "(5) The number of flights and hours flown
14 under instrument flight rules by helicopters operated
15 by the certificate holder while providing air ambu16 lance services.

17 "(6) The time of day of each flight flown by
18 helicopters operated by the certificate holder while
19 providing air ambulance services.

"(7) The number of incidents, if any, in which
a helicopter was not directly dispatched and arrived
to transport patients but was not utilized for patient
transport.

24 "(b) REPORTING PERIOD.—Data contained in a re25 port submitted by a part 135 certificate holder under sub-

section (a) shall relate to such reporting period as the Ad 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 thereafter, the Administrator shall submit to the Com-11 12 mittee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, 13 Science, and Transportation of the Senate a report con-14 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 develop23 ment and maintenance of helicopter approach proce24 dures".

 (c) CLERICAL AMENDMENT.—The analysis for chap 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.".
 SEC. 307. PROHIBITION ON PERSONAL USE OF ELEC-

#### 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 fol7 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. "(c) ENFORCEMENT.—In addition to the penalties
 provided under section 46301 applicable to any violation
 of this section, the Administrator of the Federal Aviation
 Administration may enforce compliance with this section
 under section 44709 by amending, modifying, suspending,
 or revoking a certificate under this chapter.

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

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

- 14 (1) by striking "or" after the semicolon in15 paragraph (8);
- 16 (2) by striking "title." in paragraph (9) and in17 serting "title; or"; and

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

19 "(10) violate section 44732 or any regulation20 issued thereunder.".

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

"44732. Prohibition on personal use of electronic devices on flight deck.".

24 (d) REGULATIONS.—Not later than 90 days after the 25 date of enactment of this Act, the Administrator of the 2013112.242.xml (516900)3)

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

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

4 SEC. 308. INSPECTION OF REPAIR STATIONS LOCATED OUT5 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 fol8 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—

"(1) ensure that repair stations located outside
the United States are subject to appropriate inspections based on identified risks and consistent with
existing United States requirements;

21 "(2) consider inspection results and findings
22 submitted by foreign civil aviation authorities oper23 ating under a maintenance safety or maintenance
24 implementation agreement with the United States;
25 and

1 "(3) require all maintenance safety or mainte-2 nance implementation agreements to provide an opportunity for the Administration to conduct inde-3 4 pendent inspections of covered part 145 repair sta-5 tions when safety concerns warrant such inspections. 6 "(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The 7 Administrator shall notify the Committee on Commerce, 8 Science, and Transportation of the Senate and the Com-9 mittee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating 10 11 formal negotiations with foreign aviation authorities or 12 other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agree-13 14 ment.

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

20 "(1) describe in detail any improvements in the
21 Administration's ability to identify and track where
22 part 121 air carrier repair work is performed;

23 "(2) include a staffing model to determine the
24 best placement of inspectors and the number of in25 spectors needed;

"(3) describe the training provided to inspec tors; and

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

8 "(d) Alcohol and Controlled Substances9 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 that perform safety-sensitive maintenance functions 16 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 the Administrator and consistent with the applicable
 laws of the country in which the repair station is lo cated.

4 "(e) ANNUAL INSPECTIONS.—The Administrator 5 shall ensure that part 145 repair stations located outside the United States are inspected annually by Federal Avia-6 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. The Administrator may carry out inspections in addition 10 to the annual inspection required under this subsection 11 based on identified risks. 12

13 "(f) DEFINITIONS.—In this section, the following14 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.

"(2) PART 145 REPAIR STATION.—The term
'part 145 repair station' means a repair station that
holds a certificate issued under part 145 of title 14,
Code of Federal Regulations.".

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

"44733. Inspection of 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 fol4 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 following19 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 certifi23 cate under section 44705.

24 "(2) FLIGHT ATTENDANT.—The term 'flight at25 tendant' has the meaning given that term in section
26 44728(g).".

 (b) CLERICAL AMENDMENT.—The analysis for chap ter 447 (as amended by this Act) is further amended by
 adding at the end the following: "44734. Training of flight attendants.".

4 SEC. 310. LIMITATION ON DISCLOSURE OF SAFETY INFOR5 MATION.

6 (a) IN GENERAL.—Chapter 447 (as amended by this
7 Act) is further amended by adding at the end the fol8 lowing:

# 9 "§44735. Limitation on disclosure of safety informa10 tion

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

20 "(b) APPLICABILITY.—The limitation established by21 subsection (a) shall apply to the following:

22 "(1) Reports, data, or other information devel23 oped under the Aviation Safety Action Program.

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

4 "(3) Reports, data, or other information devel5 oped under the Line Operations Safety Audit Pro6 gram.

7 "(4) Reports, data, or other information pro8 duced or collected for purposes of developing and
9 implementing a safety management system accept10 able to the Administrator.

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

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

"(1) IN GENERAL.—The limitation established
by subsection (a) shall not apply to a report, data,
or other information if the information contained in
the report, data, or other information has been deidentified.

24 "(2) DE-IDENTIFIED DEFINED.—In this sub25 section, the term 'de-identified' means the process by

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

(a) OFFENSE.—Chapter 2 of title 18, United States
Code, is amended by inserting after section 39 the following:

## 16 "§ 39A. Aiming a laser pointer at an aircraft

"(a) OFFENSE.—Whoever knowingly aims the beam
of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of
such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) LASER POINTER DEFINED.—As used in this
section, the term 'laser pointer' means any device designed
or used to amplify electromagnetic radiation by stimulated
emission that emits a beam designed to be used by the

operator as a pointer or highlighter to indicate, mark, or
 identify a specific position, place, item, or object.

- 3 "(c) EXCEPTIONS.—This section does not prohibit
  4 aiming a beam of a laser pointer at an aircraft, or the
  5 flight path of such an aircraft, by—
- 6 "(1) an authorized individual in the conduct of 7 research and development or flight test operations 8 conducted by an aircraft manufacturer, the Federal 9 Aviation Administration, or any other person author-10 ized by the Federal Aviation Administration to con-11 duct such research and development or flight test 12 operations;
- "(2) members or elements of the Department of
  Defense or Department of Homeland Security acting
  in an official capacity for the purpose of research,
  development, operations, testing, or training; or
- 17 "(3) by an individual using a laser emergency
  18 signaling device to send an emergency distress sig19 nal.

"(d) AUTHORITY TO ESTABLISH ADDITIONAL EXCEPTIONS BY REGULATION.—The Attorney General, in
consultation with the Secretary of Transportation, may
provide by regulation, after public notice and comment,
such additional exceptions to this section as may be necessary and appropriate. The Attorney General shall pro-

vide written notification of any proposed regulations under
 this section to the Committees on the Judiciary of the Sen ate and the House of Representatives, the Committee on
 Commerce, Science, and Transportation of the Senate,
 and the Committee on Transportation and Infrastructure
 of the House of Representatives, not less than 90 days
 before such regulations become final.".

8 (b) CLERICAL AMENDMENT.—The analysis for such9 chapter is amended—

10 (1) by moving the item relating to section 3911 after the item relating to section 38; and

12 (2) by inserting after the item relating to sec-13 tion 39 the following:

"39A. Aiming a laser pointer at an aircraft".

## 14 SEC. 312. AIRCRAFT CERTIFICATION PROCESS REVIEW AND 15 REFORM.

(a) IN GENERAL.—The Administrator of the Federal
Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment
of the certification and approval process under section
44704 of title 49, United States Code.

21 (b) CONTENTS.—In conducting the assessment, the22 Administrator shall consider—

(1) the expected number of applications for
product certifications and approvals the Administrator will receive under section 44704 of such title

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

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

(d) REPORT TO CONGRESS.—Not later than 180 days 4 5 after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and In-6 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 with an explanation of how the Administrator will imple-10 ment recommendations made under subsection (c) and 11 measure the effectiveness of the recommendations. 12

(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 rec16 ommendations made under subsection (c).

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

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not
(a) Later than 90 days after the date of enactment of this Act,
(a) Later than 90 days after the date of enactment of this Act,
(b) Later than 90 days after the date of enactment of this Act,
(c) Later than 90 days after the date of enactment of this Act,
(c) Later than 90 days after the date of enactment of this Act,
(c) Later than 90 days after the date of enactment of this Act,
(c) Later than 90 days after the date of enactment of this Act,
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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 panel shall— 9 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 after the date of enactment of this Act, the Administrator 25
shall transmit to the Committee on Transportation and
 Infrastructure of the House of Representatives and the
 Committee on Commerce, Science, and Transportation of
 the Senate a report on the findings of the advisory panel,
 together with an explanation of how the Administrator will
 implement the recommendations of the advisory panel and
 measure the effectiveness of the recommendations.

#### 8 SEC. 314. RUNWAY SAFETY.

9 (a) Strategic Runway Safety Plan.—

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

15 (2) CONTENTS OF PLAN.—The strategic run16 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-

tion in a timely manner;

(2) conducting periodic random audits of the
 oversight process; and

3 (3) ensuring proper accountability.

4 (c) PLAN FOR INSTALLATION AND DEPLOYMENT OF Systems To Provide Alerts of Potential Runway 5 INCURSIONS.—Not later than June 30, 2012, the Admin-6 istrator shall submit to Congress a report containing a 7 8 plan for the installation and deployment of systems to 9 alert air traffic controllers or flight crewmembers, or both, of potential runway incursions. The plan shall be inte-10 11 grated into the annual NextGen Implementation Plan of 12 the Administration or any successor document.

#### 13 SEC. 315. FLIGHT STANDARDS EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the
date of enactment of this Act, the Administrator of the
Federal Aviation Administration shall modify the Flight
Standards Evaluation Program—

18 (1) to include periodic and random reviews as
19 part of the Administration's oversight of air carriers;
20 and

(2) to prohibit an individual from participating
in a review or audit of an office with responsibility
for an air carrier under the program if the individual, at any time in the 5-year period preceding
the date of the review or audit, had responsibility for

- inspecting, or overseeing the inspection of, the oper 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 Committee on Commerce, Science, and Transportation of the 6 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 Administrator's findings and recommendations with respect 10 to the program. 11

(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term "Flight Standards Evaluation Program" means the program established by the
Federal Aviation Administration in FS 1100.1B CHG3,
including any subsequent revisions thereto.

#### 17 SEC. 316. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General of the United
States shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to the use of new technologies to prevent or mitigate
the effects of dense, continuous smoke in the cockpit of
a commercial aircraft.

(b) REPORT TO CONGRESS.—Not later than 1825 months after the date of enactment of this Act, the Comp-

troller General shall submit to Congress a report on the
 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 Avia6 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.

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

#### 18 SEC. 318. FEASIBILITY OF REQUIRING HELICOPTER PILOTS

#### 19

#### TO USE NIGHT VISION GOGGLES.

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

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 In10 frastructure of the House of Representatives and the Com11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the results of the study.

#### 13 SEC. 319. MAINTENANCE PROVIDERS.

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

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN
WORK.—A person may perform covered work on aircraft
used to provide air transportation under part 121 of title
14, Code of Federal Regulations, only if the person is employed by—

	101
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	air carrier directly in charge of the covered work
2	being performed on its aircraft.
3	(d) DEFINITIONS.—In this section, the following defi-
4	nitions apply:
5	(1) COVERED WORK.—The term "covered
6	work" means any of the following:
7	(A) Essential maintenance that could re-
8	sult in a failure, malfunction, or defect endan-
9	gering the safe operation of an aircraft if not
10	performed properly or if improper parts or ma-
11	terials are used.
12	(B) Regularly scheduled maintenance.
13	(C) A required inspection item (as defined
14	by the Administrator).
15	(2) 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	(3) PART 145 REPAIR STATION.—The term
20	"part 145 repair station" means a repair station
21	that holds a certificate issued under part 145 of title
22	14, Code of Federal Regulations.
23	(4) PERSON.—The term "person" means an in-
24	dividual, firm, partnership, corporation, company, or

association that performs maintenance, preventative
 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;

(3) determine the specific amount and duration
of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

18 (4) develop a systematic reporting standard for19 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.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by
subsection (a), the Administrator of the Federal Aviation
Administration shall require domestic air carriers to allow

air quality monitoring on their aircraft in a manner that
 imposes no significant costs on the air carrier and does
 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 date9 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—

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

(B) recommendations for the Federal installation of infrastructure necessary to take
advantage of information contained on improved pilot licenses issued under this section,
which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the

1	infrastructure at airport sterile areas, and pro-
2	vide an estimate of the costs of the infrastruc-
3	ture; and
4	(2) begin to issue improved pilot licenses con-
5	sistent with the requirements of title 49, United
6	States Code, and title 14, Code of Federal Regula-
7	tions.
8	(c) Requirements.—Improved pilot licenses issued
9	under this section shall—
10	(1) be resistant to tampering, alteration, and
11	counterfeiting;
12	(2) include a photograph of the individual to
13	whom the license is issued for identification pur-
14	poses; and
15	(3) be smart cards that—
16	(A) accommodate iris and fingerprint bio-
17	metric identifiers; and
18	(B) are compliant with Federal Informa-
19	tion Processing Standards-201 (FIPS-201) or
20	Personal Identity Verification-Interoperability
21	Standards (PIV–I) for processing through secu-
22	rity checkpoints into airport sterile areas.
23	(d) TAMPERING.—To the extent practicable, the Ad-
24	ministrator shall develop methods to determine or reveal
25	whether any component or security feature of an improved

pilot license issued under this section has been tampered
 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.
- (2) EXPIRATION.—The Administrator shall not
  be required to submit annual reports under this subsection after the date on which the Administrator
  has issued improved pilot licenses under this section
  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 AUTHORIZATION.—The terms "certificate of waiver" 5 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 "sense and avoid capability" means the capability of 20

an unmanned aircraft to remain a safe distance
from and to avoid collisions with other airborne aircraft.

1	(6) SMALL UNMANNED AIRCRAFT.—The term
2	"small unmanned aircraft" means an unmanned air-
3	craft weighing less than 55 pounds.
4	(7) TEST RANGE.—The term "test range"
5	means a defined geographic area where research and
6	development are conducted.
7	(8) UNMANNED AIRCRAFT.—The term "un-
8	manned aircraft" means an aircraft that is operated
9	without the possibility of direct human intervention
10	from within or on the aircraft.
11	(9) UNMANNED AIRCRAFT SYSTEM.—The term
12	"unmanned aircraft system" means an unmanned
13	aircraft and associated elements (including commu-
14	nication links and the components that control the
15	unmanned aircraft) that are required for the pilot in
16	command to operate safely and efficiently in the na-
17	tional airspace system.
18	SEC. 332. INTEGRATION OF CIVIL UNMANNED AIRCRAFT
19	SYSTEMS INTO NATIONAL AIRSPACE SYSTEM.
20	(a) Required Planning for Integration.—
21	(1) Comprehensive plan.—Not later than
22	270 days after the date of enactment of this Act, the
23	Secretary of Transportation, in consultation with
24	representatives of the aviation industry, Federal
25	agencies that employ unmanned aircraft systems

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 airspace system as soon as practicable, but not later 4 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 the date on which the plan required under subsection 20 21 (a)(1) is submitted to Congress under subsection (a)(4),

22 the Secretary shall publish in the Federal Register—

(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent

1	the systems do not meet the requirements for expe-
2	dited operational authorization under section 333 of
3	this Act;
4	(2) a notice of proposed rulemaking to imple-
5	ment the recommendations of the plan required
6	under subsection $(a)(1)$ , with the final rule to be
7	published not later than 16 months after the date of
8	publication of the notice; and
9	(3) an update to the Administration's most re-
10	cent policy statement on unmanned aircraft systems,
11	contained in Docket No. FAA–2006–25714.
12	(c) Pilot Projects.—
13	(1) ESTABLISHMENT.—Not later than 180 days
14	after the date of enactment of this Act, the Adminis-
15	trator shall establish a program to integrate un-
16	manned aircraft systems into the national airspace
17	system at 6 test ranges. The program shall termi-
18	nate 5 years after the date of enactment of this Act.
19	(2) Program requirements.—In establishing
20	the program under paragraph (1), the Administrator
21	shall—
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.

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

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 descrip19 tion and assessment of the progress being made
20 in establishing special use airspace to fill the
21 immediate need of the Department of De22 fense—

23 (i) to develop detection techniques for24 small unmanned aircraft systems; and

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

4 (d) EXPANDING USE OF UNMANNED AIRCRAFT SYS5 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 inter23 national communities.

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

1 essary to effect 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.

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

12 (a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than 180 days 13 after the date of enactment of this Act, the Secretary of 14 15 Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace 16 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.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS21 TEMS.—In making the determination under subsection
22 (a), the Secretary shall determine, at a minimum—

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

lated areas, and operation within visual line of sight
 do not create a hazard to users of the national air space system or the public or pose a threat to na tional security; and

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

10 (c) REQUIREMENTS FOR SAFE OPERATION.—If the 11 Secretary determines under this section that certain un-12 manned aircraft systems may operate safely in the na-13 tional airspace system, the Secretary shall establish re-14 quirements for the safe operation of such aircraft systems 15 in the national airspace system.

#### 16 SEC. 334. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) GUIDANCE.—Not later than 270 days after the
date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

21 (1) expedite the issuance of a certificate of au-22 thorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of
access to the national airspace system as technology

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

4 (3) facilitate the capability of public agencies to
5 develop and use test ranges, subject to operating re6 strictions required by the Federal Aviation Adminis7 tration, to test and operate unmanned aircraft sys8 tems; and

9 (4) provide guidance on a public entity's re10 sponsibility when operating an unmanned aircraft
11 without a civil airworthiness certificate issued by the
12 Administration.

(b) STANDARDS FOR OPERATION AND CERTIFI14 CATION.—Not later than December 31, 2015, the Admin15 istrator shall develop and implement operational and cer16 tification requirements for the operation of public un17 manned aircraft systems in the national airspace system.
18 (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after
the date of enactment of this Act, the Secretary
shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to
applications seeking authorization to operate public

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

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

#### 5 SEC. 335. SAFETY STUDIES.

6 The Administrator of the Federal Aviation Adminis7 tration shall carry out all safety studies necessary to sup8 port the integration of unmanned aircraft systems into the
9 national airspace system.

#### 10 SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.

(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans
and policies, including this subtitle, the Administrator of
the Federal Aviation Administration may not promulgate
any rule or regulation regarding a model aircraft, or an
aircraft being developed as a model aircraft, if—

18 (1) the aircraft is flown strictly for hobby or19 recreational use;

20 (2) the aircraft is operated in accordance with
21 a community-based set of safety guidelines and with22 in the programming of a nationwide community23 based organization;

24 (3) the aircraft is limited to not more than 5525 pounds unless otherwise certified through a design,

construction, inspection, flight test, and operational
 safety program administered by a community-based
 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)).

(b) STATUTORY CONSTRUCTION.—Nothing in this
section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons
operating model aircraft who endanger the safety of the
national airspace system.

(c) MODEL AIRCRAFT DEFINED.—In this section, the
term "model aircraft" means an unmanned aircraft that
is—

(1) capable of sustained flight in the atmos phere;
 (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-

#### TION OFFICE.

9 Section 106 (as amended by this Act) is further10 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 sub15 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 Of20 fice shall be the Director, who shall be ap21 pointed by the Secretary of Transportation.

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

1	"(C) TERM.—The Director shall be ap-
2	pointed for a term of 5 years.
3	"(D) VACANCIES.—Any individual ap-
4	pointed to fill a vacancy in the position of the
5	Director occurring before the expiration of the
6	term for which the individual's predecessor was
7	appointed shall be appointed for the remainder
8	of that term.
9	"(3) Complaints and investigations.—
10	"(A) AUTHORITY OF DIRECTOR.—The Di-
11	rector shall—
12	"(i) receive complaints and informa-
13	tion submitted by employees of persons
14	holding certificates issued under title 14,
15	Code of Federal Regulations (if the certifi-
16	cate holder does not have a similar in-
17	house whistleblower or safety and regu-
18	latory noncompliance reporting process)
19	and employees of the Agency concerning
20	the possible existence of an activity relat-
21	ing to a violation of an order, a regulation,
22	or any other provision of Federal law relat-
23	ing to aviation safety;
24	"(ii) assess complaints and informa-
25	tion submitted under clause (i) and deter-

1	mine whether a substantial likelihood ex-
2	ists that a violation of an order, a regula-
3	tion, or any other provision of Federal law
4	relating to aviation safety has occurred;
5	and
6	"(iii) based on findings of the assess-
7	ment conducted under clause (ii), make
8	recommendations to the Administrator of
9	the Agency, in writing, regarding further
10	investigation or corrective actions.
11	"(B) DISCLOSURE OF IDENTITIES.—The
12	Director shall not disclose the identity of an in-
13	dividual who submits a complaint or informa-
14	tion under subparagraph (A)(i) unless—
15	"(i) the individual consents to the dis-
16	closure in writing; or
17	"(ii) the Director determines, in the
18	course of an investigation, that the disclo-
19	sure is required by regulation, statute, or
20	court order, or is otherwise unavoidable, in
21	which case the Director shall provide the
22	individual reasonable advanced notice of
23	the disclosure.
24	"(C) INDEPENDENCE OF DIRECTOR.—The
25	Secretary, the Administrator, or any officer or

employee of the Agency may not prevent or pro hibit the Director from initiating, carrying out,
 or completing any assessment of a complaint or
 information submitted under subparagraph
 (A)(i) or from reporting to Congress on any
 such assessment.

7 "(D) ACCESS TO INFORMATION.—In con-8 ducting an assessment of a complaint or infor-9 mation submitted under subparagraph (A)(i), 10 the Director shall have access to all records, re-11 ports, audits, reviews, documents, papers, rec-12 ommendations, and other material of the Agen-13 cy necessary to determine whether a substantial 14 likelihood exists that a violation of an order, a 15 regulation, or any other provision of Federal 16 law relating to aviation safety may have oc-17 curred.

18 "(4) Responses to recommendations.—Not 19 later than 60 days after the date on which the Ad-20 ministrator receives a report with respect to an in-21 vestigation, the Administrator shall respond to a rec-22 ommendation made by the Director under paragraph 23 (3)(A)(iii) in writing and retain records related to 24 any further investigations or corrective actions taken 25 in response to the recommendation.

1	"(5) Incident reports.—If the Director de-
2	termines there is a substantial likelihood that a vio-
3	lation of an order, a regulation, or any other provi-
4	sion of Federal law relating to aviation safety has
5	occurred that requires immediate corrective action,
6	the Director shall report the potential violation expe-
7	ditiously to the Administrator and the Inspector
8	General of the Department of Transportation.
9	"(6) Reporting of criminal violations to
10	INSPECTOR GENERAL.—If the Director has reason-
11	able grounds to believe that there has been a viola-
12	tion of Federal criminal law, the Director shall re-
13	port the violation expeditiously to the Inspector Gen-
14	eral.
15	"(7) ANNUAL REPORTS TO CONGRESS.—Not
16	later than October 1 of each year, the Director shall
17	submit to Congress a report containing—
18	"(A) information on the number of submis-
19	sions of complaints and information received by
20	the Director under paragraph $(3)(A)(i)$ in the
21	preceding 12-month period;
22	"(B) summaries of those submissions;
23	"(C) summaries of further investigations
24	and corrective actions recommended in response
25	to the submissions; and

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

#### 3 SEC. 342. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT 4 STANDARDS INSPECTORS.

5 (a) IN GENERAL.—Section 44711 is amended by6 adding at the end the following:

7 "(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT8 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 over18 sight of, a flight standards inspector of the Ad19 ministration; and

20 "(B) had responsibility to inspect, or over21 see inspection of, the operations of the certifi22 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 oral communication on behalf of the certificate hold-3 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.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by
a certificate holder as of the date of enactment of this
Act.

### 15 SEC. 343. REVIEW OF AIR TRANSPORTATION OVERSIGHT 16 SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal
Aviation Administration shall establish a process by which
the air transportation oversight system database of the
Administration is reviewed by regional teams of employees
of the Administration, including at least one employee on
each team representing aviation safety inspectors, on a
monthly basis to ensure that—

24 (1) any trends in regulatory compliance are25 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) BIANNUAL REPORTS TO CONGRESS.—The Ad-
20	ministrator, on a biannual 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

system database conducted under this section, including
 copies of reports received under subsection (b).

### 3 SEC. 344. IMPROVED VOLUNTARY DISCLOSURE REPORTING 4 SYSTEM.

5 (a) VOLUNTARY DISCLOSURE REPORTING PROGRAM
6 DEFINED.—In this section, the term "Voluntary Disclo7 sure Reporting Program" means the program established
8 by the Federal Aviation Administration through Advisory
9 Circular 00–58A, dated September 8, 2006, including any
10 subsequent revisions thereto.

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

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

(2) confirm, before approving a final report of
a violation, that a violation with the same root
causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.—The Administrator shall establish a process
by which voluntary self-disclosures received from air car-
riers are reviewed and approved by a supervisor after the
 initial review by an inspector.
 (d) INSPECTOR GENERAL STUDY.—

4 (1) IN GENERAL.—The Inspector General of
5 the Department of Transportation shall conduct a
6 study of the Voluntary Disclosure Reporting Pro7 gram.

8 (2) REVIEW.—In conducting the study, the In9 spector General shall examine, at a minimum, if the
10 Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of
the program;

(B) evaluates the effectiveness of correctiveactions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its
secondary review of self-disclosures before they
are accepted and closed by the Administration.
(3) REPORT TO CONGRESS.—Not later than 1
year after the date of enactment of this Act, the In-

23 spector General shall submit to the Committee on
24 Transportation and Infrastructure of the House of
25 Representatives and Committee on Commerce,

Science, and Transportation of the Senate a report
 on the results of the study conducted under this sec 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 initiated, to require a flight crewmember who is employed by 12 13 an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts 14 15 an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier con-16 17 ducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regard-18 less of whether the assignment is performed by the flight 19 crewmember before or after an assignment to fly under 20 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 13525 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART

91 OPERATIONS.—Not later than 1 year after the date 1 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 under part 135 of title 14, Code of Federal Regulations, 5 and who accepts an additional assignment for flying under 6 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 (regardless of whether the assignment is performed by the 10 flight crewmember before or after an assignment to fly 11 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.

(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

### 19sec. 346. Certain existing flight time limitations20AND REST REQUIREMENTS.

The Administrator of the Federal Aviation Administration may not finalize the interpretation proposed in Docket No. FAA-2010-1259, relating to rest requirements, and published in the Federal Register on December 23, 2010. 1SEC. 347. EMERGENCY LOCATOR TRANSMITTERS ON GEN-2ERAL AVIATION AIRCRAFT.

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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 inspection of each emergency locator transmitter (in this 6 section referred to as an "ELT") installed in general avia-7 8 tion aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the 9 10 manufacturer's specifications.

11 (b) MOUNTING AND RETENTION.—

(1) IN GENERAL.—Not later than 90 days after
the date of enactment of this Act, the Administrator
shall determine if the ELT mounting requirements
and retention tests specified by Technical Standard
Orders C91a and C126 are adequate to assess retention 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 re21 tention tests referred to in paragraph (1) to ensure
22 that ELTs are properly retained in the event of an
23 aircraft accident.

(c) REPORT.—Upon the completion of any revisions
under subsection (b)(2), the Administrator shall submit
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 " <b>sched</b> -
12	<b>uled</b> " and inserting " <b>passenger</b> "; 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).

"(b) 1 SMOKING PROHIBITION IN FOREIGN AIR 2 TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to pro-3 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. (a) IN GENERAL.—Section 41708 is amended by 15 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

1	"(2) APPLICABILITY.—An air carrier that is re-
2	quired to file a monthly airline service quality per-
3	formance report pursuant to part 234 of title 14,
4	Code of Federal Regulations, shall be subject to the
5	requirement of paragraph (1).
6	"(3) CONTENTS.—A monthly report filed by an
7	air carrier under paragraph (1) shall include, at a
8	minimum, the following information:
9	"(A) For a diverted flight—
10	"(i) the flight number of the diverted
11	flight;
12	"(ii) the scheduled destination of the
13	flight;
14	"(iii) the date and time of the flight;
15	"(iv) the airport to which the flight
16	was diverted;
17	"(v) wheels-on time at the diverted
18	airport;
19	"(vi) the time, if any, passengers
20	deplaned the aircraft at the diverted air-
21	port; and
22	"(vii) if the flight arrives at the sched-
23	uled destination airport—
24	"(I) the gate-departure time at
25	the diverted airport;

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—

"(A) the instrument can be stowed safely
in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of
carry-on baggage or cargo established by the
Administrator; and

21 "(B) there is space for such stowage at the22 time the passenger boards the aircraft.

23 "(2) LARGER INSTRUMENTS AS CARRY-ON BAG24 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 (E) seek to take proactive measures to en-2 sure that all airline employees, particularly 3 those who issue tickets and respond to members 4 of the Armed Forces and their family members, 5 are trained in the policies of the airline aimed 6 at benefitting members of the Armed Forces 7 who are on leave or liberty.

## 8 SEC. 406. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN9 CELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding
air carrier flight delays, cancellations, and associated
causes to update the 2000 report numbered CR–2000–
112 and titled "Audit of Air Carrier Flight Delays and
Cancellations".

16 (b) ASSESSMENTS.—In conducting the review under
17 subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, including with respect to the
number of chronically delayed flights and taxi-in and
taxi-out times;

22 (2) air carriers' scheduling practices;

23 (3) the need for a reexamination of capacity24 benchmarks at the Nation's busiest airports;

1	(4) the impact of flight delays and cancellations	
2	on air travelers, including recommendations for pro-	
3	grams that could be implemented to address the im-	
4	pact of flight delays on air travelers;	
5	(5) the effect that limited air carrier service op-	
6	tions on routes have on the frequency of delays and	
7	7 cancellations on such routes;	
8	(6) the effect of the rules and regulations of the	
9	Department of Transportation on the decisions of	
10	air carriers to delay or cancel flights; and	
11	(7) the impact of flight delays and cancellations	
12	on the airline industry.	
13	(c) Report to Congress.—Not later than 1 year	
14	after the date of enactment of this Act, the Inspector Gen-	
15	eral shall submit to the Committee on Transportation and	
16	Infrastructure of the House of Representatives and the	
17	Committee on Commerce, Science, and Transportation of	
18	the Senate a report on the results of the review conducted	
19	under this section, including the assessments described in	
20	subsection (b).	
21	SEC. 407. COMPENSATION FOR DELAYED BAGGAGE.	
22	(a) STUDY.—The Comptroller General of the United	
23	States shall conduct a study to—	
24		

24 (1) examine delays in the delivery of checked25 baggage to passengers of air carriers; and

(2) assess the options for and examine the im pact of establishing minimum standards to com pensate a passenger in the case of an unreasonable
 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.

(c) REPORT TO CONGRESS.—Not later than 180 days
after the date of enactment of this Act, the Comptroller
General shall transmit to Congress a report on the results
of the study.

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;

- (2) compliance with Federal regulations con-cerning overbooking seats on flights;
- 21 (3) lost, damaged, or delayed baggage, and dif22 ficulties with related airline claims procedures;
- 23 (4) problems in obtaining refunds for unused or24 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,

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- through a review of the database of the National
   Transportation Safety Board;
  - (6) the sales revenues of the fleet; and
- 4 (7) the number of passengers and airports5 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.

(a) CELL PHONE STUDY.—Not later than 120 days
after the date of enactment of this Act, the Administrator
of the Federal Aviation Administration shall conduct a
study on the impact of the use of cell phones for voice
communications in an aircraft during a flight in scheduled
passenger air transportation where currently permitted by
foreign governments in foreign air transportation.

21 (b) CONTENTS.—The study shall include—

(1) a review of foreign government and air car-rier policies on the use of cell phones during flight;

(2) a review of the extent to which passengers
 use cell phones for voice communications during
 flight; and

4 (3) a summary of any impacts of cell phone use
5 during flight on safety, the quality of the flight expe6 rience of passengers, and flight attendants.

7 (c) COMMENT PERIOD.—Not later than 180 days
8 after the date of enactment of this Act, the Administrator
9 shall publish in the Federal Register the results of the
10 study and allow 60 days for public comment.

(d) CELL PHONE REPORT.—Not later than 270 days
after the date of enactment of this Act, the Administrator
shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the
Senate a report on the results of the study.

#### 17 SEC. 411. ESTABLISHMENT OF ADVISORY COMMITTEE FOR

18

#### AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation
shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out
activities relating to airline customer service improvements.

(b) MEMBERSHIP.—The Secretary shall appoint the
 members of the advisory committee, which shall be com prised of one representative each of—

- 4 (1) air carriers;
- 5 (2) airport operators;

6 (3) State or local governments with expertise in
7 consumer protection matters; and

8 (4) nonprofit public interest groups with exper-9 tise in consumer protection matters.

10 (c) VACANCIES.—A vacancy in the advisory com11 mittee shall be filled in the manner in which the original
12 appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory
committee shall serve without pay but shall receive travel
expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United
States Code.

(e) CHAIRPERSON.—The Secretary shall designate,
from among the individuals appointed under subsection
(b), an individual to serve as chairperson of the advisory
committee.

(f) DUTIES.—The duties of the advisory committeeshall include—

1 (1) evaluating existing aviation consumer pro-2 tection programs and providing recommendations for 3 the improvement of such programs, if needed; and 4 (2) providing recommendations for establishing 5 additional aviation consumer protection programs, if 6 needed. 7 (g) REPORT TO CONGRESS.—Not later than Feb-8 ruary 1 of each of the first 2 calendar years beginning 9 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing— 10 11 (1) the recommendations made by the advisory 12 committee during the preceding calendar year; and 13 (2) an explanation of how the Secretary has im-14 plemented each recommendation and, for each rec-15 ommendation not implemented, the Secretary's rea-16 son for not implementing the recommendation. 17 (h) TERMINATION.—The advisory committee established under this section shall terminate on September 30, 18 19 2015.20 SEC. 412. DISCLOSURE OF SEAT DIMENSIONS TO FACILI-21 TATE THE USE OF CHILD SAFETY SEATS ON 22 AIRCRAFT. 23 Not later than 1 year after the date of enactment 24 of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to require each air 25

carrier operating under part 121 of title 14, Code of Fed eral Regulations, to post on the Internet Web site of the
 air carrier the maximum dimensions of a child safety seat
 that can be used on each aircraft operated by the air car rier to enable passengers to determine which child safety
 seats can be used on those aircraft.

#### 7 SEC. 413. SCHEDULE REDUCTION.

8 (a) IN GENERAL.—If the Administrator of the Fed9 eral Aviation Administration determines that—

(1) the aircraft operations of air carriers during
any hour at an airport exceed the hourly maximum
departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the maximum
departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on
the safe and efficient use of navigable airspace,

18 the Administrator shall convene a meeting of such carriers
19 to reduce pursuant to section 41722 of title 49, United
20 States Code, on a voluntary basis, the number of such op21 erations so as not to exceed the maximum departure and
22 arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the num-

ber of flights to and from the airport so as not to exceed
 the maximum departure and arrival rate, the Adminis trator shall take such action as is necessary to ensure such
 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 given to United States air carriers in permitting additional 11 12 aircraft operations with respect to that hour.

# 13 SEC. 414. RONALD REAGAN WASHINGTON NATIONAL AIR14 PORT SLOT EXEMPTIONS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—
Section 41718 is amended by adding at the end the following:

18 "(g) Additional Slot Exemptions.—

"(1) INCREASE IN SLOT EXEMPTIONS.—Not
later than 90 days after the date of enactment of
the FAA Modernization and Reform Act of 2012,
the Secretary shall grant, by order 16 exemptions
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	"(D) not result in meaningfully increased
2	travel delays;

3 "(E) enhance options for nonstop travel to
4 and from the beyond-perimeter airports that
5 will be served as a result of those exemptions;
6 "(F) have a positive impact on the overall
7 level of competition in the markets that will be
8 served as a result of those exemptions; or

9 "(G) produce public benefits, including the
10 likelihood that the service to airports located
11 beyond the perimeter described in section
12 49109 will result in lower fares, higher capac13 ity, and a variety of service options.

14 "(3) IMPROVED NETWORK SLOTS.—Of the slot 15 exemptions made available under paragraph (1), the 16 Secretary shall make 8 available to incumbent air 17 carriers qualifying for status as a non-limited incum-18 bent carrier at Ronald Reagan Washington National 19 Airport as of the date of enactment of the FAA 20 Modernization and Reform Act of 2012. Each such 21 non-limited incumbent air carrier—

22 "(A) may operate up to a maximum of 2
23 of the newly authorized slot exemptions;

24 "(B) prior to exercising an exemption25 made available under paragraph (1), shall dis-

1	continue the use of a slot for service between
2	Ronald Reagan Washington National Airport
3	and a large hub airport within the perimeter as
4	described in section 49109, and operate, in
5	place of such service, service between Ronald
6	Reagan Washington National Airport and an
7	airport located beyond the perimeter described
8	in section 49109;
9	"(C) shall be entitled to return of the slot
10	by the Secretary if use of the exemption made
11	available to the carrier under paragraph (1) is
12	discontinued;
13	"(D) shall have sole discretion concerning
14	the use of an exemption made available under
15	paragraph (1), including the initial or any sub-
16	sequent beyond perimeter destinations to be
17	served; and
18	"(E) shall file a notice of intent with the
19	Secretary and subsequent notices of intent,
20	when appropriate, to inform the Secretary of
21	any change in circumstances concerning the use
22	of any exemption made available under para-
23	graph $(1)$ .
24	"(4) NOTICES OF INTENT.—Notices of intent
25	under paragraph $(3)(\mathbf{E})$ shall specify the beyond pe-

1	rimeter 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

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located beyond the perimeter described in section

2	49109, to the extent necessary to protect viability of
3	such service; and
4	"(3) consider applications from foreign air car-
5	riers that are certificated by the government of Can-
6	ada if such consideration is required by the bilateral
7	aviation agreement between the United States and
8	Canada and so long as the conditions and limitations
9	under this section apply to such foreign air car-
10	riers.".
11	(b) HOURLY LIMITATION.—Section 41718(c)(2) is
12	amended to read as follows:
13	"(2) GENERAL EXEMPTIONS.—
14	"(A) HOURLY LIMITATION.—The exemp-
15	tions granted—
16	"(i) under subsections (a) and (b) and
17	departures authorized under subsection
18	(g)(2) may not be for operations between
19	the hours of 10:00 p.m. and 7:00 a.m.; and
20	"(ii) under subsections (a), (b), and
21	(g) may not increase the number of oper-
22	ations at Ronald Reagan Washington Na-
23	tional Airport in any 1-hour period during
24	the hours between 7:00 a.m. and 9:59 p.m.
25	by more than 5 operations.

1	"(B) USE OF EXISTING SLOTS.—A non-
2	limited incumbent air carrier utilizing an ex-
3	emption authorized under subsection $(g)(3)$ for
4	an arrival permitted between the hours of 10:01
5	p.m. and 11:00 p.m. under this section shall
6	discontinue use of an existing slot during the
7	same time period the arrival exemption is oper-
8	ated.".
9	(c) LIMITED INCUMBENT DEFINITION.—Section
10	41714(h)(5) is amended—
11	(1) in subparagraph (A) by striking " $20$ " and
12	inserting "40";
13	(2) by amending subparagraph (B) to read as
14	follows:
15	"(B) for purposes of such sections, the
16	term 'slot' shall not include—
17	"(i) 'slot exemptions';
18	"(ii) slots operated by an air carrier
19	under a fee-for-service arrangement for an-
20	other air carrier, if the air carrier oper-
21	ating such slots does not sell flights in its
22	own name, and is under common owner-
23	ship with an air carrier that seeks to qual-
24	ify as a limited incumbent and that sells
25	flights in its own name; or
25	flights in its own name; or

22	IMPROVEMENTS
21	"CHAPTER 423—PASSENGER AIR SERVICE
20	ing after chapter 421 the following:
19	(a) IN GENERAL.—Subtitle VII is amended by insert-
18	SEC. 415. PASSENGER AIR SERVICE IMPROVEMENTS.
17	been approved by the Secretary.".
16	sistent with the needs of aviation that has
15	"(iv) a business or activity not incon-
14	(3) by adding at the end the following:
13	end and inserting "; or"; and
12	(2) in clause (iii) by striking the period at the
11	(1) in clause (ii) by striking "or" at the end;
10	49104(a)(2)(A) is amended—
9	(e) Definition of Airport Purposes.—Section
8	", except through an air carrier merger or acquisition.".
7	is amended by striking the period at the end and inserting
6	(d) Transfer of Exemptions.—Section 41714(j)
5	rier; and".
4	the marketing control of the other air car-
3	other air carrier, where the slots are under
2	cense-back financing arrangement with an-
1	"(iii) slots held under a sale and li-

"Sec.

"42301. Emergency contingency plans.

"42302. Consumer complaints."

"42303. Use of insecticides in passenger aircraft.

### 1 "§ 42301. Emergency contingency plans

2	"(a) Submission of Air Carrier and Airport
3	PLANS.—Not later than 90 days after the date of enact-
4	ment of this section, each of the following air carriers and
5	airport operators shall submit to the Secretary of Trans-
6	portation for review and approval an emergency contin-
7	gency plan in accordance with the requirements of this
8	section:
9	"(1) An air carrier providing covered air trans-
10	portation at a commercial airport.
11	"(2) An operator of a commercial airport.
12	"(3) An operator of an airport used by an air
13	carrier described in paragraph (1) for diversions.
14	"(b) Air Carrier Plans.—
15	"(1) Plans for individual airports.—An
16	air carrier shall submit an emergency contingency
17	plan under subsection (a) for—
18	"(A) each airport at which the carrier pro-
19	vides covered air transportation; and
20	"(B) each airport at which the carrier has
21	flights for which the carrier has primary re-
22	sponsibility for inventory control.
23	"(2) CONTENTS.—An emergency contingency
24	plan submitted by an air carrier for an airport under
25	subsection (a) shall contain a description of how the
26	carrier will—

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

- cleared United States Customs and Border Protec tion.
- 3 "(d) Updates.—

4 "(1) AIR CARRIERS.—An air carrier shall up5 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 MODI25 FICATIONS.—If the Secretary fails to approve or re-

quire modifications to a plan or update under para graph (1) within the timeframe specified in that
 paragraph, the plan or update shall be deemed to be
 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.

"(h) REPORTS.—Not later than 30 days after any
flight experiences an excessive tarmac delay, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation
Consumer Protection Division of the Department of
Transportation.

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

3 "(1) COMMERCIAL AIRPORT.—The term 'com4 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 aircraft20 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 Sec24 retary.
## 1 "§ 42302. Consumer complaints

2 "(a) IN GENERAL.—The Secretary of Transportation
3 shall establish a consumer complaints toll-free hotline tele4 phone number for the use of passengers in air transpor5 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 Con8 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 established17 under subsection (a);

"(2) the e-mail address, telephone number, and
mailing address of the air carrier for the submission
of complaints by passengers about air travel service
problems; and

"(3) the Internet Web site and mailing address
of the Aviation Consumer Protection Division of the
Department of Transportation for the submission of
complaints by passengers about air travel service
problems.

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 pur11 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 establish, and make available to the general public, an Internet 16 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 20foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a 21 22 flight when the cabin is occupied with passengers.

23 "(b) REQUIRED DISCLOSURES.—An air carrier, for24 eign air carrier, or ticket agent selling, in the United
25 States, a ticket for a flight in foreign air transportation

to a country listed on the Internet Web site established
 under subsection (a) shall refer the purchaser of the ticket
 to the Internet Web site established under subsection (a)
 for additional information.".

5 (b) PENALTIES.—Section 46301 is amended in sub6 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 sub14 title VII is amended by inserting after the item relating
15 to chapter 421 the following:

## 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 subpara22 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	I I I I I I I I I I I I I I I I I I I
10	munity.".
19	
	munity.".
19	munity.". SEC. 423. ESSENTIAL AIR SERVICE MARKETING.
19 20	munity.". SEC. 423. ESSENTIAL AIR SERVICE MARKETING. Section 41733(c)(1) is amended—
19 20 21	munity.". <b>SEC. 423. ESSENTIAL AIR SERVICE MARKETING.</b> Section 41733(c)(1) is amended— (1) by redesignating subparagraph (E) as sub-

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-NATION OF ELIGIBILITY.— 12 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. "(2) PROCEDURES TO AVOID TERMINATION.— 21 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	rier is able to submit a proposal to the Secretary to
2	provide essential air service to such community for
3	an amount of compensation that would not exceed
4	the subsidy cap.
5	"(3) Assistance provided.—The Secretary
6	shall provide, by order, information to each commu-
7	nity notified under paragraph (1) regarding—
8	"(A) the procedures established pursuant
9	to paragraph (2); and
10	"(B) the maximum amount of compensa-
11	tion that could be provided under this sub-
12	chapter to an air carrier serving such commu-
13	nity that would comply with basic essential air
15	inty that would comply with basic essential an
14	service and the subsidy cap.".
14	service and the subsidy cap.".
14 15	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE-
14 15 16	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB-
14 15 16 17	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB- SIDIZED ESSENTIAL AIR SERVICE.
14 15 16 17 18	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB- SIDIZED ESSENTIAL AIR SERVICE. Section 41733 is further amended by adding at the
14 15 16 17 18 19	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB- SIDIZED ESSENTIAL AIR SERVICE. Section 41733 is further amended by adding at the end the following:
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB- SIDIZED ESSENTIAL AIR SERVICE. Section 41733 is further amended by adding at the end the following: "(g) PROPOSALS OF STATE AND LOCAL GOVERN-
14 15 16 17 18 19 20 21	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB- SIDIZED ESSENTIAL AIR SERVICE. Section 41733 is further amended by adding at the end the following: "(g) PROPOSALS OF STATE AND LOCAL GOVERN- MENTS TO RESTORE ELIGIBILITY.—
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	service and the subsidy cap.". SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE- TERMINED TO BE INELIGIBLE FOR SUB- SIDIZED ESSENTIAL AIR SERVICE. Section 41733 is further amended by adding at the end the following: "(g) PROPOSALS OF STATE AND LOCAL GOVERN- MENTS TO RESTORE ELIGIBILITY.— "(1) IN GENERAL.—If the Secretary, after the

1	Secretary has determined that providing such service
2	requires a rate of subsidy per passenger in excess of
3	the subsidy cap or that the place is no longer an eli-
4	gible place pursuant to section $41731(a)(1)(B)$ , a
5	State or local government may submit to the Sec-
6	retary a proposal for restoring compensation for
7	such service. Such proposal shall be a joint proposal
8	of the State or local government and an air carrier.
9	"(2) DETERMINATION BY SECRETARY.—The
10	Secretary shall issue an order restoring the eligibility
11	of the otherwise eligible place to receive basic essen-
12	tial air service by an air carrier for compensation
13	under subsection (c) if—
14	"(A) a State or local government submits
15	to the Secretary a proposal under paragraph
16	(1); and
17	"(B) the Secretary determines that—
18	"(i) the rate of subsidy per passenger
19	under the proposal does not exceed the
20	subsidy cap;
21	"(ii) the proposal is likely to result in
22	an average number of enplanements per
23	day that will satisfy the requirement in
24	section $41731(a)(1)(B)$ ; and

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 Transpor7 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 ACROSS-THE-BOARD (a) EMERGENCY ADJUST-12 MENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air car-13 riers under subchapter II of chapter 417 of title 49, 14 15 United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agree-16 ment or requirement relating to the renegotiation of con-17 18 tracts or any notice requirement under section 41734 of 19 such title.

20 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN21 DIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) is amended by striking "continue to pay" and all that follows
through "compensation sufficient—" and inserting

"provide the carrier with compensation sufficient—
 ".

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 remain in effect for a limited period of time, as determined 13 by the Secretary. 14

## 15 SEC. 427. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.

16(a)COMPENSATIONGUIDELINES.—Section1741737(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 Sec24 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 performance goals, including goals related to improv-3 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

"(E) include provisions under which the Secretary may execute a long-term essential air service
contract to encourage an air carrier to provide air
service to an eligible place if it would be in the public interest to do so.".

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 1 year after the date of enactment
of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 that incorporate
the amendments made by this section.

(c) UPDATE.—Not later than 2 years after the date
of issuance of revised guidelines pursuant to subsection
(b), the Secretary shall submit to the Committee on
Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate an update of the extent
 to which the revised guidelines have been implemented and
 the impact, if any, such implementation has had on air
 carrier performance and community satisfaction with air
 service for which compensation is being paid under sub 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

(B) by striking "under this subchapter for
each fiscal year" and inserting "under this subchapter"; and

16 (2)in paragraph (2) by striking "and 17 \$54,699,454 for the period beginning on October 1, 2011, and ending on February 17, 2012," and in-18 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 in which funds credited to the account established under 3 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.".

(c) AVAILABILITY OF FUNDS.—Section 41742 is
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 ex14 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 subpara18 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:

"(F) multiple communities cooperate to
submit a regional or multistate application to
consolidate air service into one regional airport.".

(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 Sec5 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 PAR9 TICIPATION PROGRAM.

10 Section 41747, and the item relating to section11 41747 in the analysis for chapter 417, are repealed.

12 SEC. 431. EXTENSION OF FINAL ORDER ESTABLISHING
13 MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is
amended by striking "February 17, 2012." and inserting
"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.

"(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall in- form the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-		
form the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	1	"(ii) NOTIFICATION OF WITHDRAWAL
determination to withdraw an exemption under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	2	OF EXEMPTION.—The Director shall in-
under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	3	form the Administrator, in writing, of each
"(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	4	determination to withdraw an exemption
tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	5	under subparagraph (B).
operations over a national park that is exempt from the requirements of this section shall sub-	6	"(D) ANNUAL REPORT.—A commercial air
from the requirements of this section shall sub-	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-
mit to the Administrator and the Director a re-	10	mit to the Administrator and the Director a re-
port each year that includes the number of	11	port each year that includes the number of
	12	commercial air tour operations the operator
commercial air tour operations the operator	13	conducted during the preceding 1-year period
	14	over such park.".
		1
conducted during the preceding 1-year period	15	-
<ul><li>conducted during the preceding 1-year period over such park.".</li><li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li></ul>		-
<ul><li>conducted during the preceding 1-year period over such park.".</li><li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li></ul>	15	(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended—
<ul> <li>conducted during the preceding 1-year period over such park.".</li> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 28(b) is amended—</li> </ul>	15 16	<ul> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li> <li>40128(b) is amended—</li> <li>(1) in paragraph (1) by adding at the end the</li> </ul>
<ul> <li>conducted during the preceding 1-year period over such park.".</li> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 28(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the</li> </ul> </li> </ul>	15 16 17	<ul> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li> <li>40128(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> </ul> </li> </ul>
<ul> <li>conducted during the preceding 1-year period over such park.".</li> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 28(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> </ul> </li> </ul>	15 16 17 18	<ul> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li> <li>40128(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin</li> </ul> </li> </ul>
<ul> <li>conducted during the preceding 1-year period over such park.".</li> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 28(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin</li> </ul> </li> </ul>	15 16 17 18 19	<ul> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li> <li>40128(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake</li> </ul> </li> </ul>
<ul> <li>conducted during the preceding 1-year period over such park.".</li> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 28(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake</li> </ul> </li> </ul>	15 16 17 18 19 20	<ul> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section</li> <li>40128(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the estab-</li> </ul> </li> </ul>
<ul> <li>conducted during the preceding 1-year period over such park.".</li> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 28(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the estab-</li> </ul> </li> </ul>	15 16 17 18 19 20 21	<ul> <li>(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended— <ul> <li>(1) in paragraph (1) by adding at the end the following:</li> <li>"(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the</li> </ul> </li> </ul>
	12 13	commercial air tour operations the operator conducted during the preceding 1-year period
mit to the Administrator and the Director a re-	10	mit to the Administrator and the Director a re-
mit to the Administrator and the Director a re-	10	mit to the Administrator and the Director a re-
mit to the Administrates and the Disector of the	-	
-		
from the requirements of this section shall sub-		
operations over a national park that is exempt from the requirements of this section shall sub-	7	tour operator conducting commercial air tour
operations over a national park that is exempt from the requirements of this section shall sub-	6	"(D) ANNUAL REPORT.—A commercial air
"(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	5	under subparagraph (B).
under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	4	
determination to withdraw an exemption under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-		
form the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-		
OF EXEMPTION.—The Director shall in- form the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B). "(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall sub-	1	"(ii) Notification of withdrawal

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1	adversely affect park resources or visitor experi-
2	ences."; and
3	(2) by adding at the end the following:

"(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 and may-22

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

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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

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	ministrator 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	

1 "(2) REPORT SUBMISSION.—Not later than 90 2 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Adminis-3 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) SELECTION.—Section APPLICATIONS AND 17 47128(b)(4) is amended by inserting before the semicolon the following: ", including the National Environmental 18 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and 19 local environmental policy acts, Executive orders, agency 20 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 Federal Aviation Administration, that is responsible for 3 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 consultants in order to" and all that follows through the 19 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;

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

4 "(3) to conduct special studies or reviews to
5 support approved noise compatibility measures de6 scribed in part 150 of title 14, Code of Federal Reg7 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 the21 following:

22 "(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-23 DURES.—

24 "(1) IN GENERAL.—In accordance with sub25 section (c)(1), the Secretary may make a grant to an

airport operator to assist in completing environ mental review and assessment activities for pro posals to implement flight procedures at such airport
 that have been approved as part of an airport noise
 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 procedures at such airport that have been approved 13 14 as part of an airport noise compatibility program 15 under subsection (b).

16 "(3) RECEIPTS CREDITED AS OFFSETTING COL17 LECTIONS.—Notwithstanding section 3302 of title
18 31, any funds accepted under this section—

"(A) shall be credited as offsetting collections to the account that finances the activities
and services for which the funds are accepted;
"(B) shall be available for expenditure only
to pay the costs of activities and services for
which the funds are accepted; and

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 further6 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 made available under this section or chapter 471, the Sec-10 retary shall ensure that the appraisal of the property to 11 be acquired disregards any decrease or increase in the fair 12 13 market value of the real property caused by the project for which the property is to be acquired, or by the likeli-14 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 weighing 75,000 pounds or less not com plying with stage 3 noise levels

"(a) PROHIBITION.—Except as otherwise provided by 4 this section, after December 31, 2015, a person may not 5 operate a civil subsonic jet airplane with a maximum 6 7 weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certifi-8 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 CONTIG13 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 outside22 the 48 contiguous States.
- 23 "(2) To scrap the aircraft.
- 24 "(3) To obtain modifications to the aircraft to25 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-

tion of section 47107 or any regulations prescribed
 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 " <b>for</b>
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:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.".

## 1SEC. 507. AIRCRAFT DEPARTURE QUEUE MANAGEMENT2PILOT PROGRAM.

3 (a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-4 use airports under which the Federal Aviation Administra-5 tion shall use funds made available under section 48101(a) 6 7 to test air traffic flow management tools, methodologies, 8 and procedures that will allow air traffic controllers of the 9 Administration to better manage the flow of aircraft on 10 the ground and reduce the length of ground holds and idling time for aircraft. 11

12 (b) SELECTION CRITERIA.—In selecting from among 13 airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which 14 improvements in ground control efficiencies are likely to 15 achieve the greatest fuel savings or air quality or other 16 17 environmental benefits, as measured by the amount of re-18 duced fuel, reduced emissions, or other environmental ben-19 efits per dollar of funds expended under the pilot program. 20 (c) MAXIMUM AMOUNT.—Not more than a total of 21 \$2,500,000 may be expended under the pilot program at

22 any single public-use airport.

# 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, sustainable practices for the incorporation of energy-efficient de-6 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 European Union's emissions trading proposal to 15 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 engaged in international civil aviation; 26

(2) the European Union and its member states
 should instead work with other contracting states of
 ICAO to develop a consensual approach to address ing aircraft greenhouse gas emissions through
 ICAO; and

6 (3) officials of the United States Government, 7 and particularly the Secretary of Transportation and 8 the Administrator of the Federal Aviation Adminis-9 tration, should use all political, diplomatic, and legal 10 tools at the disposal of the United States to ensure 11 that the European Union's emissions trading scheme 12 is not applied to aircraft registered by the United 13 States or the operators of those aircraft, including 14 the mandates that United States carriers provide 15 emissions data to and purchase emissions allowances 16 from or surrender emissions allowances to the Euro-17 pean Union Member States.

### 18 SEC. 510. AVIATION NOISE COMPLAINTS.

Not later than 90 days after the date of enactment
of this Act, each owner or operator of a large hub airport
(as defined in section 40102(a) of title 49, United States
Code) shall publish on an Internet Web site of the airport
a telephone number to receive aviation noise complaints
related to the airport.

 1
 SEC. 511. PILOT PROGRAM FOR ZERO-EMISSION AIRPORT

 2
 VEHICLES.

3 (a) IN GENERAL.—Chapter 471 is amended by in4 serting after section 47136 the following:

5 "§ 47136a. Zero-emission airport vehicles and infra6 structure

7 "(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsor 8 9 of a public-use airport may use funds made available under section 47117 or section 48103 for use at such air-10 11 port to carry out activities associated with the acquisition and operation of zero-emission vehicles (as defined in sec-12 tion 88.102–94 of title 40, Code of Federal Regulations), 13 including the construction or modification of infrastruc-14 ture to facilitate the delivery of fuel and services necessary 15 for the use of such vehicles. 16

17 "(b) LOCATION IN AIR QUALITY NONATTAINMENT18 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 Sec25 retary receives an insufficient number of applications
26 from public-use airports located in such areas, the

Secretary may permit public-use airports that are
 not located in such areas to participate in the pro 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
airport carrying out activities funded under the program may not use more than 10 percent of the
amounts made available under the program in any
fiscal year for technical assistance in carrying out
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

receive the technical assistance described in para 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.".

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not 8 9 later than 18 months after the date of enactment of this 10 Act, the Secretary of Transportation shall submit to the Committee on Science, Space, and Technology and the 11 12 Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Com-13 merce, Science, and Transportation of the Senate a report 14 15 containing-

16 (1) an evaluation of the effectiveness of the pro17 gram established by section 47136a of title 49,
18 United States Code (as added by this section);

(2) the performance measures used to measure
such effectiveness, such as the goals for the projects
implemented and the amount of emissions reduction
achieved through these projects;

(3) an assessment of the sufficiency of the data
collected during the program to make a decision on
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 shall establish a program under which the Secretary shall 4 5 encourage the sponsor of each public-use airport to assess the airport's energy requirements, including heating and 6 7 cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order 8 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.

"(2) APPLICATION.—To be eligible for a grant
under paragraph (1), the sponsor of a public-use airport shall submit an application to the Secretary at
such time, in such manner, and containing such information 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	to agree on the third person in 7 days, the
2	parties shall make the selection by alter-
3	nately striking names on the list until one
4	arbitrator remains.
5	"(iii) Framing issues in con-
6	TROVERSY.—If the parties do not agree on
7	the framing of the issues to be submitted
8	for arbitration, the arbitration board shall
9	frame the issues.
10	"(iv) HEARINGS.—The arbitration
11	board shall give the parties a full and fair
12	hearing, including an opportunity to
13	present evidence in support of their claims
14	and an opportunity to present their case in
15	person, by counsel, or by other representa-
16	tive as they may elect.
17	"(v) DECISIONS.—The arbitration
18	board shall render its decision within 90
19	days after the date of its appointment. De-
20	cisions of the arbitration board shall be
21	conclusive and binding upon the parties.
22	"(vi) MATTERS FOR CONSIDER-
23	ATION.—The arbitration board shall take
24	into consideration such factors as—

1	"(I) the effect of its arbitration
2	decisions on the Federal Aviation Ad-
3	ministration's ability to attract and
4	retain a qualified workforce;
5	"(II) the effect of its arbitration
6	decisions on the Federal Aviation Ad-
7	ministration's budget; and
8	"(III) any other factors whose
9	consideration would assist the board
10	in fashioning a fair and equitable
11	award.
12	"(vii) Costs.—The parties shall share
13	costs of the arbitration equally.
14	"(3) RATIFICATION OF AGREEMENTS.—Upon
15	reaching a voluntary agreement or at the conclusion
16	of the binding arbitration under paragraph $(2)(C)$ ,
17	the final agreement, except for those matters de-
18	cided by an arbitration board, shall be subject to
19	ratification by the exclusive bargaining representa-
20	tive of the employees, if so requested by the bar-
21	gaining representative, and the final agreement shall
22	be subject to approval by the head of the agency in
23	accordance with the provisions referred to in sub-
24	section $(g)(2)(C)$ .".

	259
1	SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.
2	Section $40122(g)(2)$ is amended—
3	(1) in subparagraph (G) by striking "and"
4	after the semicolon;
5	(2) in subparagraph (H) by striking "Board."
6	and inserting "Board; and"; and
7	(3) by adding at the end the following:
8	"(I) subsections (b), (c), and (d) of section $(d)$
9	4507 (relating to Meritorious Executive or Dis-
10	tinguished Executive rank awards) and sub-
11	sections (b) and (c) of section 4507a (relating
12	to Meritorious Senior Professional or Distin-
13	guished Senior Professional rank awards), ex-
14	cept that—
15	"(i) for purposes of applying such
16	provisions to the personnel management
17	system—
18	"(I) the term 'agency' means the
19	Department of Transportation;
20	"(II) the term 'senior executive'
21	means a Federal Aviation Administra-
22	tion executive;
23	"(III) the term 'career appointee'
24	means a Federal Aviation Administra-
25	tion career executive; and

"(IV) the term 'senior career em ployee' means a Federal Aviation Ad ministration career senior profes sional;

"(ii) receipt by a career appointee or 5 6 a senior career employee of the rank of 7 Meritorious Executive or Meritorious Sen-8 ior Professional entitles the individual to a 9 lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall 10 11 be in addition to the basic pay paid under 12 the Federal Aviation Administration Exec-13 utive Compensation Plan; and

14 "(iii) receipt by a career appointee or 15 a senior career employee of the rank of Distinguished Executive or Distinguished 16 17 Senior Professional entitles the individual 18 to a lump-sum payment of an amount 19 equal to 35 percent of annual basic pay, 20 which shall be in addition to the basic pay 21 paid under the Federal Aviation Adminis-22 tration Executive Compensation Plan.".

#### 23 SEC. 603. COLLEGIATE TRAINING INITIATIVE STUDY.

24 (a) STUDY.—The Comptroller General of the United25 States shall conduct a study on training options for grad-

uates of the Collegiate Training Initiative program (in this
 section referred to as "CTI" programs) conducted under
 section 44506(c) of title 49, United States Code.

4 (b) CONTENTS.—The study shall analyze the impact 5 of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the 6 7 Federal Aviation Administration a new air traffic con-8 troller orientation session at such Center for graduates of 9 CTI programs followed by on-the-job training for such 10 new air traffic controllers who are graduates of CTI pro-11 grams and shall include an analysis of-

12 (1) the cost effectiveness of such an alternative13 training approach; and

(2) the effect that such an alternative training
approach would have on the overall quality of training received by graduates of CTI programs.

(c) REPORT.—Not later than 180 days after the date
of enactment of this Act, the Comptroller General shall
submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the
Senate a report on the results of the study.

#### 23 SEC. 604. FRONTLINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the dateof enactment of this Act, the Administrator of the Federal

Aviation Administration shall commission an independent
study on frontline manager staffing requirements in air
traffic control facilities.
(b) CONSIDERATIONS.—In conducting the study, the
Administrator may take into consideration—
(1) the managerial tasks expected to be per-
formed by frontline managers, including employee
development, management, and counseling;
(2) the number of supervisory positions of oper-
ation requiring watch coverage in each air traffic
control facility;
(3) coverage requirements in relation to traffic
demand;
(4) facility type;
(5) complexity of traffic and managerial respon-
sibilities;
(6) proficiency and training requirements; and
(7) such other factors as the Administrator con-
siders appropriate.
(c) PARTICIPATION.—The Administrator shall ensure
the participation of frontline managers who currently work
in safety-related operational areas of the Administration.
(d) DETERMINATIONS.—The Administrator shall
transmit any determinations made as a result of the study
to the heads of the appropriate lines of business within

the Administration, including the Chief Operating Officer
 of the Air Traffic Organization.

3 (e) REPORT.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit 4 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 determinations submitted to the Chief Operating Officer 9 10 under subsection (d).

(f) DEFINITION.—In this section, the term "frontline
manager" means first-level, operational supervisors and
managers who work in safety-related operational areas of
the Administration.

## 15 SEC. 605. FAA TECHNICAL TRAINING AND STAFFING.

16 (a) STUDY.—

(1) IN GENERAL.—The Administrator of the
Federal Aviation Administration shall conduct a
study to assess the adequacy of the Administrator's
technical training strategy and improvement plan for
airway transportation systems specialists (in this
section referred to as "FAA systems specialists").

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

pursuant to the National Academy of Sciences study enti tled "Staffing Standards for Aviation Safety Inspectors".
 In doing so, the Administrator shall consult with inter ested persons, including the exclusive bargaining rep resentative for aviation safety inspectors certified under
 section 7111 of title 5, United States Code.

7 (b) REPORT.—Not later than January 1 of each year
8 beginning after September 30, 2012, the Administrator
9 shall submit to the Committee on Transportation and In10 frastructure of the House of Representatives and the Com11 mittee on Commerce, Science, and Transportation of the
12 Senate, the staffing model described in subsection (a).

13 SEC. 607. AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-

# 14 TION TRAINING.

15 Section 44506 is amended—

16 (1) by redesignating subsection (d) as sub-17 section (e); and

18 (2) by inserting after subsection (c) the fol-19 lowing:

20 "(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICA21 TION TRAINING.—

22 "(1) APPOINTMENT OF AIR TRAFFIC CONTROL
23 SPECIALISTS.—The Administrator is authorized to
24 appoint a qualified air traffic control specialist can-

1	didate 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 qualifica7 tion requirements for an air traffic control spe8 cialist position, including successful completion
9 of orientation training at the Federal Aviation
10 Administration Academy.

"(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive
the same compensation and benefits, and be treated
in the same manner as, any other individual appointed as a developmental air traffic controller.

"(3) REPORT.—Not later than 2 years after the 16 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 facilities. 24

1	"(4) Additional appointments.—If the Ad-
2	ministrator determines that air traffic control spe-
3	cialists appointed pursuant to this subsection are
4	more successful in carrying out the duties of an air
5	traffic controller than air traffic control specialists
6	hired from the general public without any such cer-
7	tification, the Administrator shall increase, to the
8	maximum extent practicable, the number of appoint-
9	ments of candidates who possess such certification.
10	"(5) Reimbursement for travel expenses
11	ASSOCIATED WITH CERTIFICATIONS.—
12	"(A) IN GENERAL.—Subject to subpara-
13	graph (B), the Administrator may accept reim-
14	bursement from an educational entity that pro-
15	vides training to an air traffic control specialist
16	candidate to cover reasonable travel expenses of
17	the Administrator associated with issuing cer-
18	tifications to such candidates.
19	"(B) TREATMENT OF REIMBURSE-
20	MENTS.—Notwithstanding section 3302 of title
21	31, any reimbursement authorized to be col-
22	lected under subparagraph (A) shall—
23	"(i) be credited as offsetting collec-
24	tions to the account that finances the ac-

1	tivities 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 Act, the Administrator of the Federal Aviation Adminis-13 14 tration shall enter into appropriate arrangements with the 15 National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Avia-16 17 tion Administration (in this section referred to as the 18 "FAA") to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national air-19 20 space system in the most cost effective manner.

(b) CONSULTATION.—In conducting the study, the
National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA
certified under section 7111 of title 5, United States Code,

and other interested parties, including Government and in dustry representatives.

- 3 (c) CONTENTS.—The study shall include—
- 4 (1) an examination of representative informa5 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

(3) consideration of the Administration's current and estimated budgets and the most cost-effective staffing model to best leverage available funding.

(d) REPORT.—Not later than 2 years after the date
of enactment of this Act, the National Academy of
Sciences shall submit to the Committee on Transportation
and Infrastructure of the House of Representatives and
the Committee on Commerce, Science, and Transportation
of the Senate a report on the results of the study.

# 1SEC. 609. AIR TRAFFIC CONTROLLER TRAINING AND2SCHEDULING.

3 (a)TRAINING STRATEGY IMPROVEMENT AND PLAN.—The Administrator of the Federal Aviation Ad-4 5 ministration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including 6 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 systematics and the systematic systematics and the syste

10 (A) a review of the current training system
11 for air traffic controllers, including the tech12 nical training strategy and improvement plan;

(B) an analysis of the competencies required of air traffic controllers for successful
performance in the current and future projected
air traffic control environment;

17 (C) an analysis of the competencies pro18 jected to be required of air traffic controllers as
19 the Federal Aviation Administration transitions
20 to the Next Generation Air Transportation Sys21 tem;

(D) an analysis of various training approaches available to satisfy the air traffic controller competencies identified under subparagraphs (B) and (C);

1 (E) recommendations to improve the cur-2 rent training system for air traffic controllers, 3 including the technical training strategy and 4 improvement plan; and

5 (F) the most cost-effective approach to
6 provide training to air traffic controllers.

7 (2) REPORT.—Not later than 270 days after
8 the date of enactment of this Act, the Administrator
9 shall submit to the Committee on Transportation
10 and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and
12 Transportation of the Senate a report on the results
13 of the study.

(b) FACILITY TRAINING PROGRAM.—Not later than
1 year after the date of enactment of this Act, the Administrator shall conduct a comprehensive review and evaluation of its Academy and facility training efforts. The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at
the national level;

(2) communicate information concerning thatresponsibility to facility managers; and

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;

(D) an examination of how scheduling
 practices impact air traffic controller perform ance; and

4 (E) any recommendations the Inspector
5 General may have related to air traffic con6 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 United17 States shall conduct a study of and review—

(1) the conditions of a sampling of Federal
Aviation Administration facilities across the United
States, including offices, towers, centers, and terminal radar air control;

(2) reports from employees of the Administration relating to respiratory ailments and other health
conditions resulting from exposure to mold, asbestos,

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-

ommendations as the Comptroller General considers nec 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 pro10 grammatic changes so that aging facilities do not de11 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.

Section 40122(g)(3) is amended by adding at the end the following: "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.".

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# TITLE VII—AVIATION INSURANCE

## 3 SEC. 701. GENERAL AUTHORITY.

Section 44302(f)(1) is amended by striking "shall extend through" and all that follows through "the termination date" and inserting "shall extend through September 30, 2013, and may extend through December 31,
2013, the termination date".

9 SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD10 PARTY LIABILITY OF AIR CARRIERS ARISING
11 OUT OF ACTS OF TERRORISM.

12 The first sentence of section 44303(b) is amended by 13 striking "ending on" and all that follows through "the 14 Secretary may certify" and inserting "ending on Decem-15 ber 31, 2013, the Secretary may certify".

## 16 SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

17 The second sentence of section 44304 is amended by18 striking "the carrier" and inserting "any insurance car-19 rier".

#### 20 SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

The second sentence of section 44308(c)(1) is amended by striking "agent" and inserting "agent, or a claims adjuster who is independent of the underwriting agent,".

# 1 TITLE VIII—MISCELLANEOUS

# 2 SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN

INTEREST OF NATIONAL SECURITY.

4 Section 40119(b) is amended by adding at the end5 the following:

6 "(4) Section 552a of title 5 shall not apply to disclo-7 sures that the Administrator may make from the systems 8 of records of the Administration to any Federal law en-9 forcement, intelligence, protective service, immigration, or 10 national security official in order to assist the official re-11 ceiving the information in the performance of official du-12 ties.".

# 13 SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HIS14 TORY RECORD CHECKS.

(a) IN GENERAL.—Chapter 401 is amended by add-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 Adminis21 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 griminal
	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) a report containing the recommendations of
 the Administrator on realignment and consolidation
 of services and facilities (including regional offices)
 of the FAA; and

5 (2) copies of any public comments received by
6 the Administrator under subsection (a)(6).

7 (c) REALIGNMENT AND CONSOLIDATION OF FAA 8 SERVICES AND FACILITIES.—Except as provided in sub-9 section (d), the Administrator shall realign and consoli-10 date the services and facilities of the FAA in accordance 11 with the recommendations included in the report sub-12 mitted under subsection (b).

13 (d) Congressional Disapproval.—

(1) IN GENERAL.—The Administrator may not
carry out a recommendation for realignment or consolidation of services or facilities of the FAA that is
included in the report submitted under subsection
(b) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier
of—

21 (A) the last day of the 30-day period be22 ginning on the date of submission of the report;
23 or

1	(B) the adjournment of Congress sine die
2	for the session during which the report is trans-
3	mitted.
4	(2) Computation of 30-day period.—For
5	purposes of paragraph (1)(A), the days on which ei-
6	ther house of Congress is not in session because of
7	an adjournment of more than 3 days to a day cer-
8	tain shall be excluded in computation of the 30-day
9	period.
10	(e) DEFINITIONS.—In this section, the following defi-
11	nitions apply:
12	(1) FAA.—The term "FAA" means the Fed-
13	eral Aviation Administration.
14	(2) Realignment; consolidation.—
15	(A) IN GENERAL.—The terms "realign-
16	ment" and "consolidation" include any action
17	that—

18 (i) relocates functions, services, or19 personnel positions;

20 (ii) discontinues or severs existing fa-21 cility functions or services; or

22 (iii) combines the results described in23 clauses (i) and (ii).

(B) EXCLUSION.—The terms do not in clude a reduction in personnel resulting from
 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 other than authorized flight crewmembers from accessing 13 the flight deck of an all-cargo aircraft. 14

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.

# SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FOR MAT.

5 (a) CONSOLIDATION OR ELIMINATION OF Re-PORTS.—Not later than 2 years after the date of enact-6 7 ment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall sub-8 mit to the Committee on Commerce, Science, and Trans-9 portation of the Senate and the Committee on Transpor-10 tation and Infrastructure of the House of Representatives 11 a report containing— 12

(1) a list of obsolete, redundant, or otherwise
unnecessary reports the Administration is required
by law to submit to Congress or publish that the Administrator recommends eliminating or consolidating
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.—

(1) IN GENERAL.—Notwithstanding any other
provision of law, the Administration—

24 (A) may not publish any report required or25 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
individual then serving in Congress as a Member, Dele gate, Resident Commissioner, or Senator.

#### 3 SEC. 808. STUDY ON AVIATION FUEL PRICES.

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall conduct a study and report to
7 Congress on the impact of increases in aviation fuel prices
8 on the Airport and Airway Trust Fund and the aviation
9 industry in general.

10 (b) CONTENTS.—The study shall include an assess11 ment of the impact of increases in aviation fuel prices
12 on—

- 13 (1) general aviation;
- 14 (2) commercial passenger aviation;
- 15 (3) piston aircraft purchase and use;
- 16 (4) the aviation services industry, including re-
- 17 pair and maintenance services;
- 18 (5) aviation manufacturing;
- 19 (6) aviation exports; and
- 20 (7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—
In conducting the study required by subsection (a), the
Comptroller General shall use the average aviation fuel
price for fiscal year 2010 as a baseline and measure the

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 Avia5 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 reg11 ulations.

12 (2) The feasibility of implementing alternative
13 lighting strategies or technologies to improve avia14 tion safety.

15 (3) Any other issue relating to wind turbine16 lighting.

(c) REPORT.—Not later than 1 year after the date
of enactment of this Act, the Administrator shall submit
to Congress a report on the results of the study, including
information and recommendations concerning the issues
examined under subsection (b).

#### 22 SEC. 810. AIR-RAIL CODE SHARING STUDY.

23 (a) CODE SHARE STUDY.—Not later than 180 days24 after the date of enactment of this Act, the Comptroller

General of the United States shall initiate a study regard 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 fa8 cilities and systems to improve passenger travel.

9 (b) CONSIDERATIONS.—In conducting the study, the10 Comptroller General shall consider—

(1) the potential costs to taxpayers and other
parties and benefits of the implementation of more
integrated scheduling between airlines and Amtrak
or other intercity passenger rail carriers achieved
through code sharing arrangements;

16 (2) airport and intercity passenger rail oper17 ations that can improve connectivity between air18 ports and intercity passenger rail facilities and sta19 tions;

20 (3) the experience of other countries with re21 spect to airport and intercity passenger rail
22 connectivity; and

23 (4) such other issues the Comptroller General24 considers appropriate.

1 (c) REPORT.—Not later than 1 year after initiating the study required by subsection (a), the Comptroller Gen-2 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 Representatives a report on the results of the study, including 6 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, the Administrator of the Federal Aviation Administration, 13 in consultation with the Secretary of Homeland Security 14 15 and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the 16 17 Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, 18 19 and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area. 20

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight
Rules Area that will decrease operational impacts and improve general aviation access to airports in the National
Capital Region that are currently impacted by the zone.

#### 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;

(4) reforming and streamlining inefficient proc esses so that the activities of the Administration are
 completed in an expedited and efficient manner; and
 (5) reforming or eliminating ineffectual or out dated policies.

6 (c) AUTHORITY.—Notwithstanding any other provi7 sion of law, the Administrator shall have the authority to
8 undertake the actions required under subsection (b).

9 (d) REPORT TO CONGRESS.—Not later than 150 days 10 after the date of enactment of this Act, the Administrator 11 shall submit to Congress a report on the actions taken 12 by the Administrator under this section, including any rec-13 ommendations for legislative or administrative actions.

14 SEC. 813. USE OF MINERAL REVENUE AT CERTAIN AIR15 PORTS.

16 (a) IN GENERAL.—Notwithstanding any other provi-17 sion of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or 18 19 generated by mineral extraction, production, lease, or other means at a general aviation airport to be revenue 20 21 greater than the amount needed to carry out the 5-year 22 projected maintenance needs of the airport in order to comply with the applicable design and safety standards of 23 the Administration. 24

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 allo9 cate revenue identified by the Administrator under sub10 section (a) unless the airport sponsor—

(1) enters into a written agreement with the
Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the
airport in order to comply with applicable design and safety standards of the Administration; and

(B) appropriately adjusts such costs to ac-count for inflation;

21 (2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at
the airport under section 47114 or 47115 of
title 49, United States Code, 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.

(e) RULEMAKING.—Not later than 90 days after the
 date of enactment of this Act, the Administrator shall pro mulgate regulations to carry out this section.

4 (f) GENERAL AVIATION AIRPORT DEFINED.—In this
5 section, the term "general aviation airport" has the mean6 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 facili10 ties under the general contracting authority of the Federal
11 Aviation Administration, the Administrator of the Federal
12 Aviation Administration shall ensure—

(1) the proposal is drafted so that all partiescan fairly compete; and

(2) the proposal takes into consideration the
most cost-effective location, accessibility, and services options.

#### 18 SEC. 815. FLOOD PLANNING.

(a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency,
shall conduct a review and submit to the Committee on
Commerce, Science, and Transportation of the Senate and
the Committee on Transportation and Infrastructure of
the House of Representatives a report on the state of pre-

paredness and response capability for airports located in
 flood plains to respond to and seek assistance in rebuilding
 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. 4104c(e)) is amended
7 by adding at the end the following:

"(6) ELIGIBILITY OF DEMOLITION AND RE-8 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.—

(1) IN GENERAL.—The Administrator of the
Federal Aviation Administration shall take such actions as the Administrator determines necessary to
preserve original aircraft type certificate engineering
and technical data in the possession of the Federal
Aviation Administration related to—

24 (A) approved aircraft type certificate num25 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

- shall not apply to requests for documents to be made
   available pursuant to paragraph (1).
- 3 (c) HOLDER OF TYPE CERTIFICATE.—

4 (1) RIGHTS OF HOLDER.—Nothing in this sec5 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 Admin10 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 AIRWORTHINESS.—Notwithstanding (3)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

to a person by the Federal Aviation Administration
 under subsection (b)(1).

#### 3 SEC. 817. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Sec-4 5 retary of Transportation is authorized to grant to an airport, city, or county a release from any of the terms, con-6 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).

(b) CONDITION.—Any release granted by the Secretary pursuant to subsection (a) shall be subject to the
following conditions:

(1) The applicable airport, city, or county shall
agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will
receive consideration for such interest that is equal
to its fair market value.

(2) Any consideration received by the airport,
city, or county under paragraph (1) shall be used exclusively for the development, improvement, oper-

ation, or maintenance of a public airport by the air-
port, city, or county.
(3) Any other conditions required by the Sec-
retary.
SEC. 818. SENSE OF CONGRESS.
It is the sense of Congress that Los Angeles World
Airports, the operator of Los Angeles International Air-
port (LAX)—
(1) should consult on a regular basis with rep-
resentatives of the community surrounding the air-
port regarding—
(A) the ongoing operations of LAX; and
(B) plans to expand, modify, or realign
LAX facilities; and
(2) should include in such consultations any or-
ganization, the membership of which includes at
least 100 individuals who reside within 10 miles of
the airport, that notifies Los Angeles World Airports
of its desire to be included in such consultations.
SEC. 819. HUMAN INTERVENTION MOTIVATION STUDY.
Not later than 180 days after the date of enactment
of this Act, the Administrator of the Federal Aviation Ad-
ministration shall develop a Human Intervention Motiva-
tion Study program for cabin crew members employed by
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 Administration, in consultation with other Federal agencies, 4 5 shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on 6 7 Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives 8 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
- (2) the potential impact to the aerospace industry of the introduction of a new radio service that
  operates in the same spectrum allocated to the aeronautical mobile telemetry service.

18 SEC. 821. CLARIFICATION OF REQUIREMENTS FOR VOLUN-

19TEER PILOTS OPERATING CHARITABLE MED-20ICAL FLIGHTS.

(a) REIMBURSEMENT OF FUEL COSTS.—Notwithstanding any other law or regulation, in administering section 61.113(c) of title 14, Code of Federal Regulations
(or any successor regulation), the Administrator of the
Federal Aviation Administration shall allow an aircraft
owner or operator to accept reimbursement from a volun-

teer pilot organization for the fuel costs associated with
 a flight operation to provide transportation for an indi vidual or organ for medical purposes (and for other associ ated individuals), if the aircraft owner or operator has—
 (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 commer11 cial flight.

12 (b) CONDITIONS TO ENSURE SAFETY.—The Administrator may impose minimum standards with respect to 13 training and flight hours for single-engine, multi-engine, 14 15 and turbine-engine operations conducted by an aircraft owner or operator that is being reimbursed for fuel costs 16 by a volunteer pilot organization, including mandating 17 that the pilot in command of such aircraft hold an instru-18 ment rating and be current and qualified for the aircraft 19 20 being flown to ensure the safety of flight operations de-21 scribed in subsection (a).

(c) VOLUNTEER PILOT ORGANIZATION.—In this section, the term "volunteer pilot organization" means an organization that—

(1) is described in section 501(c)(3) of the In ternal Revenue Code of 1986 and is exempt from
 taxation under section 501(a) of such Code; and

4 (2) is organized for the primary purpose of pro5 viding, arranging, or otherwise fostering charitable
6 medical transportation.

### 7 SEC. 822. PILOT PROGRAM FOR REDEVELOPMENT OF AIR8 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.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made
available for grants under section 47117(e)(1)(A) of title
49, United States Code, to an airport operator for a
project—

(1) to support joint planning, engineering, design, and environmental permitting of projects, including the assembly and redevelopment of property
purchased with noise mitigation funds made available 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

made available under the pilot program only in partner 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 redevelop8 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 determining the part of the proceeds from disposing of 15 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 of Transportation under subsection (f)(3)— 25

1	(1) shall be available to the Secretary for, giv-
2	ing preference to the actions in descending order—
3	(A) reinvestment in an approved noise
4	compatibility project at the applicable airport;
5	(B) reinvestment in another approved
6	project at the airport that is eligible for funding
7	under section 47117(e) of such title;
8	(C) reinvestment in an approved airport
9	development project at the airport that is eligi-
10	ble for funding under section 47114, 47115, or
11	47117 of such title;
12	(D) transfer to an operator of another
13	public airport to be reinvested in an approved
14	noise compatibility project at such airport; and
15	(E) deposit in the Airport and Airway
16	Trust Fund established under section $9502$ of
17	the Internal Revenue Code of 1986 (26 U.S.C.
18	9502);
19	(2) shall be available in addition to amounts au-
20	thorized under section 48103 of such title;
21	(3) shall not be subject to any limitation on
22	grant obligations for any fiscal year; and
23	(4) shall remain available until expended.
24	(h) Federal Share.—

(1) IN GENERAL.—Notwithstanding any other
 provision of law, the Federal share of the allowable
 costs of a project carried out under the pilot pro gram shall be 80 percent.

(2) ALLOWABLE COSTS.—In determining the al-5 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 redevel-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.

(i) MAXIMUM AMOUNT.—Not more than \$5,000,000
of the funds made available for grants under section
47117(e)(1)(A) of such title may be expended under the
pilot program for any single public-use airport.

(j) USE OF PASSENGER REVENUE.—An airport operator participating in the pilot program may use passenger
facility revenue collected under section 40117 of such title
to pay any project cost described in subsection (b) that
is not financed by a grant under the pilot program.

24 (k) SUNSET.—This section shall not be in effect after25 September 30, 2015.

# 1SEC. 823. REPORT ON NEW YORK CITY AND NEWARK AIR2TRAFFIC CONTROL FACILITIES.

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3 Under previous agreements, the Federal Aviation Administration negotiated staffing levels at the air traffic 4 5 control facilities in the Newark and New York City areas. Not later than 90 days after the date of enactment of this 6 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 Committee on Transportation and Infrastructure of the House 10 11 of Representatives a report on the Federal Aviation Administration's staffing and scheduling plans for air traffic 12 13 control facilities in the New York City and Newark Region for the 1-year period beginning on such date of enactment. 14

### 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.

(b) APPLICABILITY OF EXEMPTION.—The exemption
 provided under subsection (a) shall apply only if—

3 (1) transportation of the cylinders by a ground4 based or water-based mode of transportation is un5 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- or9 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.

(c) AIRCRAFT RESTRICTION.—The exemption provided under subsection (a) shall apply only to the following
types of aircraft:

16 (1) Cargo-only aircraft transporting the cyl17 inders to a delivery destination that receives cargo18 only service at least once a week.

19 (2) Passenger and cargo-only aircraft trans20 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 REQUIRE24 MENTS.—The regulations described in this subsection are
25 the regulations of the Pipeline and Hazardous Materials

Safety Administration contained in sections
 173.302(f)(3), 173.302(f)(4), 173.302(f)(5),
 173.304(f)(3), 173.304(f)(4), and 173.304(f)(5) of title
 49, Code of Federal Regulations.

#### 5 SEC. 825. ORPHAN AVIATION EARMARKS.

6 (a) EARMARK DEFINED.—In this section, the term "earmark" means a statutory provision or report language 7 8 included primarily at the request of a Senator or a Mem-9 ber, Delegate, or Resident Commissioner of the House of Representatives providing, authorizing, or recommending 10 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 entity or a specific State, locality, or Congressional dis-14 15 trict, other than through a statutory or administrative formula-driven or competitive award process. 16

17 (b) RESCISSION.—If any earmark relating to the Federal Aviation Administration has more than 90 per-18 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 Administration may delay any such rescission if the Adminis-25

trator determines that an obligation with respect to those
 amounts is likely to occur during the 12-month period be 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.

(2) ANNUAL REPORT.—Not later than 1 year
after the date of enactment of this Act, and annually
thereafter, the Director shall submit to Congress
and make available to the public on the Internet
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;

(B) the number of rescissions under subsection (b) and the savings resulting from those rescissions for the previous fiscal year; and

23

24

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	"(1) 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 congres-
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

an unclassified format. If necessary, the report
 may include a classified annex.".

# 3 SEC. 827. COMMERCIAL SPACE LAUNCH LICENSE REQUIRE4 MENTS.

Section 50905(c)(3) of title 51, United States Code,
is amended by striking "Beginning 8 years after the date
of enactment of the Commercial Space Launch Amendments Act of 2004," and inserting "Beginning on October
1, 2015,".

# 10SEC. 828. AIR TRANSPORTATION OF LITHIUM CELLS AND11BATTERIES.

12 (a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary, may not issue or 13 enforce any regulation or other requirement regarding the 14 15 transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported 16 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.—

(1) PASSENGER CARRYING AIRCRAFT.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (nonrechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision

A100 under section 172.102(c)(2) of title 49, Code
 of Federal Regulations (as in effect on the date of
 enactment of this Act).

4 (2)CREDIBLE **REPORTS.**—Notwithstanding 5 subsection (a), if the Secretary obtains a credible re-6 port with respect to a safety incident from a na-7 tional or international governmental regulatory or 8 investigating body that demonstrates that the pres-9 ence of lithium metal cells or batteries or lithium ion 10 cells or batteries on an aircraft, whether transported 11 separately or packed with or contained in equipment, 12 in accordance with the requirements of the ICAO 13 Technical Instructions, has substantially contributed 14 to the initiation or propagation of an onboard fire, 15 the Secretary—

16 (A) may issue and enforce an emergency 17 regulation, more stringent than the require-18 ments of the ICAO Technical Instructions, that 19 governs the transportation by aircraft of such 20 cells or batteries, if that regulation—

21 (i) addresses solely deficiencies ref22 erenced in the report; and

23 (ii) is effective for not more than 124 year; and

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).

321 1 SEC. 829. CLARIFICATION OF MEMORANDUM OF UNDER-2 STANDING WITH OSHA. 3 Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Ad-4 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 set forth the circumstances in which requirements of 16 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

after the date of receipt of an application submitted

by an airport operator under subsection (a), the
 Under Secretary shall approve or deny the applica 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.—

"(A) IN GENERAL.—If the Under Secretary denies an application submitted by an
airport operator under subsection (a), the
Under Secretary shall provide to the airport operator, not later than 60 days following the
date of the denial, a written report that sets
forth—

20 "(i) the findings that served as the21 basis for the denial;

22 "(ii) the results of any cost or security
23 analysis conducted in considering the ap24 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-

sion of the application. The Under Secretary has
 complete discretion to reject any application from a
 private screening company to provide screening serv ices at an airport that requires a waiver under this
 paragraph.".

6 (c) RECOMMENDATIONS OF AIRPORT OPERATOR.—
7 Section 44920 is amended by adding at the end the fol8 lowing:

9 "(h) RECOMMENDATIONS OF AIRPORT OPERATOR.— As part of any submission of an application for a private 10 11 screening company to provide screening services at an air-12 port, the airport operator shall provide to the Under Secretary a recommendation as to which company would best 13 14 serve the security screening and passenger needs of the 15 airport, along with a statement explaining the basis of the operator's recommendation.". 16

17 (d) RECONSIDERATION OF APPLICATIONS PENDING18 AS OF JANUARY 1, 2011.—

19 (1) IN GENERAL.—Upon the request of an air20 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	day following the date of the request for reconsider-
2	ation from the airport operator. The Secretary shall
3	apply the standards set forth in section 44920(b) of
4	title 49, United States Code (as amended by this
5	section), in approving and denying such application.
6	(4) Reports on denials of applications.—
7	(A) IN GENERAL.—If the Secretary denies
8	an application of an airport operator following
9	reconsideration under this subsection, the Sec-
10	retary shall provide to the airport operator a
11	written report that sets forth—
12	(i) the findings that served as the
13	basis for the denial; and
14	(ii) the results of any cost or security
15	analysis conducted in considering the ap-
16	plication.
17	(B) SUBMISSION TO CONGRESS.—The Sec-
18	retary shall submit to the Committee on Com-
19	merce, Science, and Transportation of the Sen-
20	ate and the Committee on Homeland Security
21	of the House of Representatives a copy of any
22	report provided to an airport operator under
23	subparagraph (A).

# TITLE IX—FEDERAL AVIATION 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 strik6 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 inserting18 the following:
- 19 "(8) \$168,000,000 for each of fiscal years 2012
  20 through 2015.".
- (b) SPECIFIC PROGRAM LIMITATIONS.—Section
  48102 is amended by inserting after subsection (f) the following:
- 24 "(g) SPECIFIC AUTHORIZATIONS.—The following25 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
	accounts described in the national aviation research plan
13	accounts described in the national aviation research plan
13 14	required under section 44501(c) of title 49, United States
	_
14	required under section 44501(c) of title 49, United States
14 15	required under section 44501(c) of title 49, United States Code, the following research and development activities
14 15 16	required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized:
14 15 16 17	required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized: (1) Runway Incursion Reduction.
14 15 16 17 18	required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized: (1) Runway Incursion Reduction. (2) System Capacity, Planning, and Improve-
14 15 16 17 18 19	required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized: (1) Runway Incursion Reduction. (2) System Capacity, Planning, and Improve- ment.
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized: (1) Runway Incursion Reduction. (2) System Capacity, Planning, and Improve- ment. (3) Operations Concept Validation.
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized: (1) Runway Incursion Reduction. (2) System Capacity, Planning, and Improve- ment. (3) Operations Concept Validation. (4) NAS Weather Requirements.

1	(7) NextGen—Environment and Energy—Envi-
2	ronmental Management System and Advanced Noise
3	and Emissions Reduction.
4	(8) NextGen—New Air Traffic Management
5	Requirements.
6	(9) NextGen—Operations Concept Validation—
7	Validation Modeling.
8	(10) NextGen—System Safety Management
9	Transformation.
10	(11) NextGen—Wake Turbulence—Recat-
11	egorization.
12	(12) NextGen—Operational Assessments.
13	(13) NextGen—Staffed NextGen Towers.
14	(14) Center for Advanced Aviation System De-
15	velopment.
16	(15) Airports Technology Research Program—
17	Capacity.
18	(16) Airports Technology Research Program—
19	Safety.
20	(17) Airports Technology Research Program—
21	Environment.
22	(18) Airport Cooperative Research—Capacity.
23	(19) Airport Cooperative Research—Environ-
24	ment.
25	(20) Airport Cooperative Research—Safety.

### 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	for use in all classes of unmanned aircraft systems
2	that could result in a catastrophic failure of the un-
3	manned aircraft that would endanger other aircraft
4	in the national airspace system.".
5	(b) Systems, Procedures, Facilities, and De-
6	VICES.—Section 44505(b) is amended—
7	(1) in paragraph (4) by striking "and" after
8	the semicolon;
9	(2) in paragraph $(5)(C)$ by striking the period
10	at the end and inserting a semicolon; and
11	(3) by adding at the end the following:
12	((6) to develop a better understanding of the
13	relationship between human factors and unmanned
14	aircraft system safety; and
15	((7) to develop dynamic simulation models for
16	integrating all classes of unmanned aircraft systems
17	into the national airspace system without any deg-
18	radation of existing levels of safety for all national
19	airspace system users.".
20	SEC. 904. RESEARCH PROGRAM ON RUNWAYS.
21	Using amounts made available under section
22	48102(a) of title 49, United States Code, the Adminis-
23	trator shall continue to carry out a research program
24	under which the Administrator may make grants to and
25	enter into cooperative agreements with institutions of

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

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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-

permanent airport cooperative research pro 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 a maximum of 75 percent of the costs for a fiscal year 11 if the Administrator determines that a center would be 12 unable to carry out the authorized activities described in 13 this section without additional funds.". 14

(b) ANNUAL REPORT.—Section 44513 is amended byadding at the end the following:

"(h) ANNUAL REPORT.—The Administrator shall
transmit annually to the Committee on Science, Space,
and Technology of the House of Representatives and the
Committee on Commerce, Science, and Transportation of
the Senate at the time of the President's budget request
a report that lists—

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	<b>RESOURCE RESEARCH.</b>
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 after25 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—
	<ul><li>(3) REQUIREMENTS.—The plan—</li><li>(A) shall be completed not later than 1</li></ul>
14	_
14 15	(A) shall be completed not later than 1
14 15 16	(A) shall be completed not later than 1 year after the date of enactment of this Act;
14 15 16 17 18	<ul><li>(A) shall be completed not later than 1 year after the date of enactment of this Act;</li><li>(B) shall be submitted to Congress for re-</li></ul>
14 15 16 17 18 19	<ul><li>(A) shall be completed not later than 1 year after the date of enactment of this Act;</li><li>(B) shall be submitted to Congress for review; and</li></ul>
14 15 16 17 18 19 20	<ul> <li>(A) shall be completed not later than 1 year after the date of enactment of this Act;</li> <li>(B) shall be submitted to Congress for review; and</li> <li>(C) shall be updated, as appropriate, every</li> </ul>
14 15 16 17	<ul> <li>(A) shall be completed not later than 1 year after the date of enactment of this Act;</li> <li>(B) shall be submitted to Congress for review; and</li> <li>(C) shall be updated, as appropriate, every 3 years after the initial submission.</li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>(A) shall be completed not later than 1 year after the date of enactment of this Act;</li> <li>(B) shall be submitted to Congress for review; and</li> <li>(C) shall be updated, as appropriate, every 3 years after the initial submission.</li> </ul> SEC. 910. AVIATION FUEL RESEARCH AND DEVELOPMENT
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>(A) shall be completed not later than 1 year after the date of enactment of this Act;</li> <li>(B) shall be submitted to Congress for review; and</li> <li>(C) shall be updated, as appropriate, every 3 years after the initial submission.</li> </ul> SEC. 910. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.

of NASA, shall continue research and development activi ties into the qualification of an unleaded aviation fuel and
 safe transition to this fuel for the fleet of piston engine
 aircraft.

5 (b) REQUIREMENTS.—In carrying out the program
6 under subsection (a), the Administrator shall, at a min7 imum—

8 (1) not later than 120 days after the date of 9 enactment of this Act, develop a research and devel-10 opment plan containing the specific research and de-11 velopment objectives, including consideration of avia-12 tion safety, technical feasibility, and other relevant 13 factors, and the anticipated timetable for achieving 14 the objectives;

(2) assess the methods and processes by which
the FAA and industry may expeditiously certify and
approve new aircraft and recertify existing aircraft
with respect to unleaded aviation fuel;

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the
aircraft using unleaded aviation fuel and determine
the resources necessary to certify those technologies;
and

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(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 under subsection (a), the Administrator shall collaborate 5 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 to the Committee on Science, Space, and Technology of 13 the House of Representatives and the Committee on Com-14 15 merce, Science, and Transportation of the Senate a report on the plan, information obtained, and policies and guide-16 lines developed pursuant to subsection (b). 17 18 SEC. 911. RESEARCH PROGRAM ON ALTERNATIVE JET 19 FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) IN GENERAL.—Using amounts made available
under section 48102(a) of title 49, United States Code,
the Administrator shall establish a research program to
assist in the development and qualification of jet fuel from
alternative sources (such as natural gas, biomass, ethanol,
butanol, and hydrogen) and other renewable sources.

(b) AUTHORITY TO MAKE GRANTS.—The Adminis trator shall carry out the program through the use of
 grants or other measures authorized under section
 106(l)(6) of such title, including reimbursable agreements
 with other Federal agencies.

6 (c) PARTICIPATION IN PROGRAM.—

7 (1) PARTICIPATION OF EDUCATIONAL AND RE8 SEARCH INSTITUTIONS.—In carrying out the pro9 gram, the Administrator shall include participation
10 by—

11 (A) educational and research institutions
12 that have existing facilities and leverage private
13 sector partnerships; and

14 (B) consortia with experience across the 15 supply chain, including with research, feedstock 16 development and production, small-scale devel-17 opment, testing, and technology evaluation re-18 lated to the creation, processing, production, 19 and transportation of alternative aviation fuel. 20 (2) USE OF NASA FACILITIES.—In carrying out 21 the program, the Administrator shall consider uti-22 lizing the existing capacity in aeronautics research 23 at Langley Research Center, Glenn Research Center, 24 and other appropriate facilities of NASA.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF
 EXCELLENCE.—

3	(1) IN GENERAL.—Not later than 180 days
4	after the date of enactment of this Act, the Adminis-
5	trator may designate an institution described in sub-
6	section $(c)(1)(A)$ as a Center of Excellence for Alter-
7	native Jet-Fuel Research in Civil Aircraft.
8	(2) Effect of designation.—The center des-
9	ignated under paragraph (1) shall become, upon its
10	designation—
11	(A) a member of the Consortium for Con-
12	tinuous Low Energy, Emissions, and Noise of
13	the FAA; and
14	(B) part of a Joint Center of Excellence
15	with the Partnership for Air Transportation
16	Noise and Emission Reduction FAA Center of
17	Excellence.
18	SEC. 912. REVIEW OF FAA'S ENERGY-RELATED AND ENVI-
19	RONMENT-RELATED RESEARCH PROGRAMS.
20	(a) REVIEW.—Using amounts made available under
21	section 48102(a) of title 49, United States Code, the Ad-
22	ministrator shall enter into an arrangement for an inde-
23	pendent external review of FAA energy-related and envi-
24	ronment-related research programs. The review shall as-
25	sess whether—

(1) the programs have well-defined, prioritized,
 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.

(b) REPORT.—Not later than 18 months after the
date of enactment of this Act, the Administrator shall submit a report to the Committee on Science, Space, and
Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the
Senate containing the results of the review.

### 19 SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE20 SEARCH PROGRAMS.

(a) REVIEW.—Using amounts made available under
section 48102(a) of title 49, United States Code, the Administrator shall enter into an arrangement for an independent external review of the FAA's aviation safety-re-

lated research programs. The review shall assess wheth 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 re9 sources to each of the research objectives;

10 (4) the programs should include a determina11 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 suitable (5)there exist mechanisms for 15 transitioning the research results from the programs into the FAA's operational technologies and proce-16 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 operations23 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.

### 1SEC. 914. PRODUCTION OF CLEAN COAL FUEL TECH-2NOLOGY 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 es6 tablish a research program related to developing jet fuel
7 from clean coal.

8 (b) AUTHORITY TO MAKE GRANTS.—The Adminis9 trator shall carry out the program through grants or other
10 measures authorized under section 106(1)(6) of such title,
11 including reimbursable agreements with other Federal
12 agencies.

13 (c) PARTICIPATION IN PROGRAM.—In carrying out the program, the Administrator shall include participation 14 by educational and research institutions that have existing 15 16 facilities and experience in the development and deployment of technology that processes coal into aviation fuel. 17 18 (d) DESIGNATION OF INSTITUTION AS A CENTER OF 19 EXCELLENCE.—Not later than 180 days after the date 20of 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 enactment26 of this Act, the Administrator shall—

	(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	SEC. 916. REAUTHORIZATION OF CENTER OF EXCELLENCE
2	IN APPLIED RESEARCH AND TRAINING IN
3	THE USE OF ADVANCED MATERIALS IN
4	TRANSPORT AIRCRAFT.

5 Section 708(b) of the Vision 100—Century of Avia6 tion Reauthorization Act (49 U.S.C. 44504 note) is
7 amended by striking "for fiscal year 2004" and inserting
8 "for each of fiscal years 2012 through 2015".

9 SEC. 917. RESEARCH AND DEVELOPMENT OF EQUIPMENT
10 TO CLEAN AND MONITOR THE ENGINE AND
11 APU BLEED AIR SUPPLIED ON PRESSURIZED
12 AIRCRAFT.

13 (a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator, to the 14 extent practicable, shall implement a research program for 15 16 the identification or development of appropriate and effective air cleaning technology and sensor technology for the 17 engine and auxiliary power unit bleed air supplied to the 18 19 passenger cabin and flight deck of a pressurized aircraft. 20 (b) TECHNOLOGY REQUIREMENTS.—The technology 21 referred to in subsection (a) shall have the capacity, at 22 a minimum—

(1) to remove oil-based contaminants from the
bleed air supplied to the passenger cabin and flight
deck; and

(2) to detect and record oil-based contaminants
 in the portion of the total air supplied to the passager cabin and flight deck from bleed air.

4 (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit 5 to the Committee on Commerce, Science, and Transpor-6 7 tation of the Senate and the Committee on Transportation 8 and Infrastructure and the Committee on Science, Space, 9 and Technology of the House of Representatives a report on the results of the research and development work car-10 11 ried out under this section.

### 12 SEC. 918. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE 13 FOR NEXTGEN.

(a) REVIEW.—The Administrator shall enter into an
arrangement for an independent external review of the enterprise architecture for the Next Generation Air Transportation System.

18 (b) CONTENTS.—At a minimum, the review to be19 conducted under subsection (a) shall—

(1) highlight the technical activities, including
human-system design, organizational design, and
other safety and human factor aspects of the system,
that will be necessary to successfully transition current and planned modernization programs to the fu-

- ture system envisioned by the Joint Planning and
   Development Office of the FAA;
- 3 (2) assess technical, cost, and schedule risk for
  4 the software development that will be necessary to
  5 achieve the expected benefits from a highly auto6 mated air traffic management system and the impli7 cations for ongoing modernization projects; and
- 8 (3) determine how risks with automation efforts 9 for the Next Generation Air Transportation System 10 can be mitigated based on the experiences of other 11 public or private entities in developing complex, soft-12 ware-intensive systems.
- 13 (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit 14 15 to the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of 16 17 the House of Representatives and the Committee on Com-18 merce, Science, and Transportation of the Senate a report 19 containing the results of the review conducted pursuant 20 to subsection (a).

### 21 SEC. 919. AIRPORT SUSTAINABILITY PLANNING WORKING 22 GROUP.

(a) IN GENERAL.—Not later than 90 days after the
date of enactment of this Act, the Administrator shall prepare and submit a problem statement to the Transpor-

tation Research Board for the purpose of initiating a
 study under the Airport Cooperative Research Program
 on airport sustainability practices.

- 4 (b) FUNCTIONS.—The purpose of the study shall 5 be—
- 6 (1) to examine and develop best airport prac7 tices and metrics for the sustainable design, con8 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 vol14 untary airport rating process based on the best sus15 tainable practices, metrics, and ratings; and
- 16 (4) to examine and develop recommendations17 for future actions with regard to sustainability.
- (c) REPORT.—Not later than 18 months after the
  date of initiation of the study, a report on the study shall
  be submitted to the Administrator and the Committee on
  Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science,
  and Transportation of the Senate.

# TITLE X—NATIONAL MEDIATION 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 fol6 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.

"(b) APPLICATION.—The requirements of subsection
(a) shall not apply to any rule or proposed rule to which
the third sentence of section 553(b) of title 5, United
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

election between the options receiving the largest and the
 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, shall not direct an election or use any other method to 10 11 determine who shall be the representative of such craft 12 or class unless the Mediation Board determines that the application is supported by a showing of interest from not 13 less than 50 percent of the employees in the craft or 14 15 class.".

### 16 SEC. 1004. OVERSIGHT.

17 Title I of the Railway Labor Act (45 U.S.C. 151 et18 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.—

"(1) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of
the Mediation Board, the Comptroller General 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

the establishment of the Mediation Board and
whether those changes are consistent with congresssional intent; and

"(2) a description of the extent to which such
processes are consistent with similar processes applied to other Federal or State agencies with jurisdiction over labor relations, and an evaluation of any
justifications for any discrepancies between the processes of the Mediation Board and such similar Federal 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
13 14	(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 18, 2012.
14	this section shall take effect on February 18, 2012.
14 15	this section shall take effect on February 18, 2012. SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST
14 15 16	this section shall take effect on February 18, 2012. SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.
14 15 16 17	<ul> <li>this section shall take effect on February 18, 2012.</li> <li>SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.</li> <li>(a) IN GENERAL.—Paragraph (1) of section 9502(d)</li> </ul>
14 15 16 17 18	<ul> <li>this section shall take effect on February 18, 2012.</li> <li>SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.</li> <li>(a) IN GENERAL.—Paragraph (1) of section 9502(d)</li> <li>is amended—</li> </ul>
14 15 16 17 18 19	<ul> <li>this section shall take effect on February 18, 2012.</li> <li>SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.</li> <li>(a) IN GENERAL.—Paragraph (1) of section 9502(d)</li> <li>is amended— <ul> <li>(1) by striking "February 18, 2012" in the</li> </ul> </li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	<ul> <li>this section shall take effect on February 18, 2012.</li> <li>SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.</li> <li>(a) IN GENERAL.—Paragraph (1) of section 9502(d)</li> <li>is amended— <ul> <li>(1) by striking "February 18, 2012" in the matter preceding subparagraph (A) and inserting</li> </ul> </li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>this section shall take effect on February 18, 2012.</li> <li>SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.</li> <li>(a) IN GENERAL.—Paragraph (1) of section 9502(d)</li> <li>is amended— <ul> <li>(1) by striking "February 18, 2012" in the matter preceding subparagraph (A) and inserting "October 1, 2015", and</li> </ul> </li> </ul>

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. SEC. 1103. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-6 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 person) in a fractional program aircraft as fuel— 16 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) Definitions and Special Rules.—For pur-
2	poses of this section—
3	"(1) FRACTIONAL PROGRAM AIRCRAFT.—The
4	term 'fractional program aircraft' means, with re-
5	spect to any fractional ownership aircraft program,
6	any aircraft which—
7	"(A) is listed as a fractional program air-
8	craft in the management specifications issued to
9	the manager of such program by the Federal
10	Aviation Administration under subpart K of
11	part 91 of title 14, Code of Federal Regula-
12	tions, and
13	"(B) is registered in the United States.
14	"(2) FRACTIONAL OWNERSHIP AIRCRAFT PRO-
15	GRAM.—The term 'fractional ownership aircraft pro-
16	gram' means a program under which—
17	"(A) a single fractional ownership program
18	manager provides fractional ownership program
19	management services on behalf of the fractional
20	owners,
21	"(B) there are 1 or more fractional owners
22	per fractional program aircraft, with at least 1
23	fractional program aircraft having more than 1
24	owner,

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 "(4) DRY-LEASE AIRCRAFT EXCHANGE.—The 2 term 'dry-lease aircraft exchange' means an agree-3 ment, documented by the written program agree-4 ments, under which the fractional program aircraft 5 are available, on an as needed basis without crew, to 6 each fractional owner.

7 "(5) Special rule relating to use of 8 FRACTIONAL PROGRAM AIRCRAFT FOR FLIGHT DEM-9 ONSTRATION, MAINTENANCE, OR TRAINING.-For 10 purposes of subsection (a), a fractional program air-11 craft shall not be considered to be used for the 12 transportation of a qualified fractional owner, or on 13 account of such qualified fractional owner, when it 14 is used for flight demonstration, maintenance, or 15 crew training.

"(6) SPECIAL RULE RELATING TO DEADHEAD
SERVICE.—A fractional program aircraft shall not be
considered to be used on account of a qualified fractional owner when it is used in deadhead service and
a person other than a qualified fractional owner is
separately charged for such service.

"(d) TERMINATION.—This section shall not apply to
liquids used as a fuel in an aircraft after September 30,
2021.".

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

use or if no tax is imposed on such use under section 4043
 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 sub7 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.—

(1) SUBSECTION (a).—The amendments made
by subsection (a) shall apply to fuel used after
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.

(3) SUBSECTION (c).—The amendments made
by subsection (c) shall apply to taxable transportation 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 $(b)(1)(A)$ ,

or in a separate disclosure of amounts not attrib 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 by15 this section shall apply to obligations issued after the date16 of the enactment of this Act.

#### 17 SEC. 1106. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE

**CARRIER BANKRUPTCY.** 

18

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.

(3) EXTENSION OF TIME TO FILE CLAIM FOR
REFUND.—A qualified airline employee who excludes
an amount from gross income in a prior taxable year
under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of
limitation under section 6511(a) of such Code (or, if
later, April 15, 2013).

18 (4) OVERALL LIMITATION ON AMOUNTS TRANS19 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	(i) 90 percent of the aggregate airline
2	payment amounts received by the qualified
3	airline employee during the taxable year
4	and all preceding taxable years, over
5	(ii) the aggregate amount of such
6	transfers to which paragraphs $(1)$ and $(2)$
7	applied for all preceding taxable years.
8	(B) Special rules.—For purposes of ap-
9	plying the limitation under subparagraph (A)—
10	(i) any airline payment amount re-
11	ceived by the surviving spouse of any quali-
12	fied employee, and any amount transferred
13	to a traditional IRA by such spouse under
14	subsection (d), shall be treated as an
15	amount received or transferred by the
16	qualified employee, and
17	(ii) any amount transferred to a tradi-
18	tional IRA which is attributable to net in-
19	come described in paragraph $(2)$ shall not
20	be taken into account.
21	(5) COVERED EXECUTIVES NOT ELIGIBLE TO
22	MAKE TRANSFERS.—Paragraphs (1) and (2) shall
23	not apply to any transfer by a qualified airline em-
24	ployee (or any transfer authorized under subsection
25	(d) by a surviving spouse of the qualified airline em-

ployee) if at any time during the taxable year of the
transfer or any preceding taxable year the qualified
airline employee held a position described in subparagraph (A) or (B) of section 162(m)(3) with the
commercial passenger airline carrier from whom the
airline payment amount was received.

7 (b) TREATMENT OF AIRLINE PAYMENT AMOUNTS 8 AND TRANSFERS FOR EMPLOYMENT TAXES.—For pur-9 poses of chapter 21 of the Internal Revenue Code of 1986 10 and section 209 of the Social Security Act, an airline pay-11 ment amount shall not fail to be treated as a payment 12 of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of pay-13 ment because such amount is excluded from the qualified 14 15 airline employee's gross income under subsection (a).

16 (c) DEFINITIONS AND SPECIAL RULES.—For pur17 poses of this section—

18 (1) AIRLINE PAYMENT AMOUNT.—

19 (A) IN GENERAL.—The term "airline pay20 ment amount" means any payment of any
21 money or other property which is payable by a
22 commercial passenger airline carrier to a quali23 fied airline employee—

24 (i) under the approval of an order of25 a Federal bankruptcy court in a case filed

1	after September 11, 2001, and before Jan-
2	uary 1, 2007, and
3	(ii) in respect of the qualified airline
4	employee's interest in a bankruptcy claim
5	against the carrier, any note of the carrier
6	(or amount paid in lieu of a note being
7	issued), or any other fixed obligation of the
8	carrier to pay a lump sum amount.
9	The amount of such payment shall be deter-
10	mined without regard to any requirement to de-
11	duct and withhold tax from such payment
12	under sections 3102(a) of the Internal Revenue
13	Code of 1986 and 3402(a) of such Code.
14	(B) EXCEPTION.—An airline payment
15	amount shall not include any amount payable
16	on the basis of the carrier's future earnings or
17	profits.
18	(2) QUALIFIED AIRLINE EMPLOYEE.—The term
19	"qualified airline employee" means an employee or
20	former employee of a commercial passenger airline
21	carrier who was a participant in a defined benefit
22	plan maintained by the carrier which—
23	(A) is a plan described in section 401(a) of
24	the Internal Revenue Code of 1986 which in-

1	cludes a trust exempt from tax under section
2	501(a) of such Code, and
3	(B) was terminated or became subject to
4	the restrictions contained in paragraphs (2) and
5	(3) of section 402(b) of the Pension Protection
6	Act of 2006.
7	(3) TRADITIONAL IRA.—The term "traditional
8	IRA" means an individual retirement plan (as de-
9	fined in section $7701(a)(37)$ of the Internal Revenue
10	Code of 1986) which is not a Roth IRA.
11	(4) ROTH IRA.—The term "Roth IRA" has the
12	meaning given such term by section $408A(b)$ of such
13	Code.
14	(d) SURVIVING SPOUSE.—If a qualified airline em-
15	ployee died after receiving an airline payment amount, or
16	if an airline payment amount was paid to the surviving
17	
	spouse of a qualified airline employee in respect of the
18	spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the
18 19	
	qualified airline employee, the surviving spouse of the
19	qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted
19 20	qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer
19 20 21	qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same

25 transfers made after the date of the enactment of this Act

with respect to airline payment amounts paid before, on,
 or after such date.

## 3 SEC. 1107. TERMINATION OF EXEMPTION FOR SMALL JET 4 AIRCRAFT ON NONESTABLISHED LINES.

5 (a) IN GENERAL.—The first sentence of section 4281
6 is amended by inserting "or when such aircraft is a jet
7 aircraft" after "an established line".

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to taxable transportation provided
10 after March 31, 2012.

### 11 SEC. 1108. MODIFICATION OF CONTROL DEFINITION FOR 12 PURPOSES OF SECTION 249.

(a) IN GENERAL.—Section 249(a) is amended by
striking ", or a corporation in control of, or controlled by,"
and inserting ", or a corporation in the same parent-subsidiary controlled group (within the meaning of section
1563(a)(1) as".

18 (b) CONFORMING AMENDMENT.—Section 249(b) is19 amended—

20 (1) by striking all that precedes "is the issue21 price" and inserting:

22 "(b) ADJUSTED ISSUE PRICE.—For purposes of sub-23 section (a), the adjusted issue price", and

24 (2) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by
 this section shall apply to repurchases after the date of
 the enactment of this Act.

# 4 TITLE XII—COMPLIANCE WITH 5 STATUTORY PAY-AS-YOU-GO6 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, shall be determined by reference to the latest statement 10 11 titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional 12 Record by the Chairmen of the House and Senate Budget 13 Committees, provided that such statement has been sub-14 15 mitted prior to the vote on passage in the House acting first on this conference report or amendment between the 16 Houses. 17