

SINEMA-2 (MODIFIED)

CO-SPONSOR: TESTER

Kyrsten Sinema

AMENDMENT NO. _____

Calendar No. _____

Purpose: To make improvements to the FAA's Contract Tower Program to enhance safety and improve overall efficiency.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1939

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. SINEMA

Viz:

1 On page 250, between lines 2 and 3, insert the following:
2

3 **SEC. 618A. CONTRACT TOWER PROGRAM SAFETY EN-**
4 **HANCEMENTS.**

5 (a) PILOT PROGRAM FOR TRANSITIONING TO FAA
6 TOWERS.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this section, the Ad-
9 ministrator shall establish a pilot program to convert
10 high-activity air traffic control towers operating
11 under the Contract Tower Program described in sec-

1 tion 47124 of title 49, United States Code, to FAA-
2 staffed Visual Flight Rules towers (in this section
3 referred to as the “Contract Tower Program”).

4 (2) CONVERSION TO FAA-STAFFED VFR TOW-
5 ERS.—In selecting facilities to participate in the
6 pilot program established under paragraph (1), the
7 Administrator shall give priority to air traffic control
8 towers operating under the Contract Tower Program
9 that—

10 (A) either—

11 (i) had over 200,000 annual tower op-
12 erations in calendar year 2022; or

13 (ii) served a small hub airport with
14 more than 900,000 passenger
15 enplanements in calendar year 2021;

16 (B) are either currently owned by the FAA
17 or are constructed to FAA standards; and

18 (C) operate within complex air space that
19 serves air carrier, general aviation, and military
20 aircraft.

21 (3) TOWER SELECTION.—The number of facili-
22 ties selected to participate in the pilot program es-
23 tablished under paragraph (1) shall be determined
24 based on the availability of funds for the pilot pro-
25 gram.

1 (4) CONTROLLER RETENTION.—The Adminis-
2 trator shall appoint to the position of air traffic con-
3 troller all air traffic controllers currently employed
4 by the Federal contract tower operator and assigned
5 to the pilot program air traffic control tower, pro-
6 vided such controller—

7 (A) meets the qualifications contained in
8 section 44506(f)(1)(A) of title 49, United
9 States Code; and

10 (B) has all other pre-employment qualifica-
11 tions required by law.

12 (5) SAFETY ANALYSIS.—

13 (A) IN GENERAL.—The Administrator
14 shall conduct a safety analysis to determine
15 whether the conversions described in paragraph
16 (1) had any negative impact on the aviation
17 safety of any air traffic control tower.

18 (B) REPORT.—Not later than 2 years after
19 the date of enactment of this section, the Ad-
20 ministrator shall submit to the appropriate
21 committees of Congress a report describing the
22 results of the safety analysis under subpara-
23 graph (A).

24 (6) FUNDING.—For purposes of carrying out
25 this subsection, there are appropriated to the Ad-

1 administrator \$30,000,000 for fiscal year 2024, to re-
2 main available until fiscal year 2029.

3 (b) AIR TRAFFIC CONTROLLER STAFFING LEVELS
4 AT SMALL AND MEDIUM HUB AIRPORTS:—

5 (1) IN GENERAL.—Section 47124(b)(2) of title
6 49, United States Code, is amended—

7 (A) by striking “The Secretary may” and
8 inserting the following:

9 “(A) IN GENERAL.—The Secretary may”;
10 and

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

12 “(B) SMALL OR MEDIUM HUB AIRPORTS.—
13 In the case of a contract to operate an airport
14 traffic control tower at a small or medium hub
15 airport, the contract shall require the Secretary,
16 after coordination with the airport sponsor and
17 the entity, State, or subdivision, to provide
18 funding sufficient for the cost of wages and
19 benefits of at least two air traffic controllers for
20 each tower operating shift.”.

21 (2) APPLICATION.—The amendments made by
22 paragraph (1) shall apply to contracts entered into
23 or renewed by the Secretary under the Contract
24 Tower Program on or after the date of enactment of
25 this section.

1 (c) AIR TRAFFIC CONTROLLER COMPENSATION.—

2 (1) IN GENERAL.—The Secretary and the Sec-
3 retary of Labor shall review and update the wage
4 determinations for controllers who work in air traffic
5 control towers that are staffed through the Contract
6 Tower Program and shall reassess the basis for air
7 traffic controller occupation codes and the need for
8 additional occupation codes.

9 (2) REPORT.—Not later than 6 months after
10 the date of enactment of this section, the Secretary
11 and the Secretary of Labor shall submit a report to
12 the appropriate committees of Congress that—

13 (A) describes the findings and conclusions
14 of the review and reassessment made under
15 paragraph (1);

16 (B) explains the basis for the wage deter-
17 mination and the justification for the basis; and

18 (C) describe the steps the Department of
19 Transportation and the Department of Labor
20 are taking to ensure air traffic controller wages
21 are keeping up with inflation and are assigned
22 the appropriate occupation codes.

23 (d) PRIORITIES FOR FACILITY SELECTION.—Section
24 47124(b)(3)(C) of title 49, United States Code, is amend-
25 ed—

1 (1) in clause (vi), by striking “or mix of air-
2 craft” and inserting “lack of an existing air traffic
3 control tower, or mix of aircraft, including a mix of
4 commercial and significant military flight oper-
5 ations”; and

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

7 “(viii) Air traffic control towers lo-
8 cated at airports with projected increases
9 in commercial and military aircraft or
10 flight operations.”.