

112TH CONGRESS } 2d Session	HOUSE OF REPRESENTATIVES	{ REPORT 112-____
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FAA MODERNIZATION AND REFORM ACT OF 2012

_____, 2012.—Ordered to be printed

_____, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 658]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658), to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

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.

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.

5 **TITLE I—AUTHORIZATIONS**
6 **Subtitle A—Funding of FAA**
7 **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
12 read as follows:

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

16 “(a) IN GENERAL.—There shall be available to the
17 Secretary of Transportation out of the Airport and Airway
18 Trust Fund established under section 9502 of the Internal
19 Revenue Code of 1986 to make grants for airport planning
20 and 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.

1 “(b) AVAILABILITY OF AMOUNTS.—Amounts made
2 available under subsection (a) shall remain available until
3 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), and
18 (i); and

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

21 **SEC. 103. FAA OPERATIONS.**

22 (a) IN GENERAL.—Section 106(k)(1) is amended by
23 striking subparagraphs (A) through (H) and inserting the
24 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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) in the paragraph heading by striking
21 “LEVEL” and inserting “ESTIMATED LEVEL”; and
22 (2) by striking “level of receipts plus interest”
23 and inserting “estimated level of receipts plus inter-
24 est”.

1 (e) ENFORCEMENT OF GUARANTEES.—Section
 2 48114(c)(2) is amended by striking “2007” and inserting
 3 “2015”.

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 **SEC. 112. GAO STUDY OF ALTERNATIVE MEANS OF COL-**
19 **LECTING PFCS.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study of alternative means
22 of collecting passenger facility charges imposed under sec-
23 tion 40117 of title 49, United States Code, that would
24 permit such charges to be collected without being included

1 in the ticket price. In conducting the study, the Comptroller 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 domestic and international airports that are not included in ticket prices.

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

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

19 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
21 facility charges collected under section 40117 of title 49,
22 United States Code, with the goal of serving the needs
23 of all stakeholders.
24

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

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

3 (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(1) Registering an aircraft.

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

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

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

21 “(5) Issuing a special registration number.

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

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

1 “(8) Issuing an airman certificate.

2 “(9) Issuing a replacement airman certificate.

3 “(10) Issuing an airman medical certificate.

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

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

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

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

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

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

23 “(C) remain available until expended.

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

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

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

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

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

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

18 “(1) IN GENERAL.—A fee”; and

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

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

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

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

4 Section 47101(g)(2) is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(A) integrated airport system planning;

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

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

1 (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 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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(1) update Advisory Circular No. 150/5220–
 4 25 to specify which systems have been studied; and
 5 “(2) within 180 days after such research is con-
 6 cluded, issue a final report on the use of avian radar
 7 systems in the national airspace system.”.

8 **SEC. 139. VETERANS’ PREFERENCE.**

9 Section 47112(c) is amended—

10 (1) in paragraph (1)—

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

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

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

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

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

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

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

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

11 “(e) MANDATORY TRAINING PROGRAM.—

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

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

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

4 “(A) who is required to provide a written
5 assurance under this section or section
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

10 “(B) who is responsible for determining
11 whether or not a small business concern quali-
12 fies as a small business concern owned and con-
13 trolled by socially and economically disadvan-
14 taged individuals under this section or section
15 47107(e).”.

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

19 (1) IN GENERAL.—For each of fiscal years
20 2013 through 2015, the Inspector General of the
21 Department of Transportation shall submit to Con-
22 gress a report on the number of new small business
23 concerns owned and controlled by socially and eco-
24 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 par-
6 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 rea-
18 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 air-
24 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—

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

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

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

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

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

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

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

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

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

1 **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—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (1) in paragraph (1)—

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

16 “(1) CONTRACT TOWER PROGRAM.—

17 “(A) CONTINUATION.—The Secretary”;

18 and

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

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

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

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

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

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

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

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

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

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

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

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

25 (d)(2);

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

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

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

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

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

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

1 **SEC. 150. REPEAL OF CERTAIN LIMITATIONS ON METRO-**
2 **POLITAN WASHINGTON AIRPORTS AUTHOR-**
3 **ITY.**

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

6 **SEC. 151. MIDWAY ISLAND AIRPORT.**

7 Section 186(d) of the Vision 100—Century of Avia-
8 tion Reauthorization Act (117 Stat. 2518) is amended by
9 striking “for fiscal years” and all that follows before
10 “from amounts” and inserting “for fiscal years 2012
11 through 2015”.

12 **SEC. 152. MISCELLANEOUS AMENDMENTS.**

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

16 (1) in subsection (a)—

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

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

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

25 (D) by striking paragraph (3);

26 (2) in subsection (b)—

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

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

5 (C) in paragraph (2) (as so redesignated)
6 by striking “, Short Takeoff and Landing/Very
7 Short Takeoff and Landing aircraft oper-
8 ations,”; and
9 (3) in subsection (d) by striking “status of
10 the”.

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

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

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

18 “(a) TERMINAL DEVELOPMENT PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (7) in subsections (c)(2)(B) and (c)(5) (as re-
2 designated by paragraph (1) of this subsection) by
3 striking “section 47110(d)” and inserting “sub-
4 section (a)”;

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

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

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

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

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

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

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

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

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

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

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

3 (2) in subsection (b)—

4 (A) by striking “47102(3)(F),”; and

5 (B) by striking “47103(3)(F),”.

6 (e) CONFORMING AMENDMENTS.—

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

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

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

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

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

19 (g) DEFINITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (6) A documentation and review of the methods
6 used by airports to reach the 10,000 passenger
7 enplanement threshold, including whether such 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 plan
14 that the Secretary determines appropriate.

15 (c) REPORT TO CONGRESS.—

16 (1) SUBMISSION.—Not later than 36 months
17 after the date that the Secretary begins the study
18 under this section, the Secretary shall submit to the
19 Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the 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
10 paragraph (1) by striking “5 airports” and inserting “10
11 airports”.

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

16 **SEC. 201. DEFINITIONS.**

17 In this title, the following definitions apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (13) System-Wide Information Management.

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

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

23 (16) National Airspace System Voice System.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(G) Ensuring that NextGen implementa-
7 tion activities are planned in such a manner as
8 to require that system architecture is designed
9 to allow for the incorporation of novel and cur-
10 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 (2) in paragraph (2) by adding at the end the
 2 following: “The Administrator is authorized, not-
 3 withstanding any other provision of law or policy, to
 4 accept payments for services provided under this
 5 subsection in arrears.”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(i) ensure that—

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

1 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 “(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-
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;

19 “(E) a clear explanation of how each step
20 in the development of the Next Generation Air
21 Transportation System will lead to the following
22 step and of the implications of not successfully
23 completing a step in the time period described
24 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

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

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

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

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

13 “(e) ANNUAL REPORT.—

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

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

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

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

6 “(C) a detailed description of—

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

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

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

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

1 **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—

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

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

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

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

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

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

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

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

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

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

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

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

1 changes, to maximize the fuel efficiency and
2 airspace capacity of NextGen commercial oper-
3 ations at each of the 35 operational evolution
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 (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 AIR-
22 PORTS.—A plan for implementing the proce-
23 dures for OEP airports under subparagraph
24 (A) that establishes—

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

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

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

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

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

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

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

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

9 (b) NON-OEP AIRPORTS.—

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

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

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

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

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

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

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

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

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

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

21 (v) baseline and performance metrics
22 for—

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

1 (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

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

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

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

1 representatives 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

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

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

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

8 (7) continuous climb or descent;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 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
8 “financial instruments” means loan guarantees and other
9 credit assistance designed to leverage and maximize pri-
10 vate sector capital.

11 (d) PROTECTION OF THE TAXPAYER.—

12 (1) LIMITATION ON PRINCIPAL.— The amount
13 of any guarantee under this program shall be limited
14 to 90 percent of the principal amount of the under-
15 lying 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

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

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

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

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

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

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

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

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

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

4 (3) initiate an analysis, to be conducted in con-
5 sultation with the exclusive bargaining representa-
6 tive of air traffic controllers certified under section
7 7111 of title 5, United States Code, of scheduling
8 processes and practices, including overtime sched-
9 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;

14 (5) assess training programs at air traffic con-
15 trol facilities with below-average success rates to de-
16 termine if training is being carried out in accordance
17 with Administration standards, and conduct exit
18 interview analyses with all candidates to determine
19 potential weaknesses in training protocols, or in the
20 execution of such training protocols; and

21 (6) prioritize, to the extent practicable, such ef-
22 forts to address the recommendations for the facili-
23 ties identified in the Department of Transportation's
24 Office of the Inspector General Report Number: AV-
25 2009-047.

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

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

12 (b) SUBSEQUENT REPORTS.—

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

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

1 (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-
14 tion 44703(d) is amended by adding at the end the fol-
15 lowing:

16 “(3) A person who is substantially affected by an
17 order of the Board under this subsection, or the Adminis-
18 trator if the Administrator decides that an order of the
19 Board will have a significant adverse impact on carrying
20 out this subtitle, may seek judicial review of the order
21 under section 46110. The Administrator shall be made a
22 party to the judicial review proceedings. The findings of
23 fact of the Board in any such case are conclusive if sup-
24 ported by substantial evidence.”.

1 an unsafe condition associated with the
2 product;

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

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

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

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

1 type certificate that has been inactive for 3 or
2 more years.”.

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

5 (a) IN GENERAL.—Section 44704(e) is amended to
6 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 applica-
21 tion for a CDPO certificate, the Administrator shall
22 examine and rate the organization submitting the
23 application, in accordance with regulations to be pre-
24 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 “(D) carry out written and oral instruc-
2 tions regarding the proper performance of their
3 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 para-
24 graph (2), not later than 180 days after the date of
25 enactment of this section, a part 135 certificate

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

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

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

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

9 “(B) radar altimeters; and

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

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

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

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

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

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

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

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

13 “(e) SUBSEQUENT RULEMAKING.—

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

18 “(A) Pilot training standards, including—

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

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

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

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

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

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

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

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

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

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

3 “(3) The number of flight requests for a heli-
4 copter providing air ambulance services that were
5 accepted or declined by the certificate holder and the
6 type of each such flight request (such as scene re-
7 sponse, interfacility transport, organ transport, or
8 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 ambu-
16 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.

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

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

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

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

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

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

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

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

“44730. Helicopter air ambulance operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (e) STUDY.—

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

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

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

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

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

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

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

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

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

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

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

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

1 “(3) require all maintenance safety or maintenance
2 maintenance implementation agreements to provide an opportunity
3 for the Administration to conduct independent inspections of covered
4 part 145 repair stations when safety concerns warrant such inspections.
5 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The

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

20 Administrator shall notify the Committee on Commerce,
21 Science, and Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Representatives not
23 later than 30 days after initiating formal negotiations with foreign
24 aviation authorities or other appropriate foreign government agencies
25 on a new maintenance safety or maintenance implementation agreement.
“(c) ANNUAL REPORT.—The Administrator shall
publish an annual report on the Administration’s oversight of part 145
repair stations and implementation of the safety assessment system required
under subsection (a). The report shall—

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

“(2) include a staffing model to determine the best placement of inspectors
and the number of inspectors needed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(1) serving alcohol to passengers;

11 “(2) recognizing intoxicated passengers; and

12 “(3) dealing with disruptive passengers.

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

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

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

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

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

“44734. Training of flight attendants.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 operator as a pointer or highlighter to indicate, mark, or
2 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;

13 “(2) members or elements of the Department of
14 Defense or Department of Homeland Security acting
15 in an official capacity for the purpose of research,
16 development, operations, testing, or training; or

17 “(3) by an individual using a laser emergency
18 signaling device to send an emergency distress sig-
19 nal.

20 “(d) AUTHORITY TO ESTABLISH ADDITIONAL EX-
21 CEPTIONS BY REGULATION.—The Attorney General, in
22 consultation with the Secretary of Transportation, may
23 provide by regulation, after public notice and comment,
24 such additional exceptions to this section as may be nec-
25 essary and appropriate. The Attorney General shall pro-

1 vide written notification of any proposed regulations under
 2 this section to the Committees on the Judiciary of the Sen-
 3 ate and the House of Representatives, the Committee on
 4 Commerce, Science, and Transportation of the Senate,
 5 and the Committee on Transportation and Infrastructure
 6 of the House of Representatives, not less than 90 days
 7 before such regulations become final.”.

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

10 (1) by moving the item relating to section 39
 11 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.**

16 (a) IN GENERAL.—The Administrator of the Federal
 17 Aviation Administration, in consultation with representa-
 18 tives of the aviation industry, shall conduct an assessment
 19 of the certification and approval process under section
 20 44704 of title 49, United States Code.

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

23 (1) the expected number of applications for
 24 product certifications and approvals the Adminis-
 25 trator 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

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

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

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

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

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

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

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

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

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

9 (a) STRATEGIC RUNWAY SAFETY PLAN.—

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

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

17 (A) shall include, at a minimum—

18 (i) goals to improve runway safety;

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

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

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

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

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

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

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

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

3 (3) ensuring proper accountability.

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

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

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

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

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

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

3 (b) ANNUAL REPORT TO CONGRESS.—Not later than
4 1 year after the date of enactment of this Act, and annu-
5 ally thereafter, the Administrator shall submit to the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report on the
9 Flight Standards Evaluation Program, including the Ad-
10 ministrator’s findings and recommendations with respect
11 to the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 319. MAINTENANCE PROVIDERS.**

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

21 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN
22 WORK.—A person may perform covered work on aircraft
23 used to provide air transportation under part 121 of title
24 14, Code of Federal Regulations, only if the person is em-
25 ployed by—

1 (1) a part 121 air carrier;

2 (2) a part 145 repair station or a person au-
3 thORIZED under section 43.17 of title 14, Code of
4 Federal Regulations (or any successor regulation);
5 or

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

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

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

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

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

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

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

1 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

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

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

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

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

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

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

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

1 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

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

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

6 (f) REPORT TO CONGRESS.—

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

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

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

22 **SEC. 331. DEFINITIONS.**

23 In this subtitle, the following definitions apply:

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

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

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

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

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

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

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

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

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

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

8 (E) creation of a safe

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (5) REPORT TO CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

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

1 unmanned aircraft systems in the national airspace
2 system.

3 (2) CONTENTS.—The agreements shall—

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

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

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

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

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

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

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

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

24 (iii) during daylight conditions;

25 (iv) within Class G airspace; and

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

3 (2) flown within visual line of sight of the per-
4 son operating the aircraft; and

5 (3) flown for hobby or recreational purposes.

6 **Subtitle C—Safety and Protections**

7 **SEC. 341. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-** 8 **TION OFFICE.**

9 Section 106 (as amended by this Act) is further
10 amended by adding at the end the following:

11 “(t) AVIATION SAFETY WHISTLEBLOWER INVE-
12 TIGATION OFFICE.—

13 “(1) ESTABLISHMENT.—There is established in
14 the Federal Aviation Administration (in this sub-
15 section referred to as the ‘Agency’) an Aviation
16 Safety Whistleblower Investigation Office (in this
17 subsection referred to as the ‘Office’).

18 “(2) DIRECTOR.—

19 “(A) APPOINTMENT.—The head of the Of-
20 fice shall be the Director, who shall be ap-
21 pointed by the Secretary of Transportation.

22 “(B) QUALIFICATIONS.—The Director
23 shall have a demonstrated ability in investiga-
24 tions and knowledge of or experience in avia-
25 tion.

1 “(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

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

1 “(D) summaries of the responses of the
2 Administrator to such recommendations.”.

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

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

7 “(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT
8 STANDARDS INSPECTORS.—

9 “(1) PROHIBITION.—A person holding an oper-
10 ating certificate issued under title 14, Code of Fed-
11 eral Regulations, may not knowingly employ, or
12 make a contractual arrangement that permits, an in-
13 dividual to act as an agent or representative of the
14 certificate holder in any matter before the Federal
15 Aviation Administration if the individual, in the pre-
16 ceding 2-year period—

17 “(A) served as, or was responsible for over-
18 sight of, a flight standards inspector of the Ad-
19 ministration; and

20 “(B) had responsibility to inspect, or over-
21 see inspection of, the operations of the certifi-
22 cate holder.

23 “(2) WRITTEN AND ORAL COMMUNICATIONS.—
24 For purposes of paragraph (1), an individual shall
25 be considered to be acting as an agent or representa-

1 tive of a certificate holder in a matter before the Ad-
2 ministration if the individual makes any written or
3 oral communication on behalf of the certificate hold-
4 er to the Administration (or any of its officers or
5 employees) in connection with a particular matter,
6 whether or not involving a specific party and without
7 regard to whether the individual has participated in,
8 or had responsibility for, the particular matter while
9 serving as a flight standards inspector of the Admin-
10 istration.”.

11 (b) **APPLICABILITY.**—The amendment made by sub-
12 section (a) shall not apply to an individual employed by
13 a certificate holder as of the date of enactment of this
14 Act.

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

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

24 (1) any trends in regulatory compliance are
25 identified; and

1 (2) appropriate corrective actions are taken in
2 accordance with Administration regulations, advisory
3 directives, policies, and procedures.

4 (b) MONTHLY TEAM REPORTS.—

5 (1) IN GENERAL.—A regional team of employ-
6 ees conducting a monthly review of the air transpor-
7 tation oversight system database under subsection
8 (a) shall submit to the Administrator, the Associate
9 Administrator for Aviation Safety, and the Director
10 of Flight Standards Service a report each month on
11 the results of the review.

12 (2) CONTENTS.—A report submitted under
13 paragraph (1) shall identify—

14 (A) any trends in regulatory compliance
15 discovered by the team of employees in con-
16 ducting the monthly review; and

17 (B) any corrective actions taken or pro-
18 posed to be taken in response to the trends.

19 (c) BIENNIAL REPORTS TO CONGRESS.—The Ad-
20 ministrator, on a biennial basis, shall submit to the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate a report on the
24 results of the reviews of the air transportation oversight

1 Science, and Transportation of the Senate a report
2 on the results of the study conducted under this sec-
3 tion.

4 **SEC. 345. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**
5 **APPLICABLE TO FLIGHT CREWMEMBERS.**

6 (a) RULEMAKING ON APPLICABILITY OF PART 121
7 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART
8 91 OPERATIONS.—Not later than 180 days after the date
9 of enactment of this Act, the Administrator of the Federal
10 Aviation Administration shall initiate a rulemaking pro-
11 ceeding, if such a proceeding has not already been initi-
12 ated, to require a flight crewmember who is employed by
13 an air carrier conducting operations under part 121 of
14 title 14, Code of Federal Regulations, and who accepts
15 an additional assignment for flying under part 91 of such
16 title from the air carrier or from any other air carrier con-
17 ducting operations under part 121 or 135 of such title,
18 to apply the period of the additional assignment (regard-
19 less of whether the assignment is performed by the flight
20 crewmember before or after an assignment to fly under
21 part 121 of such title) toward any limitation applicable
22 to the flight crewmember relating to duty periods or flight
23 times under part 121 of such title.

24 (b) RULEMAKING ON APPLICABILITY OF PART 135
25 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART

1 “(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, CAN-**
9 **CELLATIONS, AND ASSOCIATED CAUSES.**

10 (a) REVIEW.—The Inspector General of the Depart-
11 ment of Transportation shall conduct a review regarding
12 air carrier flight delays, cancellations, and associated
13 causes to update the 2000 report numbered CR–2000–
14 112 and titled “Audit of Air Carrier Flight Delays and
15 Cancellations”.

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

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

22 (2) air carriers’ scheduling practices;

23 (3) the need for a reexamination of capacity
24 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 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 (1) examine delays in the delivery of checked
25 baggage to passengers of air carriers; and

1 through a review of the database of the National
2 Transportation Safety Board;

3 (6) the sales revenues of the fleet; and

4 (7) the number of passengers and airports
5 served by the fleet.

6 (c) REPORT TO CONGRESS.—Not later than 18
7 months after the date of enactment of this Act, the Ad-
8 ministrator shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate a report on the results of the study
12 conducted under subsection (a).

13 **SEC. 410. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

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

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

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

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

4 (3) a summary of any impacts of cell phone use
5 during flight on safety, the quality of the flight expe-
6 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.

11 (d) CELL PHONE REPORT.—Not later than 270 days
12 after the date of enactment of this Act, the Administrator
13 shall submit to the Committee on Transportation and In-
14 frastructure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate a report on the results of the study.

17 **SEC. 411. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**
18 **AVIATION CONSUMER PROTECTION.**

19 (a) IN GENERAL.—The Secretary of Transportation
20 shall establish an advisory committee for aviation con-
21 sumer protection to advise the Secretary in carrying out
22 activities relating to airline customer service improve-
23 ments.

1 (b) MEMBERSHIP.—The Secretary shall appoint the
2 members of the advisory committee, which shall be com-
3 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 com-
11 mittee shall be filled in the manner in which the original
12 appointment was made.

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

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

22 (f) DUTIES.—The duties of the advisory committee
23 shall 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
10 transmit to Congress a report containing—

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 estab-
18 lished under this section shall terminate on September 30,
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 Ad-
25 ministration shall initiate a rulemaking to require each air

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

7 **SEC. 413. SCHEDULE REDUCTION.**

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

10 (1) the aircraft operations of air carriers during
11 any hour at an airport exceed the hourly maximum
12 departure and arrival rate established by the Admin-
13 istrator for such operations; and

14 (2) the operations in excess of the maximum
15 departure and arrival rate for such hour at such air-
16 port are likely to have a significant adverse effect on
17 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 op-
21 erations so as not to exceed the maximum departure and
22 arrival rate.

23 (b) NO AGREEMENT.—If the air carriers partici-
24 pating in a meeting with respect to an airport under sub-
25 section (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 Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) **SUBSEQUENT SCHEDULE INCREASES.**—Subsequent to any reduction in operations under subsection (a) or (b) at an airport, if the Administrator determines that the hourly number of aircraft operations at that airport is less than the amount that can be handled safely and efficiently, the Administrator shall ensure that priority is given to United States air carriers in permitting additional aircraft operations with respect to that hour.

SEC. 414. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOT EXEMPTIONS.

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

“(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—

“(A) the application of sections 49104(a)(5), 49109, and 41714 to air carriers

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)(E) shall specify the beyond pe-

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

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

1 cleared United States Customs and Border Protec-
 2 tion.

3 “(d) UPDATES.—

4 “(1) AIR CARRIERS.—An air carrier shall up-
 5 date each emergency contingency plan submitted by
 6 the carrier under subsection (a) every 3 years and
 7 submit the update to the Secretary for review and
 8 approval.

9 “(2) AIRPORTS.—An airport operator shall up-
 10 date each emergency contingency plan submitted by
 11 the operator under subsection (a) every 5 years and
 12 submit the update to the Secretary for review and
 13 approval.

14 “(e) APPROVAL.—

15 “(1) IN GENERAL.—Not later than 60 days
 16 after the date of the receipt of an emergency contin-
 17 gency plan submitted under subsection (a) or an up-
 18 date submitted under subsection (d), the Secretary
 19 shall review and approve or, if necessary, require
 20 modifications to the plan or update to ensure that
 21 the plan or update will effectively address emer-
 22 gencies and provide for the health and safety of pas-
 23 sengers.

24 “(2) FAILURE TO APPROVE OR REQUIRE MODI-
 25 FICATIONS.—If the Secretary fails to approve or re-

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

5 “(3) ADHERENCE REQUIRED.—An air carrier
6 or airport operator shall adhere to an emergency
7 contingency plan of the carrier or operator approved
8 under this section.

9 “(f) MINIMUM STANDARDS.—The Secretary shall es-
10 tablish, as necessary or desirable, minimum standards for
11 elements in an emergency contingency plan required to be
12 submitted under this section.

13 “(g) PUBLIC ACCESS.—An air carrier or airport op-
14 erator required to submit an emergency contingency plan
15 under this section shall ensure public access to the plan
16 after its approval under this section on the Internet Web
17 site of the carrier or operator or by such other means as
18 determined by the Secretary.

19 “(h) REPORTS.—Not later than 30 days after any
20 flight experiences an excessive tarmac delay, the air car-
21 rier responsible for such flight shall submit a written de-
22 scription of the incident and its resolution to the Aviation
23 Consumer Protection Division of the Department of
24 Transportation.

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

3 “(1) COMMERCIAL AIRPORT.—The term ‘com-
4 mercial airport’ means a large hub, medium hub,
5 small hub, or nonhub airport.

6 “(2) COVERED AIR TRANSPORTATION.—The
7 term ‘covered air transportation’ means scheduled or
8 public charter passenger air transportation provided
9 by an air carrier that operates an aircraft that as
10 originally designed has a passenger capacity of 30 or
11 more seats.

12 “(3) TARMAC DELAY.—The term ‘tarmac delay’
13 means the period during which passengers are on
14 board an aircraft on the tarmac—

15 “(A) awaiting takeoff after the aircraft
16 doors have been closed or after passengers have
17 been boarded if the passengers have not been
18 advised they are free to deplane; or

19 “(B) awaiting deplaning after the aircraft
20 has landed.

21 “(4) EXCESSIVE TARMAC DELAY.—The term
22 ‘excessive tarmac delay’ means a tarmac delay that
23 lasts for a length of time, as determined by the Sec-
24 retary.

1 **“§ 42302. Consumer complaints**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 shall establish a consumer complaints toll-free hotline tele-
4 phone number for the use of passengers in air transpor-
5 tation and shall take actions to notify the public of—

6 “(1) that telephone number; and

7 “(2) the Internet Web site of the Aviation Con-
8 sumer Protection Division of the Department of
9 Transportation.

10 “(b) NOTICE TO PASSENGERS ON THE INTERNET.—

11 An air carrier or foreign air carrier providing scheduled
12 air transportation using any aircraft that as originally de-
13 signed has a passenger capacity of 30 or more passenger
14 seats shall include on the Internet Web site of the car-
15 rier—

16 “(1) the hotline telephone number established
17 under subsection (a);

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

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

1 “(c) NOTICE TO PASSENGERS ON BOARDING DOCU-
2 MENTATION.—An air carrier or foreign air carrier pro-
3 viding scheduled air transportation using any aircraft that
4 as originally designed has a passenger capacity of 30 or
5 more passenger seats shall include the hotline telephone
6 number established under subsection (a) on—

7 “(1) prominently displayed signs of the carrier
8 at the airport ticket counters in the United States
9 where the air carrier operates; and

10 “(2) any electronic confirmation of the pur-
11 chase of a passenger ticket for air transportation
12 issued by the air carrier.

13 **“§ 42303. Use of insecticides in passenger aircraft**

14 “(a) INFORMATION TO BE PROVIDED ON THE
15 INTERNET.—The Secretary of Transportation shall estab-
16 lish, and make available to the general public, an Internet
17 Web site that contains a listing of countries that may re-
18 quire an air carrier or foreign air carrier to treat an air-
19 craft passenger cabin with insecticides prior to a flight in
20 foreign air transportation to that country or to apply an
21 aerosol insecticide in an aircraft cabin used for such a
22 flight when the cabin is occupied with passengers.

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

1 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 (3) by inserting after subparagraph (D) the fol-
2 lowing:

3 “(E) whether the air carrier has included a
4 plan in its proposal to market its services to the
5 community; and”.

6 **SEC. 424. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
7 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
8 **SENTIAL AIR SERVICE.**

9 Section 41733 is amended by adding at the end the
10 following:

11 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
12 NATION OF ELIGIBILITY.—

13 “(1) IN GENERAL.—The Secretary shall notify
14 each community receiving basic essential air service
15 for which compensation is being paid under this sub-
16 chapter on or before the 45th day before issuing any
17 final decision to end the payment of such compensa-
18 tion due to a determination by the Secretary that
19 providing such service requires a rate of subsidy per
20 passenger in excess of the subsidy cap.

21 “(2) PROCEDURES TO AVOID TERMINATION.—
22 The Secretary shall establish, by order, procedures
23 by which each community notified of an impending
24 loss of subsidy under paragraph (1) may work di-
25 rectly with an air carrier to ensure that the air car-

1 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
14 service and the subsidy cap.”.

15 **SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DE-**
16 **TERMINED TO BE INELIGIBLE FOR SUB-**
17 **SIDIZED ESSENTIAL AIR SERVICE.**

18 Section 41733 is further amended by adding at the
19 end the following:

20 “(g) PROPOSALS OF STATE AND LOCAL GOVERN-
21 MENTS TO RESTORE ELIGIBILITY.—

22 “(1) IN GENERAL.—If the Secretary, after the
23 date of enactment of this subsection, ends payment
24 of compensation to an air carrier for providing basic
25 essential air service to an eligible place because the

1 “(iii) the proposal is consistent with
 2 the legal and regulatory requirements of
 3 the essential air service program.

4 “(h) SUBSIDY CAP DEFINED.—In this section, the
 5 term ‘subsidy cap’ means the subsidy-per-passenger cap
 6 established by section 332 of the Department of Transpor-
 7 tation and Related Agencies Appropriations Act, 2000
 8 (Public Law 106–69; 113 Stat. 1022).”.

9 **SEC. 426. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
 10 **CANTLY INCREASED COSTS.**

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

20 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-
 21 DIVIDUAL CONTRACTS.—

22 (1) IN GENERAL.—Section 41734(d) is amend-
 23 ed by striking “continue to pay” and all that follows
 24 through “compensation sufficient—” and inserting

1 “provide the carrier with compensation sufficient—
2 ”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply to compensation to air
5 carriers for air service provided after the 30th day
6 following the date of enactment of this Act.

7 (c) SUBSIDY CAP.—Subject to the availability of
8 funds, the Secretary may waive, on a case-by-case basis,
9 the subsidy-per-passenger cap established by section 332
10 of the Department of Transportation and Related Agen-
11 cies Appropriations Act, 2000 (Public Law 106–69; 113
12 Stat. 1022). A waiver issued under this subsection shall
13 remain in effect for a limited period of time, as determined
14 by the Secretary.

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

16 (a) COMPENSATION GUIDELINES.—Section
17 41737(a)(1) is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (B);

20 (2) in subparagraph (C) by striking the period
21 at the end and inserting a semicolon; and

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

23 “(D) include provisions under which the Sec-
24 retary may encourage an air carrier to improve air
25 service for which compensation is being paid under

1 this subchapter by incorporating financial incentives
2 in an essential air service contract based on specified
3 performance goals, including goals related to improv-
4 ing on-time performance, reducing the number of
5 flight cancellations, establishing reasonable fares (in-
6 cluding joint fares beyond the hub airport), estab-
7 lishing convenient connections to flights providing
8 service beyond hub airports, and increasing mar-
9 keting efforts; and

10 “(E) include provisions under which the Sec-
11 retary may execute a long-term essential air service
12 contract to encourage an air carrier to provide air
13 service to an eligible place if it would be in the pub-
14 lic interest to do so.”.

15 (b) **DEADLINE FOR ISSUANCE OF REVISED GUID-**
16 **ANCE.**—Not later than 1 year after the date of enactment
17 of this Act, the Secretary of Transportation shall issue re-
18 vised guidelines governing the rate of compensation pay-
19 able under subchapter II of chapter 417 that incorporate
20 the amendments made by this section.

21 (c) **UPDATE.**—Not later than 2 years after the date
22 of issuance of revised guidelines pursuant to subsection
23 (b), the Secretary shall submit to the Committee on
24 Transportation and Infrastructure of the House of Rep-
25 resentatives and the Committee on Commerce, Science,

1 and Transportation of the Senate an update of the extent
2 to which the revised guidelines have been implemented and
3 the impact, if any, such implementation has had on air
4 carrier performance and community satisfaction with air
5 service for which compensation is being paid under sub-
6 chapter II of chapter 417.

7 **SEC. 428. ESSENTIAL AIR SERVICE REFORM.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
9 41742(a) is amended—

10 (1) in paragraph (1)—

11 (A) by inserting “for each fiscal year” be-
12 fore “is authorized”; and

13 (B) by striking “under this subchapter for
14 each fiscal year” and inserting “under this sub-
15 chapter”; and

16 (2) in paragraph (2) by striking “and
17 \$54,699,454 for the period beginning on October 1,
18 2011, and ending on February 17, 2012,” and in-
19 serting “, \$143,000,000 for fiscal year 2012,
20 \$118,000,000 for fiscal year 2013, \$107,000,000 for
21 fiscal year 2014, and \$93,000,000 for fiscal year
22 2015”.

23 (b) DISTRIBUTION OF ADDITIONAL FUNDS.—Section
24 41742(b) is amended to read as follows:

1 “(b) DISTRIBUTION OF ADDITIONAL FUNDS.—Not-
 2 withstanding any other provision of law, in any fiscal year
 3 in which funds credited to the account established under
 4 section 45303, including the funds derived from fees im-
 5 posed under the authority contained in section 45301(a),
 6 exceed the \$50,000,000 made available under subsection
 7 (a)(1), such funds shall be made available immediately for
 8 obligation and expenditure to carry out the essential air
 9 service program under this subchapter.”.

10 (c) AVAILABILITY OF FUNDS.—Section 41742 is
 11 amended by adding at the end the following:

12 “(c) AVAILABILITY OF FUNDS.—The funds made
 13 available under this section shall remain available until ex-
 14 pended.”.

15 **SEC. 429. SMALL COMMUNITY AIR SERVICE.**

16 (a) PRIORITIES.—Section 41743(c)(5) is amended—

17 (1) by striking “and” at the end of subpara-
 18 graph (D);

19 (2) in subparagraph (E) by striking “fashion.”
 20 and inserting “fashion; and”; and

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

22 “(F) multiple communities cooperate to
 23 submit a regional or multistate application to
 24 consolidate air service into one regional air-
 25 port.”.

1 (b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR
2 FEWER FLIGHTS EACH YEAR.—Section 40128(a) is
3 amended by adding at the end the following:

4 “(5) EXEMPTION FOR NATIONAL PARKS WITH
5 50 OR FEWER FLIGHTS EACH YEAR.—

6 “(A) IN GENERAL.—Notwithstanding para-
7 graph (1), a national park that has 50 or fewer
8 commercial air tour operations over the park
9 each year shall be exempt from the require-
10 ments of this section, except as provided in sub-
11 paragraph (B).

12 “(B) WITHDRAWAL OF EXEMPTION.—If
13 the Director determines that an air tour man-
14 agement plan or voluntary agreement is nec-
15 essary to protect park resources and values or
16 park visitor use and enjoyment, the Director
17 shall withdraw the exemption of a park under
18 subparagraph (A).

19 “(C) LIST OF PARKS.—

20 “(i) IN GENERAL.—The Director and
21 Administrator shall jointly publish a list
22 each year of national parks that are cov-
23 ered by the exemption provided under this
24 paragraph.

1 “(ii) NOTIFICATION OF WITHDRAWAL
2 OF EXEMPTION.—The Director shall in-
3 form the Administrator, in writing, of each
4 determination to withdraw an exemption
5 under subparagraph (B).

6 “(D) ANNUAL REPORT.—A commercial air
7 tour operator conducting commercial air tour
8 operations over a national park that is exempt
9 from the requirements of this section shall sub-
10 mit to the Administrator and the Director a re-
11 port each year that includes the number of
12 commercial air tour operations the operator
13 conducted during the preceding 1-year period
14 over such park.”.

15 (c) AIR TOUR MANAGEMENT PLANS.—Section
16 40128(b) is amended—

17 (1) in paragraph (1) by adding at the end the
18 following:

19 “(C) EXCEPTION.—An application to begin
20 commercial air tour operations at Crater Lake
21 National Park may be denied without the estab-
22 lishment of an air tour management plan by the
23 Director of the National Park Service if the Di-
24 rector determines that such operations would

1 adversely affect park resources or visitor experi-
2 ences.”; and

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

4 “(7) VOLUNTARY AGREEMENTS.—

5 “(A) IN GENERAL.—As an alternative to
6 an air tour management plan, the Director and
7 the Administrator may enter into a voluntary
8 agreement with a commercial air tour operator
9 (including a new entrant commercial air tour
10 operator and an operator that has interim oper-
11 ating authority) that has applied to conduct
12 commercial air tour operations over a national
13 park to manage commercial air tour operations
14 over such national park.

15 “(B) PARK PROTECTION.—A voluntary
16 agreement under this paragraph with respect to
17 commercial air tour operations over a national
18 park shall address the management issues nec-
19 essary to protect the resources of such park and
20 visitor use of such park without compromising
21 aviation safety or the air traffic control system
22 and may—

23 “(i) include provisions such as those
24 described in subparagraphs (B) through
25 (E) of paragraph (3);

1 “(ii) include provisions to ensure the
2 stability of, and compliance with, the vol-
3 untary agreement; and

4 “(iii) provide for fees for such oper-
5 ations.

6 “(C) PUBLIC REVIEW.—The Director and
7 the Administrator shall provide an opportunity
8 for public review of a proposed voluntary agree-
9 ment under this paragraph and shall consult
10 with any Indian tribe whose tribal lands are, or
11 may be, flown over by a commercial air tour op-
12 erator under a voluntary agreement under this
13 paragraph. After such opportunity for public re-
14 view and consultation, the voluntary agreement
15 may be implemented without further adminis-
16 trative or environmental process beyond that
17 described in this subsection.

18 “(D) TERMINATION.—

19 “(i) IN GENERAL.—A voluntary agree-
20 ment under this paragraph may be termi-
21 nated at any time at the discretion of—

22 “(I) the Director, if the Director
23 determines that the agreement is not
24 adequately protecting park resources
25 or visitor experiences; or

1 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-
2 TION REQUIREMENTS.—A Federal agency, other than the
3 Federal Aviation Administration, that is responsible for
4 issuing an approval, license, or permit to ensure compli-
5 ance with a Federal environmental requirement applicable
6 to a project or activity to be carried out by a State using
7 amounts from a block grant made under this section
8 shall—

9 “(1) coordinate and consult with the State;

10 “(2) use the environmental analysis prepared by
11 the State for the project or activity if such analysis
12 is adequate; and

13 “(3) as necessary, consult with the State to de-
14 scribe the supplemental analysis the State must pro-
15 vide to meet applicable Federal requirements.”.

16 **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
17 **VIEWS.**

18 Section 47173(a) is amended by striking “services of
19 consultants in order to” and all that follows through the
20 period at the end and inserting “services of consultants—

21 “(1) to facilitate the timely processing, review,
22 and completion of environmental activities associated
23 with an airport development project;

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

6 “(2) ADDITIONAL STAFF.—The Administrator
7 may accept funds from an airport operator, includ-
8 ing funds provided to the operator under paragraph
9 (1), to hire additional staff or obtain the services of
10 consultants in order to facilitate the timely proc-
11 essing, review, and completion of environmental ac-
12 tivities associated with proposals to implement flight
13 procedures at such airport that have been approved
14 as part of an airport noise compatibility program
15 under subsection (b).

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

19 “(A) shall be credited as offsetting collec-
20 tions to the account that finances the activities
21 and services for which the funds are accepted;

22 “(B) shall be available for expenditure only
23 to pay the costs of activities and services for
24 which the funds are accepted; and

1 “(C) shall remain available until ex-
2 pended.”.

3 **SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF**
4 **RESIDENTIAL PROPERTIES.**

5 Section 47504 (as amended by this Act) is further
6 amended by adding at the end the following:

7 “(f) DETERMINATION OF FAIR MARKET VALUE OF
8 RESIDENTIAL PROPERTIES.—In approving a project to
9 acquire residential real property using financial assistance
10 made available under this section or chapter 471, the Sec-
11 retary shall ensure that the appraisal of the property to
12 be acquired disregards any decrease or increase in the fair
13 market value of the real property caused by the project
14 for which the property is to be acquired, or by the likeli-
15 hood that the property would be acquired for the project,
16 other than that due to physical deterioration within the
17 reasonable control of the owner.”.

18 **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**
19 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**
20 **PLYING WITH STAGE 3 NOISE LEVELS.**

21 (a) IN GENERAL.—Subchapter II of chapter 475 is
22 amended by adding at the end the following:

1 **“§ 47534. Prohibition on operating certain aircraft**
2 **weighing 75,000 pounds or less not com-**
3 **plying with stage 3 noise levels**

4 “(a) PROHIBITION.—Except as otherwise provided by
5 this section, after December 31, 2015, a person may not
6 operate a civil subsonic jet airplane with a maximum
7 weight of 75,000 pounds or less, and for which an air-
8 worthiness certificate (other than an experimental certifi-
9 cate) has been issued, to or from an airport in the United
10 States unless the Secretary of Transportation finds that
11 the aircraft complies with stage 3 noise levels.

12 “(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIG-
13 UOUS STATES.—Subsection (a) shall not apply to aircraft
14 operated only outside the 48 contiguous States.

15 “(c) TEMPORARY OPERATIONS.—The Secretary may
16 allow temporary operation of an aircraft otherwise prohib-
17 ited from operation under subsection (a) to or from an
18 airport in the contiguous United States by granting a spe-
19 cial flight authorization for one or more of the following
20 circumstances:

21 “(1) To sell, lease, or use the aircraft outside
22 the 48 contiguous States.

23 “(2) To scrap the aircraft.

24 “(3) To obtain modifications to the aircraft to
25 meet stage 3 noise levels.

1 “(4) To perform scheduled heavy maintenance
2 or significant modifications on the aircraft at a
3 maintenance facility located in the contiguous 48
4 States.

5 “(5) To deliver the aircraft to an operator leas-
6 ing the aircraft from the owner or return the air-
7 craft to the lessor.

8 “(6) To prepare, park, or store the aircraft in
9 anticipation of any of the activities described in
10 paragraphs (1) through (5).

11 “(7) To provide transport of persons and goods
12 in the relief of an emergency situation.

13 “(8) To divert the aircraft to an alternative air-
14 port in the 48 contiguous States on account of
15 weather, mechanical, fuel, air traffic control, or
16 other safety reasons while conducting a flight in
17 order to perform any of the activities described in
18 paragraphs (1) through (7).

19 “(d) REGULATIONS.—The Secretary may prescribe
20 such regulations or other guidance as may be necessary
21 for the implementation of this section.

22 “(e) STATUTORY CONSTRUCTION.—

23 “(1) AIP GRANT ASSURANCES.—Noncompliance
24 with subsection (a) shall not be construed as a viola-

1 tion of section 47107 or any regulations prescribed
2 thereunder.

3 “(2) PENDING APPLICATIONS.—Nothing in this
4 section may be construed as interfering with, nul-
5 lifying, or otherwise affecting determinations made
6 by the Federal Aviation Administration, or to be
7 made by the Administration, with respect to applica-
8 tions under part 161 of title 14, Code of Federal
9 Regulations, that were pending on the date of enact-
10 ment of this section.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) PENALTIES.—Section 47531 is amended—

13 (A) in the section heading by striking “**for**
14 **violating sections 47528–47530**”; and

15 (B) by striking “47529, or 47530” and in-
16 serting “47529, 47530, or 47534”.

17 (2) JUDICIAL REVIEW.—Section 47532 is
18 amended by inserting “or 47534” after “47528–
19 47531”.

20 (3) ANALYSIS.—The analysis for subchapter II
21 of chapter 475 is amended—

22 (A) by striking the item relating to section
23 47531 and inserting the following:

 “47531. Penalties.”; and

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

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

1 SEC. 507. AIRCRAFT DEPARTURE QUEUE MANAGEMENT
2 PILOT PROGRAM.

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall carry out a pilot program at not more than 5 public-
5 use airports under which the Federal Aviation Administra-
6 tion shall use funds made available under section 48101(a)
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
11 idling time for aircraft.

12 (b) SELECTION CRITERIA.—In selecting from among
13 airports at which to conduct the pilot program, the Sec-
14 retary shall give priority consideration to airports at which
15 improvements in ground control efficiencies are likely to
16 achieve the greatest fuel savings or air quality or other
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, sustain-
6 able practices for the incorporation of energy-efficient de-
7 sign, equipment, systems, and other measures in the con-
8 struction and major renovation of air traffic control facili-
9 ties of the Administration in order to reduce energy con-
10 sumption at, improve the environmental performance of,
11 and reduce the cost of maintenance for such facilities.

12 **SEC. 509. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) the European Union directive extending the
15 European Union’s emissions trading proposal to
16 international civil aviation without working through
17 the International Civil Aviation Organization (in this
18 section referred to as the “ICAO”) in a consensus-
19 based fashion is inconsistent with the Convention on
20 International Civil Aviation, completed in Chicago on
21 December 7, 1944 (TIAS 1591; commonly known as
22 the “Chicago Convention”), and other relevant air
23 services agreements and antithetical to building
24 international cooperation to address effectively the
25 problem of greenhouse gas emissions by aircraft en-
26 gaged in international civil aviation;

1 (2) the European Union and its member states
2 should instead work with other contracting states of
3 ICAO to develop a consensual approach to address-
4 ing aircraft greenhouse gas emissions through
5 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.**

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

1 **SEC. 511. PILOT PROGRAM FOR ZERO-EMISSION AIRPORT**
2 **VEHICLES.**

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

5 “§ 47136a. **Zero-emission airport vehicles and infra-**
6 **structure**

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

17 “(b) LOCATION IN AIR QUALITY NONATTAINMENT
18 AREAS.—

19 “(1) IN GENERAL.—A public-use airport may
20 be eligible for participation in the program only if
21 the airport is located in a nonattainment area (as
22 defined in section 171 of the Clean Air Act (42
23 U.S.C. 7501)).

24 “(2) SHORTAGE OF APPLICANTS.—If the Sec-
25 retary receives an insufficient number of applications
26 from public-use airports located in such areas, the

1 Secretary may permit public-use airports that are
2 not located in such areas to participate in the pro-
3 gram.

4 “(c) SELECTION CRITERIA.—In selecting from
5 among applicants for participation in the program, the
6 Secretary shall give priority consideration to applicants
7 that will achieve the greatest air quality benefits measured
8 by the amount of emissions reduced per dollar of funds
9 expended under the program.

10 “(d) FEDERAL SHARE.—Notwithstanding any other
11 provision of this subchapter, the Federal share of the costs
12 of a project carried out under the program shall be 50
13 percent.

14 “(e) TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—The sponsor of a public-use
16 airport carrying out activities funded under the pro-
17 gram may not use more than 10 percent of the
18 amounts made available under the program in any
19 fiscal year for technical assistance in carrying out
20 such activities.

21 “(2) USE OF UNIVERSITY TRANSPORTATION
22 CENTER.—Participants in the program may use a
23 university transportation center receiving grants
24 under section 5506 in the region of the airport to

1 receive the technical assistance described in para-
2 graph (1).

3 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—
4 The Secretary may develop and make available materials
5 identifying best practices for carrying out activities funded
6 under the program based on projects carried out under
7 section 47136 and other sources.”.

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

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

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

23 (3) an assessment of the sufficiency of the data
24 collected during the program to make a decision on
25 whether or not to implement the program;

1 (4) an identification of all public-use airports
2 that expressed an interest in participating in the
3 program; and

4 (5) a description of the mechanisms used by the
5 Secretary to ensure that the information and exper-
6 tise gained by participants in the program is trans-
7 ferred among the participants and to other inter-
8 ested parties, including other public-use airports.

9 (c) CONFORMING AMENDMENT.—The analysis for
10 such chapter is amended by inserting after the item relat-
11 ing to section 47136 the following:

“47136a. Zero-emission airport vehicles and infrastructure.”.

12 (d) TECHNICAL AMENDMENT.—Section 47136(f)(2)
13 is amended—

14 (1) in the paragraph heading by striking “ELI-
15 GIBLE CONSORTIUM” and inserting “UNIVERSITY
16 TRANSPORTATION CENTER”; and

17 (2) by striking “an eligible consortium” and in-
18 serting “a university transportation center”.

19 **SEC. 512. INCREASING THE ENERGY EFFICIENCY OF AIR-**
20 **PORT POWER SOURCES.**

21 (a) IN GENERAL.—Chapter 471 is amended by in-
22 serting after section 47140 the following:

1 (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 (A) a review of the current technical train-
 2 ing strategy and improvement plan for FAA
 3 systems specialists;

4 (B) recommendations to improve the tech-
 5 nical training strategy and improvement plan
 6 needed by FAA systems specialists to be pro-
 7 ficient in the maintenance of the latest tech-
 8 nologies;

9 (C) a description of actions that the Ad-
 10 ministration has undertaken to ensure that
 11 FAA systems specialists receive up-to-date
 12 training on the latest technologies; and

13 (D) a recommendation regarding the most
 14 cost-effective approach to provide training to
 15 FAA systems specialists.

16 (3) REPORT.—Not later than 1 year after the
 17 date of enactment of this Act, the Administrator
 18 shall submit to the Committee on Transportation
 19 and Infrastructure of the House of Representatives
 20 and the Committee on Commerce, Science, and
 21 Transportation of the Senate a report on the results
 22 of the study.

23 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

24 (1) STUDY BY NATIONAL ACADEMY OF
 25 SCIENCES.—Not later than 90 days after the date of

1 enactment of this Act, the Administrator of the Fed-
2 eral Aviation Administration shall make appropriate
3 arrangements for the National Academy of Sciences
4 to conduct a study of the assumptions and methods
5 used by the Federal Aviation Administration to esti-
6 mate staffing needs for FAA systems specialists to
7 ensure proper maintenance and certification of the
8 national airspace system.

9 (2) CONSULTATION.—In conducting the study,
10 the National Academy of Sciences shall—

11 (A) consult with the exclusive bargaining
12 representative certified under section 7111 of
13 title 5, United States Code; and

14 (B) include recommendations for objective
15 staffing standards that maintain the safety of
16 the national airspace system.

17 (3) REPORT.—Not later than 1 year after the
18 initiation of the arrangements under paragraph (1),
19 the National Academy of Sciences shall submit to
20 Congress a report on the results of the study.

21 **SEC. 606. SAFETY CRITICAL STAFFING.**

22 (a) IN GENERAL.—Not later than October 1, 2012,
23 the Administrator of the Federal Aviation Administration
24 shall implement, in as cost-effective a manner as possible,
25 the staffing model for aviation safety inspectors developed

1 pursuant to the National Academy of Sciences study enti-
2 tled “Staffing Standards for Aviation Safety Inspectors”.
3 In doing so, the Administrator shall consult with inter-
4 ested persons, including the exclusive bargaining rep-
5 resentative for aviation safety inspectors certified under
6 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 In-
10 frastructure of the House of Representatives and the Com-
11 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 (e) the fol-
19 lowing:

20 “(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-
21 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 candidate for placement in an airport traffic control fa-
2 cility if the candidate has—

3 “(A) received a control tower operator cer-
4 tification (referred to in this subsection as a
5 ‘CTO’ certificate); and

6 “(B) satisfied all other applicable qualifica-
7 tion requirements for an air traffic control spe-
8 cialist position, including successful completion
9 of orientation training at the Federal Aviation
10 Administration Academy.

11 “(2) COMPENSATION AND BENEFITS.—An indi-
12 vidual appointed under paragraph (1) shall receive
13 the same compensation and benefits, and be treated
14 in the same manner as, any other individual ap-
15 pointed as a developmental air traffic controller.

16 “(3) REPORT.—Not later than 2 years after the
17 date of enactment of the FAA Modernization and
18 Reform Act of 2012, the Administrator shall submit
19 to Congress a report that evaluates the effectiveness
20 of the air traffic control specialist qualification train-
21 ing provided pursuant to this section, including the
22 graduation rates of candidates who received a CTO
23 certificate and are working in airport traffic control
24 facilities.

1 activities and services for which the reim-
2 bursement is accepted;

3 “(ii) be available for expenditure only
4 to pay the costs of activities and services
5 for which the reimbursement is accepted,
6 including all costs associated with col-
7 lecting such reimbursement; and

8 “(iii) remain available until ex-
9 pended.”.

10 **SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.**

11 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—
12 Not later than 90 days after the date of enactment of this
13 Act, the Administrator of the Federal Aviation Adminis-
14 tration shall enter into appropriate arrangements with the
15 National Academy of Sciences to conduct a study of the
16 air traffic controller standards used by the Federal Avia-
17 tion Administration (in this section referred to as the
18 “FAA”) to estimate staffing needs for FAA air traffic
19 controllers to ensure the safe operation of the national air-
20 space system in the most cost effective manner.

21 (b) CONSULTATION.—In conducting the study, the
22 National Academy of Sciences shall consult with the exclu-
23 sive bargaining representative of employees of the FAA
24 certified under section 7111 of title 5, United States Code,

1 and other interested parties, including Government and in-
 2 dustry representatives.

3 (c) CONTENTS.—The study shall include—

4 (1) an examination of representative informa-
 5 tion on productivity, human factors, traffic activity,
 6 and improved technology and equipment used in air
 7 traffic control;

8 (2) an examination of recent National Academy
 9 of Sciences reviews of the complexity model per-
 10 formed by MITRE Corporation that support the
 11 staffing standards models for the en route air traffic
 12 control environment; and

13 (3) consideration of the Administration's cur-
 14 rent and estimated budgets and the most cost-effec-
 15 tive staffing model to best leverage available fund-
 16 ing.

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

1 **SEC. 609. AIR TRAFFIC CONTROLLER TRAINING AND**
2 **SCHEDULING.**

3 (a) TRAINING STRATEGY AND IMPROVEMENT
4 PLAN.—The Administrator of the Federal Aviation Ad-
5 ministration shall conduct a study to assess the adequacy
6 of training programs for air traffic controllers, including
7 the Administrator’s technical training strategy and im-
8 provement plan for air traffic controllers.

9 (1) CONTENTS.—The study shall include—

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

13 (B) an analysis of the competencies re-
14 quired of air traffic controllers for successful
15 performance in the current and future projected
16 air traffic control environment;

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

22 (D) an analysis of various training ap-
23 proaches available to satisfy the air traffic con-
24 troller competencies identified under subpara-
25 graphs (B) and (C);

1 (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.

14 (b) FACILITY TRAINING PROGRAM.—Not later than
15 1 year after the date of enactment of this Act, the Admin-
16 istrator shall conduct a comprehensive review and evalua-
17 tion of its Academy and facility training efforts. The Ad-
18 ministrator shall—

19 (1) clarify responsibility for oversight and direc-
20 tion of the Academy's facility training program at
21 the national level;

22 (2) communicate information concerning that
23 responsibility 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;

1 poor air quality, radiation, and facility-related haz-
2 ards in facilities of the Administration;

3 (3) conditions of such facilities that could inter-
4 fere with such employees' ability to effectively and
5 safely perform their duties;

6 (4) the ability of managers and supervisors of
7 such employees to promptly document and seek re-
8 mediation for unsafe facility conditions;

9 (5) whether employees of the Administration
10 who report facility-related illnesses are treated ap-
11 propriately;

12 (6) utilization of scientifically approved remedi-
13 ation techniques to mitigate hazardous conditions in
14 accordance with applicable State and local regula-
15 tions and Occupational Safety and Health Adminis-
16 tration practices by the Administration; and

17 (7) resources allocated to facility maintenance
18 and renovation by the Administration.

19 (b) FACILITY CONDITION INDICES.—The Comp-
20 troller General shall review the facility condition indices
21 of the Administration for inclusion in the recommenda-
22 tions under subsection (c).

23 (c) RECOMMENDATIONS.—Based on the results of the
24 study and review of facility condition indices under sub-
25 section (a), the Comptroller General shall make such rec-

1 **TITLE VII—AVIATION**
2 **INSURANCE**

3 **SEC. 701. GENERAL AUTHORITY.**

4 Section 44302(f)(1) is amended by striking “shall ex-
5 tend through” and all that follows through “the termi-
6 nation date” and inserting “shall extend through Sep-
7 tember 30, 2013, and may extend through December 31,
8 2013, the termination date”.

9 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-**
10 **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 by
18 striking “the carrier” and inserting “any insurance car-
19 rier”.

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

21 The second sentence of section 44308(c)(1) is amend-
22 ed by striking “agent” and inserting “agent, or a claims
23 adjuster who is independent of the underwriting agent”.

1 **TITLE VIII—MISCELLANEOUS**

2 **SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**
3 **INTEREST OF NATIONAL SECURITY.**

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

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

13 **SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HIS-**
14 **TORY RECORD CHECKS.**

15 (a) IN GENERAL.—Chapter 401 is amended by add-
16 ing at the end the following:

17 **“§ 40130. FAA authority to conduct criminal history**
18 **record checks**

19 “(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

20 “(1) ACCESS TO INFORMATION.—The Adminis-
21 trator of the Federal Aviation Administration, for
22 certification purposes of the Administration only, is
23 authorized—

24 “(A) to conduct, in accordance with the es-
25 tablished request process, a criminal history

1 “(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 (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, or
19 personnel positions;

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

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

1 (B) EXCLUSION.—The terms do not in-
 2 clude a reduction in personnel resulting from
 3 workload adjustments.

4 **SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
 5 **CARGO AIRCRAFT.**

6 (a) STUDY.—Not later than 180 days after the date
 7 of enactment of this Act, the Administrator of the Federal
 8 Aviation Administration, in consultation with appropriate
 9 air carriers, aircraft manufacturers, and air carrier labor
 10 representatives, shall conduct a study to assess the feasi-
 11 bility of developing a physical means, or a combination of
 12 physical and procedural means, to prohibit individuals
 13 other than authorized flight crewmembers from accessing
 14 the flight deck of an all-cargo aircraft.

15 (b) REPORT.—Not later than 1 year after the date
 16 of enactment of this Act, the Administrator shall submit
 17 to the Committee on Transportation and Infrastructure
 18 of the House of Representatives and the Committee on
 19 Commerce, Science, and Transportation of the Senate a
 20 report on the results of the study.

1 **SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**
2 **REDUNDANT, OR OTHERWISE UNNECESSARY**
3 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**
4 **MAT.**

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

13 (1) a list of obsolete, redundant, or otherwise
14 unnecessary reports the Administration is required
15 by law to submit to Congress or publish that the Ad-
16 ministrator recommends eliminating or consolidating
17 with other reports; and

18 (2) an estimate of the cost savings that would
19 result from the elimination or consolidation of those
20 reports.

21 (b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

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

24 (A) may not publish any report required or
25 authorized by law in a printed format; and

1 (B) shall publish any such report by post-
2 ing it on the Administration’s Internet Web site
3 in an easily accessible and downloadable elec-
4 tronic format.

5 (2) EXCEPTION.—Paragraph (1) does not apply
6 to any report with respect to which the Adminis-
7 trator determines that—

8 (A) its publication in a printed format is
9 essential to the mission of the Administration;
10 or

11 (B) its publication in accordance with the
12 requirements of paragraph (1) would disclose
13 matter—

14 (i) described in section 552(b) of title
15 5, United States Code; or

16 (ii) the disclosure of which would have
17 an adverse impact on aviation safety or se-
18 curity, as determined by the Adminis-
19 trator.

20 **SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

21 The Secretary of Transportation may not use any
22 funds made available pursuant to this Act (including any
23 amendment made by this Act) to name, rename, designate,
24 or redesignate any project or program authorized by this
25 Act (including any amendment made by this Act) for an

1 individual then serving in Congress as a Member, Dele-
2 gate, Resident Commissioner, or Senator.

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

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Comptroller General
6 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 assess-
11 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.

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

1 General of the United States shall initiate a study regard-
2 ing—

3 (1) existing airline and intercity passenger rail
4 code sharing arrangements; and

5 (2) the feasibility, costs to taxpayers and other
6 parties, and benefits of increasing the intermodal
7 connectivity of airline and intercity passenger rail fa-
8 cilities and systems to improve passenger travel.

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

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

16 (2) airport and intercity passenger rail oper-
17 ations that can improve connectivity between air-
18 ports and intercity passenger rail facilities and sta-
19 tions;

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

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

1 (c) REPORT.—Not later than 1 year after initiating
 2 the study required by subsection (a), the Comptroller Gen-
 3 eral shall submit to the Committee on Commerce, Science,
 4 and Transportation of the Senate and the Committee on
 5 Transportation and Infrastructure of the House of Rep-
 6 resentatives a report on the results of the study, including
 7 any conclusions of the Comptroller General resulting from
 8 the study.

9 **SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT**
 10 **RULES AREA.**

11 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later
 12 than 180 days after the date of enactment of this Act,
 13 the Administrator of the Federal Aviation Administration,
 14 in consultation with the Secretary of Homeland Security
 15 and the Secretary of Defense, shall submit to the Com-
 16 mittee on Transportation and Infrastructure and the
 17 Committee on Homeland Security of the House of Rep-
 18 resentatives and the Committee on Commerce, Science,
 19 and Transportation of the Senate a plan for the D.C. Met-
 20 ropolitan Area Special Flight Rules Area.

21 (b) CONTENTS OF PLAN.—The plan shall outline spe-
 22 cific changes to the D.C. Metropolitan Area Special Flight
 23 Rules Area that will decrease operational impacts and im-
 24 prove general aviation access to airports in the National
 25 Capital Region that are currently impacted by the zone.

1 **SEC. 812. FAA REVIEW AND REFORM.**

2 (a) **AGENCY REVIEW.**—Not later than 60 days after
3 the date of enactment of this Act, the Administrator of
4 the Federal Aviation Administration shall undertake a
5 thorough review of each program, office, and organization
6 within the Administration, including the Air Traffic Orga-
7 nization, to identify—

8 (1) duplicative positions, programs, roles, or of-
9 fices;

10 (2) wasteful practices;

11 (3) redundant, obsolete, or unnecessary func-
12 tions;

13 (4) inefficient processes; and

14 (5) ineffectual or outdated policies.

15 (b) **ACTIONS TO STREAMLINE AND REFORM FAA.**—
16 Not later than 120 days after the date of enactment of
17 this Act, the Administrator shall undertake such actions
18 as may be necessary to address the Administrator’s find-
19 ings under subsection (a), including—

20 (1) consolidating, phasing-out, or eliminating
21 duplicative positions, programs, roles, or offices;

22 (2) eliminating or streamlining wasteful prac-
23 tices;

24 (3) eliminating or phasing-out redundant, obso-
25 lete, or unnecessary functions;

1 period of the capital improvement plan de-
2 scribed in paragraph (1);

3 (B) to perpetually comply with sections
4 47107(b) and 47133 of such title, unless grant-
5 ed specific exceptions by the Administrator in
6 accordance with this section; and

7 (C) to operate the airport as a public-use
8 airport, unless the Administrator specifically
9 grants a request to allow the airport to close;
10 and

11 (3) complies with all grant assurance obliga-
12 tions in effect as of the date of the enactment of this
13 Act during the 20-year period beginning on the date
14 of enactment of this Act.

15 (d) COMPLETION OF DETERMINATION.—Not later
16 than 90 days after receiving an airport sponsor's applica-
17 tion and requisite supporting documentation to declare
18 that certain mineral revenue is not needed to carry out
19 the 5-year capital improvement program at such airport,
20 the Administrator shall determine whether the airport
21 sponsor's request should be granted. The Administrator
22 may not unreasonably deny an application under this sub-
23 section.

1 paredness and response capability for airports located in
2 flood plains to respond to and seek assistance in rebuilding
3 after catastrophic flooding.

4 (b) ELIGIBILITY OF DEMOLITION AND REBUILDING
5 OF PROPERTIES.—Section 1366(e) of the National Flood
6 Insurance Act of 1968 (42 U.S.C. 4104e(e)) is amended
7 by adding at the end the following:

8 “(6) ELIGIBILITY OF DEMOLITION AND RE-
9 BUILDING OF PROPERTIES.—The Director shall con-
10 sider as an eligible activity the demolition and re-
11 building of properties to at least base flood levels or
12 higher, if required by the Director or if required by
13 any State or local ordinance, and in accordance with
14 project implementation criteria established by the
15 Director.”.

16 **SEC. 816. HISTORICAL AIRCRAFT DOCUMENTS.**

17 (a) PRESERVATION OF DOCUMENTS.—

18 (1) IN GENERAL.—The Administrator of the
19 Federal Aviation Administration shall take such ac-
20 tions as the Administrator determines necessary to
21 preserve original aircraft type certificate engineering
22 and technical data in the possession of the Federal
23 Aviation Administration related to—

24 (A) approved aircraft type certificate num-
25 bers ATC 1 through ATC 713; and

1 (B) Group-2 approved aircraft type certifi-
2 cate numbers 2-1 through 2-544.

3 (2) REVISION OF ORDER.—Not later than 3
4 years after the date of enactment of this Act, the
5 Administrator shall revise FAA Order 1350.15C,
6 Item Number 8110. Such revision shall prohibit the
7 destruction of the historical aircraft documents iden-
8 tified in paragraph (1).

9 (3) CONSULTATION.—The Administrator may
10 carry out paragraph (1) in consultation with the Ar-
11 chivist of the United States and the Administrator
12 of General Services.

13 (b) AVAILABILITY OF DOCUMENTS.—

14 (1) FREEDOM OF INFORMATION ACT RE-
15 QUESTS.—The Administrator shall make the docu-
16 ments to be preserved under subsection (a)(1) avail-
17 able to a person—

18 (A) upon receipt of a request made by the
19 person pursuant to section 552 of title 5,
20 United States Code; and

21 (B) subject to a prohibition on use of the
22 documents for commercial purposes.

23 (2) TRADE SECRETS, COMMERCIAL, AND FINAN-
24 CIAL INFORMATION.—Section 552(b)(4) of such title

1 shall not apply to requests for documents to be made
2 available pursuant to paragraph (1).

3 (c) **HOLDER OF TYPE CERTIFICATE.**—

4 (1) **RIGHTS OF HOLDER.**—Nothing in this sec-
5 tion shall affect the rights of a holder or owner of
6 a type certificate identified in subsection (a)(1), nor
7 require the holder or owner to provide, surrender, or
8 preserve any original or duplicate engineering or
9 technical data to or for the Federal Aviation Admin-
10 istration, a person, or the public.

11 (2) **LIABILITY.**—There shall be no liability on
12 the part of, and no cause of action of any nature
13 shall arise against, a holder of a type certificate, its
14 authorized representative, its agents, or its employ-
15 ees, or any firm, person, corporation, or insurer re-
16 lated to the type certificate data and documents
17 identified in subsection (a)(1).

18 (3) **AIRWORTHINESS.**—Notwithstanding any
19 other provision of law, the holder of a type certifi-
20 cate identified in subsection (a)(1) shall only be re-
21 sponsible for Federal Aviation Administration regu-
22 lation requirements related to type certificate data
23 and documents identified in subsection (a)(1) for
24 aircraft having a standard airworthiness certificate
25 issued prior to the date the documents are released

1 ation, or maintenance of a public airport by the air-
2 port, city, or county.

3 (3) Any other conditions required by the Sec-
4 retary.

5 **SEC. 818. SENSE OF CONGRESS.**

6 It is the sense of Congress that Los Angeles World
7 Airports, the operator of Los Angeles International Air-
8 port (LAX)—

9 (1) should consult on a regular basis with rep-
10 representatives of the community surrounding the air-
11 port regarding—

12 (A) the ongoing operations of LAX; and

13 (B) plans to expand, modify, or realign
14 LAX facilities; and

15 (2) should include in such consultations any or-
16 ganization, the membership of which includes at
17 least 100 individuals who reside within 10 miles of
18 the airport, that notifies Los Angeles World Airports
19 of its desire to be included in such consultations.

20 **SEC. 819. HUMAN INTERVENTION MOTIVATION STUDY.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall develop a Human Intervention Motiva-
24 tion Study program for cabin crew members employed by
25 commercial air carriers in the United States.

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

5 (1) volunteered to provide such transportation;

6 and

7 (2) notified any individual that will be on the
8 flight, at the time of inquiry about the flight, that
9 the flight operation is for charitable purposes and is
10 not subject to the same requirements as a commer-
11 cial flight.

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

22 (c) **VOLUNTEER PILOT ORGANIZATION.**—In this sec-
23 tion, the term “volunteer pilot organization” means an or-
24 ganization that—

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

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

7 **SEC. 822. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**
8 **PORT PROPERTIES.**

9 (a) **IN GENERAL.**—Not later than 1 year after the
10 date of enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall establish a pilot
12 program under which operators of up to 4 public-use air-
13 ports may receive grants for activities related to the rede-
14 velopment of airport properties in accordance with the re-
15 quirements of this section.

16 (b) **GRANTS.**—Under the pilot program, the Adminis-
17 trator may make a grant in a fiscal year, from funds made
18 available for grants under section 47117(e)(1)(A) of title
19 49, United States Code, to an airport operator for a
20 project—

21 (1) to support joint planning, engineering, de-
22 sign, and environmental permitting of projects, in-
23 cluding the assembly and redevelopment of property
24 purchased with noise mitigation funds made avail-
25 able under section 48103 of such title or passenger

1 made available under the pilot program only in partner-
2 ship with neighboring local jurisdictions.

3 (f) GRANT REQUIREMENTS.—The Administrator
4 may not make a grant to an airport operator under the
5 pilot program unless the grant is—

6 (1) made to enable the airport operator and
7 local jurisdictions undertaking community redevelop-
8 ment efforts to expedite those efforts;

9 (2) subject to a requirement that the local juris-
10 diction governing the property interests subject to
11 the redevelopment efforts has adopted and will con-
12 tinue in effect zoning regulations that permit air-
13 port-compatible redevelopment; and

14 (3) subject to a requirement that, in deter-
15 mining the part of the proceeds from disposing of
16 land that is subject to repayment and reinvestment
17 requirements under section 47107(c)(2)(A) of such
18 title, the total amount of a grant issued under the
19 pilot program that is attributable to the redevelop-
20 ment of such land shall be added to other amounts
21 that must be repaid or reinvested under that section
22 upon disposal of such land by the airport operator.

23 (g) EXCEPTIONS TO REPAYMENT AND REINVEST-
24 MENT REQUIREMENTS.—Amounts paid to the Secretary
25 of Transportation under subsection (f)(3)—

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

5 (2) ALLOWABLE COSTS.—In determining the al-
6 lowable costs, the Administrator shall deduct from
7 the total costs of the activities described in sub-
8 section (b) that portion of the costs which is equal
9 to that portion of the total property to be redev-
10 oped under this section that is not owned or to be
11 acquired by the airport operator pursuant to the
12 noise compatibility program or that is not owned by
13 the affected neighboring local jurisdictions or other
14 public entities.

15 (i) MAXIMUM AMOUNT.—Not more than \$5,000,000
16 of the funds made available for grants under section
17 47117(e)(1)(A) of such title may be expended under the
18 pilot program for any single public-use airport.

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

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

1 **SEC. 823. REPORT ON NEW YORK CITY AND NEWARK AIR**
2 **TRAFFIC CONTROL FACILITIES.**

3 Under previous agreements, the Federal Aviation Ad-
4 ministration negotiated staffing levels at the air traffic
5 control facilities in the Newark and New York City areas.
6 Not later than 90 days after the date of enactment of this
7 Act, the Administrator of the Federal Aviation Adminis-
8 tration shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives a report on the Federal Aviation Ad-
12 ministration's staffing and scheduling plans for air traffic
13 control facilities in the New York City and Newark Region
14 for the 1-year period beginning on such date of enactment.

15 **SEC. 824. CYLINDERS OF COMPRESSED OXYGEN OR OTHER**
16 **OXIDIZING GASES.**

17 (a) IN GENERAL.—Subject to subsections (b) and (c),
18 entities transporting, in the State of Alaska, cylinders of
19 compressed oxygen or other oxidizing gases aboard air-
20 craft shall be exempt from compliance with the regulations
21 described in subsection (d), to the extent that the regula-
22 tions require that oxidizing gases transported aboard air-
23 craft be enclosed in outer packaging capable of passing
24 the flame penetration resistance test and the thermal re-
25 sistance test, without regard to the end use of the cyl-
26 inders.

1 Safety Administration contained in sections
2 173.302(f)(3), 173.302(f)(4), 173.302(f)(5),
3 173.304(f)(3), 173.304(f)(4), and 173.304(f)(5) of title
4 49, Code of Federal Regulations.

5 **SEC. 825. ORPHAN AVIATION EARMARKS.**

6 (a) EARMARK DEFINED.—In this section, the term
7 “earmark” means a statutory provision or report language
8 included primarily at the request of a Senator or a Mem-
9 ber, Delegate, or Resident Commissioner of the House of
10 Representatives providing, authorizing, or recommending
11 a specific amount of discretionary budget authority, credit
12 authority, or other spending authority for a contract, loan,
13 loan guarantee, grant, or other expenditure with or to an
14 entity or a specific State, locality, or Congressional dis-
15 trict, other than through a statutory or administrative for-
16 mula-driven or competitive award process.

17 (b) RESCISSION.—If any earmark relating to the
18 Federal Aviation Administration has more than 90 per-
19 cent of applicable appropriated amounts remaining avail-
20 able for obligation at the end of the 9th fiscal year begin-
21 ning after the fiscal year in which those amounts were ap-
22 propriated, the unobligated portion of those amounts is
23 rescinded effective at the end of that 9th fiscal year, ex-
24 cept that the Administrator of the Federal Aviation Ad-
25 ministration may delay any such rescission if the Adminis-

1 trator determines that an obligation with respect to those
2 amounts is likely to occur during the 12-month period be-
3 ginning on the last day of that 9th fiscal year.

4 (c) IDENTIFICATION AND REPORT.—

5 (1) AGENCY IDENTIFICATION.—At the end of
6 each fiscal year, the Administrator shall identify and
7 report to the Director of the Office of Management
8 and Budget every earmark related to the Adminis-
9 tration and with respect to which there is an unobli-
10 gated balance of appropriated amounts.

11 (2) ANNUAL REPORT.—Not later than 1 year
12 after the date of enactment of this Act, and annually
13 thereafter, the Director shall submit to Congress
14 and make available to the public on the Internet
15 Web site of the Office a report that includes—

16 (A) a listing of each earmark related to the
17 Administration and with respect to which there
18 is an unobligated balance of appropriated
19 amounts, which shall include the amount of the
20 original earmark, the amount of the unobligated
21 balance related to that earmark, and the date
22 on which the funding expires, if applicable;

23 (B) the number of rescissions under sub-
24 section (b) and the savings resulting from those
25 rescissions for the previous fiscal year; and

1 (C) a listing of earmarks related to the Ad-
2 ministration with amounts scheduled for rescis-
3 sion at the end of the current fiscal year.

4 **SEC. 826. PRIVACY PROTECTIONS FOR AIR PASSENGER**
5 **SCREENING WITH ADVANCED IMAGING TECH-**
6 **NOLOGY.**

7 Section 44901 is amended by adding at the end the
8 following:

9 “(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 congress-
2 sional committees a report on the implementa-
3 tion of this subsection.

4 “(B) ELEMENTS.—A report submitted
5 under subparagraph (A) shall include the fol-
6 lowing:

7 “(i) A description of all matters the
8 Assistant Secretary considers relevant to
9 the implementation of the requirements of
10 this subsection.

11 “(ii) The status of compliance by the
12 Transportation Security Administration
13 with such requirements.

14 “(iii) If the Administration is not in
15 full compliance with such requirements—

16 “(I) the reasons for the non-
17 compliance; and

18 “(II) a timeline depicting when
19 the Assistant Secretary expects the
20 Administration to achieve full compli-
21 ance.

22 “(C) SECURITY CLASSIFICATION.—To the
23 greatest extent practicable, a report prepared
24 under subparagraph (A) shall be submitted in

1 an unclassified format. If necessary, the report
2 may include a classified annex.”.

3 **SEC. 827. COMMERCIAL SPACE LAUNCH LICENSE REQUIRE-**
4 **MENTS.**

5 Section 50905(e)(3) of title 51, United States Code,
6 is amended by striking “Beginning 8 years after the date
7 of enactment of the Commercial Space Launch Amend-
8 ments Act of 2004,” and inserting “Beginning on October
9 1, 2015,”.

10 **SEC. 828. AIR TRANSPORTATION OF LITHIUM CELLS AND**
11 **BATTERIES.**

12 (a) IN GENERAL.—The Secretary of Transportation,
13 including a designee of the Secretary, may not issue or
14 enforce any regulation or other requirement regarding the
15 transportation by aircraft of lithium metal cells or bat-
16 teries or lithium ion cells or batteries, whether transported
17 separately or packed with or contained in equipment, if
18 the requirement is more stringent than the requirements
19 of the ICAO Technical Instructions.

20 (b) EXCEPTIONS.—

21 (1) PASSENGER CARRYING AIRCRAFT.—Not-
22 withstanding subsection (a), the Secretary may en-
23 force the prohibition on transporting primary (non-
24 rechargeable) lithium batteries and cells aboard pas-
25 senger carrying aircraft set forth in special provision

1 A100 under section 172.102(c)(2) of title 49, Code
2 of Federal Regulations (as in effect on the date of
3 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 ref-
22 erenced in the report; and

23 (ii) is effective for not more than 1
24 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).

1 SEC. 829. CLARIFICATION OF MEMORANDUM OF UNDER-
2 STANDING WITH OSHA.

3 Not later than 6 months after the date of enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall—

6 (1) establish milestones, in consultation with
7 the Occupational Safety and Health Administration,
8 in a report to Congress—

9 (A) for the completion of work begun
10 under the August 2000 memorandum of under-
11 standing between the Administrations; and

12 (B) to address issues that need further ac-
13 tion, as set forth in the December 2000 joint
14 report of the Administrations; and

15 (2) initiate development of a policy statement to
16 set forth the circumstances in which requirements of
17 the Occupational Safety and Health Administration
18 may be applied to crewmembers while working in an
19 aircraft.

20 SEC. 830. APPROVAL OF APPLICATIONS FOR THE AIRPORT
21 SECURITY SCREENING OPT-OUT PROGRAM.

22 (a) IN GENERAL.—Section 44920(b) is amended to
23 read as follows:

24 “(b) APPROVAL OF APPLICATIONS.—

25 “(1) IN GENERAL.—Not later than 120 days
26 after the date of receipt of an application submitted

1 by an airport operator under subsection (a), the
2 Under Secretary shall approve or deny the applica-
3 tion.

4 “(2) STANDARDS.—The Under Secretary shall
5 approve an application submitted by an airport oper-
6 ator under subsection (a) if the Under Secretary de-
7 termines that the approval would not compromise se-
8 curity or detrimentally affect the cost-efficiency or
9 the effectiveness of the screening of passengers or
10 property at the airport.

11 “(3) REPORTS ON DENIALS OF APPLICA-
12 TIONS.—

13 “(A) IN GENERAL.—If the Under Sec-
14 retary denies an application submitted by an
15 airport operator under subsection (a), the
16 Under Secretary shall provide to the airport op-
17 erator, not later than 60 days following the
18 date of the denial, a written report that sets
19 forth—

20 “(i) the findings that served as the
21 basis for the denial;

22 “(ii) the results of any cost or security
23 analysis conducted in considering the ap-
24 plication; and

1 “(iii) recommendations on how the
2 airport operator can address the reasons
3 for the denial.

4 “(B) SUBMISSION TO CONGRESS.—The
5 Under Secretary shall submit to the Committee
6 on Commerce, Science, and Transportation of
7 the Senate and the Committee on Homeland
8 Security of the House of Representatives a copy
9 of any report provided to an airport operator
10 under subparagraph (A).”.

11 (b) WAIVERS.—Section 44920(d) is amended—

12 (1) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively, and mov-
14 ing the subparagraphs 2 ems to the right;

15 (2) by striking “The Under Secretary” and in-
16 serting the following:

17 “(1) IN GENERAL.—The Under Secretary”; and

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

19 “(2) WAIVERS.—The Under Secretary may
20 waive the requirement of paragraph (1)(B) for any
21 company that is a United States subsidiary with a
22 parent company that has implemented a foreign
23 ownership, control, or influence mitigation plan that
24 has been approved by the Defense Security Service
25 of the Department of Defense prior to the submis-

1 sion of the application. The Under Secretary has
2 complete discretion to reject any application from a
3 private screening company to provide screening serv-
4 ices at an airport that requires a waiver under this
5 paragraph.”.

6 (c) RECOMMENDATIONS OF AIRPORT OPERATOR.—

7 Section 44920 is amended by adding at the end the fol-
8 lowing:

9 “(h) RECOMMENDATIONS OF AIRPORT OPERATOR.—

10 As part of any submission of an application for a private
11 screening company to provide screening services at an air-
12 port, the airport operator shall provide to the Under Sec-
13 retary a recommendation as to which company would best
14 serve the security screening and passenger needs of the
15 airport, along with a statement explaining the basis of the
16 operator’s recommendation.”.

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

19 (1) IN GENERAL.—Upon the request of an air-
20 port operator, the Secretary of Homeland Security
21 shall reconsider any application for the screening of
22 passengers and property that—

23 (A) was submitted by the operator of an
24 airport pursuant to section 44920(a) of title 49,
25 United States Code;

1 (B) was pending for final decision by the
2 Secretary on any day between January 1, 2011,
3 and February 3, 2011, and was resubmitted by
4 the applicant in accordance with new guidelines
5 provided by the Secretary after February 3,
6 2011; and

7 (C) has not been approved by the Sec-
8 retary on or before the date of enactment of
9 this Act.

10 (2) NOTICE TO AIRPORT OPERATORS.—In re-
11 considering an application submitted under para-
12 graph (1), the Secretary shall—

13 (A) notify the airport operator that sub-
14 mitted the application that the Secretary will
15 reconsider the application;

16 (B) if the application was initially denied,
17 advise the operator of the findings that served
18 as the basis for the denial; and

19 (C) request the operator to provide the
20 Secretary with such additional information as
21 the Secretary determines necessary to recon-
22 sider the application.

23 (3) DEADLINE; STANDARDS.—The Secretary
24 shall approve or deny an application to be reconsid-
25 ered under paragraph (1) not later than the 120th

1 day following the date of the request for reconsideration from the airport operator. The Secretary shall apply the standards set forth in section 44920(b) of title 49, United States Code (as amended by this section), in approving and denying such application.

6 (4) REPORTS ON DENIALS OF APPLICATIONS.—

7 (A) IN GENERAL.—If the Secretary denies an application of an airport operator following reconsideration under this subsection, the Secretary shall provide to the airport operator a written report that sets forth—

12 (i) the findings that served as the basis for the denial; and

14 (ii) the results of any cost or security analysis conducted in considering the application.

17 (B) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph (A).

1 **TITLE IX—FEDERAL AVIATION**
2 **RESEARCH AND DEVELOPMENT**

3 **SEC. 901. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—Section 48102(a) is amended—

5 (1) in the matter before paragraph (1) by strik-
6 ing “of this title” and inserting “of this title and,
7 for each of fiscal years 2012 through 2015, under
8 subsection (g)”;

9 (2) by striking paragraphs (1) through (8);

10 (3) by redesignating paragraphs (9) through
11 (15) as paragraphs (1) through (7), respectively;

12 (4) in paragraph (3) (as so redesignated)—

13 (A) in subparagraph (K) by adding “and”
14 at the end; and

15 (B) in subparagraph (L) by striking “and”
16 at the end; and

17 (5) by striking paragraph (16) and inserting
18 the following:

19 “(8) \$168,000,000 for each of fiscal years 2012
20 through 2015.”.

21 (b) SPECIFIC PROGRAM LIMITATIONS.—Section
22 48102 is amended by inserting after subsection (f) the fol-
23 lowing:

24 “(g) SPECIFIC AUTHORIZATIONS.—The following
25 programs described in the research, engineering, and de-

1 velopment account of the national aviation research plan
2 required under section 44501(c) are authorized:

3 “(1) Fire Research and Safety.

4 “(2) Propulsion and Fuel Systems.

5 “(3) Advanced Materials/Structural Safety.

6 “(4) Atmospheric Hazards—Aircraft Icing/Dig-
7 ital System Safety.

8 “(5) Continued Airworthiness.

9 “(6) Aircraft Catastrophic Failure Prevention
10 Research.

11 “(7) Flightdeck/Maintenance/System Integra-
12 tion Human Factors.

13 “(8) System Safety Management.

14 “(9) Air Traffic Control/Technical Operations
15 Human Factors.

16 “(10) Aeromedical Research.

17 “(11) Weather Program.

18 “(12) Unmanned Aircraft Systems Research.

19 “(13) NextGen—Alternative Fuels for General
20 Aviation.

21 “(14) Joint Planning and Development Office.

22 “(15) NextGen—Wake Turbulence Research.

23 “(16) NextGen—Air Ground Integration
24 Human Factors.

1 “(17) NextGen—Self Separation Human Fac-
2 tors.

3 “(18) NextGen—Weather Technology in the
4 Cockpit.

5 “(19) Environment and Energy Research.

6 “(20) NextGen Environmental Research—Air-
7 craft Technologies, Fuels, and Metrics.

8 “(21) System Planning and Resource Manage-
9 ment.

10 “(22) The William J. Hughes Technical Center
11 Laboratory Facility.”.

12 (c) PROGRAM AUTHORIZATIONS.—From the other
13 accounts described in the national aviation research plan
14 required under section 44501(c) of title 49, United States
15 Code, the following research and development activities
16 are authorized:

17 (1) Runway Incursion Reduction.

18 (2) System Capacity, Planning, and Improve-
19 ment.

20 (3) Operations Concept Validation.

21 (4) NAS Weather Requirements.

22 (5) Airspace Management Program.

23 (6) NextGen—Air Traffic Control/Technical
24 Operations Human Factors.

- 1 (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

1 permanent airport cooperative research pro-
2 gram” and inserting “program”.

3 **SEC. 907. CENTERS OF EXCELLENCE.**

4 (a) GOVERNMENT’S SHARE OF COSTS.—Section
5 44513(f) is amended to read as follows:

6 “(f) GOVERNMENT’S SHARE OF COSTS.—The United
7 States Government’s share of establishing and operating
8 a center and all related research activities that grant re-
9 cipients carry out shall not exceed 50 percent of the costs,
10 except that the Administrator may increase such share to
11 a maximum of 75 percent of the costs for a fiscal year
12 if the Administrator determines that a center would be
13 unable to carry out the authorized activities described in
14 this section without additional funds.”.

15 (b) ANNUAL REPORT.—Section 44513 is amended by
16 adding at the end the following:

17 “(h) ANNUAL REPORT.—The Administrator shall
18 transmit annually to the Committee on Science, Space,
19 and Technology of the House of Representatives and the
20 Committee on Commerce, Science, and Transportation of
21 the Senate at the time of the President’s budget request
22 a report that lists—

23 “(1) the research projects that have been initi-
24 ated by each center in the preceding year;

1 safety inspectors, airway transportation safety spe-
2 cialists, and engineers.

3 (2) Research and development of best practices
4 for recruitment of individuals into the aviation field
5 for mission critical positions.

6 (3) Research, in consultation with other rel-
7 evant Federal agencies, to develop a baseline of gen-
8 eral aviation employment statistics and an analysis
9 of future needs in the aviation field.

10 (4) Research and the development of a com-
11 prehensive assessment of the airframe and power
12 plant technician certification process and its effect
13 on employment trends.

14 (5) Evaluation of aviation maintenance techni-
15 cian school environments.

16 (6) Research and an assessment of the ability
17 to develop training programs to allow for the transi-
18 tion of recently unemployed and highly skilled me-
19 chanics into the aviation field.

20 **SEC. 909. INTERAGENCY RESEARCH ON AVIATION AND THE**
21 **ENVIRONMENT.**

22 (a) IN GENERAL.—Using amounts made available
23 under section 48102(a) of title 49, United States Code,
24 the Administrator, in coordination with NASA and after
25 consultation with other relevant agencies, may maintain

1 a research program to assess the potential effect of avia-
2 tion activities on the environment and, if warranted, to
3 evaluate approaches to address any such effect.

4 (b) RESEARCH PLAN.—

5 (1) IN GENERAL.—The Administrator, in co-
6 ordination with NASA and after consultation with
7 other relevant agencies, shall jointly develop a plan
8 to carry out the research under subsection (a).

9 (2) CONTENTS.—The plan shall contain an in-
10 ventory of current interagency research being under-
11 taken in this area, future research objectives, pro-
12 posed tasks, milestones, and a 5-year budgetary pro-
13 file.

14 (3) REQUIREMENTS.—The plan—

15 (A) shall be completed not later than 1
16 year after the date of enactment of this Act;

17 (B) shall be submitted to Congress for re-
18 view; and

19 (C) shall be updated, as appropriate, every
20 3 years after the initial submission.

21 **SEC. 910. AVIATION FUEL RESEARCH AND DEVELOPMENT**
22 **PROGRAM.**

23 (a) IN GENERAL.—Using amounts made available
24 under section 48102(a) of title 49, United States Code,
25 the Administrator, in coordination with the Administrator

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

5 (b) REQUIREMENTS.—In carrying out the program
6 under subsection (a), the Administrator shall, at a min-
7 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;

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

19 (3) assess technologies that modify existing pis-
20 ton engine aircraft to enable safe operation of the
21 aircraft using unleaded aviation fuel and determine
22 the resources necessary to certify those technologies;
23 and

1 (4) develop recommendations for appropriate
2 policies and guidelines to facilitate a transition to
3 unleaded aviation fuel for piston engine aircraft.

4 (c) **COLLABORATION.**—In carrying out the program
5 under subsection (a), the Administrator shall collaborate
6 with—

7 (1) industry groups representing aviation con-
8 sumers, manufacturers, and fuel producers and dis-
9 tributors; and

10 (2) other appropriate Federal agencies.

11 (d) **REPORT.**—Not later than 270 days after the date
12 of enactment of this Act, the Administrator shall provide
13 to the Committee on Science, Space, and Technology of
14 the House of Representatives and the Committee on Com-
15 merce, Science, and Transportation of the Senate a report
16 on the plan, information obtained, and policies and guide-
17 lines developed pursuant to subsection (b).

18 **SEC. 911. RESEARCH PROGRAM ON ALTERNATIVE JET**
19 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

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

1 (d) DESIGNATION OF INSTITUTION AS A CENTER OF
2 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 igned 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 (1) the programs have well-defined, prioritized,
2 and appropriate research objectives;

3 (2) the programs are properly coordinated with
4 the energy-related and environment-related research
5 programs at NASA, NOAA, and other relevant
6 agencies;

7 (3) the programs have allocated appropriate re-
8 sources to each of the research objectives; and

9 (4) there exist suitable mechanisms for
10 transitioning the research results into the FAA's
11 operational technologies and procedures and certifi-
12 cation activities.

13 (b) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit a report to the Committee on Science, Space, and
16 Technology of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate containing the results of the review.

19 **SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**
20 **SEARCH PROGRAMS.**

21 (a) REVIEW.—Using amounts made available under
22 section 48102(a) of title 49, United States Code, the Ad-
23 ministrator shall enter into an arrangement for an inde-
24 pendent external review of the FAA's aviation safety-re-

1 lated research programs. The review shall assess wheth-
2 er—

3 (1) the programs have well-defined, prioritized,
4 and appropriate research objectives;

5 (2) the programs are properly coordinated with
6 the safety research programs of NASA and other
7 relevant Federal agencies;

8 (3) the programs have allocated appropriate re-
9 sources to each of the research objectives;

10 (4) the programs should include a determina-
11 tion about whether a survey of participants across
12 the air transportation system is an appropriate way
13 to study safety risks within such system; and

14 (5) there exist suitable mechanisms for
15 transitioning the research results from the programs
16 into the FAA's operational technologies and proce-
17 dures and certification activities in a timely manner.

18 (b) AVIATION SAFETY-RELATED RESEARCH PRO-
19 GRAMS TO BE ASSESSED.—The FAA aviation safety-re-
20 lated research programs to be assessed under the review
21 shall include, at a minimum, the following:

22 (1) Air traffic control/technical operations
23 human factors.

24 (2) Runway incursion reduction.

- 1 (3) Flightdeck/maintenance system integration
- 2 human factors.
- 3 (4) Airports technology research—safety.
- 4 (5) Airport Cooperative Research Program—
- 5 safety.
- 6 (6) Weather Program.
- 7 (7) Atmospheric hazards/digital system safety.
- 8 (8) Fire research and safety.
- 9 (9) Propulsion and fuel systems.
- 10 (10) Advanced materials/structural safety.
- 11 (11) Aging aircraft.
- 12 (12) Aircraft catastrophic failure prevention re-
- 13 search.
- 14 (13) Aeromedical research.
- 15 (14) Aviation safety risk analysis.
- 16 (15) Unmanned aircraft systems research.
- 17 (c) REPORT.—Not later than 14 months after the
- 18 date of enactment of this Act, the Administrator shall sub-
- 19 mit to the Committee on Science, Space, and Technology
- 20 of the House of Representatives and the Committee on
- 21 Commerce, Science, and Transportation of the Senate a
- 22 report on the results of the review.

1 **SEC. 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 Avia-
 6 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
 14 date of enactment of this Act, the Administrator, to the
 15 extent practicable, shall implement a research program for
 16 the identification or development of appropriate and effec-
 17 tive air cleaning technology and sensor technology for the
 18 engine and auxiliary power unit bleed air supplied to the
 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—

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

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

4 (c) **REPORT.**—Not later than 1 year after the date
 5 of enactment of this Act, the Administrator shall submit
 6 to the Committee on Commerce, Science, and Transpor-
 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
 10 on the results of the research and development work car-
 11 ried out under this section.

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

14 (a) **REVIEW.**—The Administrator shall enter into an
 15 arrangement for an independent external review of the en-
 16 terprise architecture for the Next Generation Air Trans-
 17 portation System.

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

20 (1) highlight the technical activities, including
 21 human-system design, organizational design, and
 22 other safety and human factor aspects of the system,
 23 that will be necessary to successfully transition cur-
 24 rent and planned modernization programs to the fu-

1 ture system envisioned by the Joint Planning and
2 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 auto-
6 mated air traffic management system and the impli-
7 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
14 of enactment of this Act, the Administrator shall submit
15 to the Committee on Transportation and Infrastructure
16 and the Committee on Science, Space, and Technology of
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.**

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

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

4 (b) FUNCTIONS.—The purpose of the study shall
5 be—

6 (1) to examine and develop best airport prac-
7 tices and metrics for the sustainable design, con-
8 struction, planning, maintenance, and operation of
9 an airport;

10 (2) to examine potential standards for a rating
11 system based on the best sustainable practices and
12 metrics;

13 (3) to examine potential standards for a vol-
14 untary airport rating process based on the best sus-
15 tainable practices, metrics, and ratings; and

16 (4) to examine and develop recommendations
17 for future actions with regard to sustainability.

18 (c) REPORT.—Not later than 18 months after the
19 date of initiation of the study, a report on the study shall
20 be submitted to the Administrator and the Committee on
21 Science, Space, and Technology of the House of Rep-
22 resentatives and the Committee on Commerce, Science,
23 and Transportation of the Senate.

1 **TITLE X—NATIONAL MEDIATION**
2 **BOARD**

3 **SEC. 1001. RULEMAKING AUTHORITY.**

4 Title I of the Railway Labor Act (45 U.S.C. 151 et
5 seq.) is amended by inserting after section 10 the fol-
6 lowing:

7 **“SEC. 10A. RULES AND REGULATIONS.**

8 “(a) IN GENERAL.—The Mediation Board shall have
9 the authority from time to time to make, amend, and re-
10 scind, in the manner prescribed by section 553 of title 5,
11 United States Code, and after opportunity for a public
12 hearing, such rules and regulations as may be necessary
13 to carry out the provisions of this Act.

14 “(b) APPLICATION.—The requirements of subsection
15 (a) shall not apply to any rule or proposed rule to which
16 the third sentence of section 553(b) of title 5, United
17 States Code, applies.”.

18 **SEC. 1002. RUNOFF ELECTION RULES.**

19 Paragraph Ninth of section 2 of the Railway Labor
20 Act (45 U.S.C. 152) is amended by inserting after the
21 fourth sentence the following: “In any such election for
22 which there are 3 or more options (including the option
23 of not being represented by any labor organization) on the
24 ballot and no such option receives a majority of the valid
25 votes cast, the Mediation Board shall arrange for a second

1 election between the options receiving the largest and the
2 second largest number of votes.”.

3 **SEC. 1003. BARGAINING REPRESENTATIVE CERTIFICATION.**

4 Section 2 of the Railway Labor Act (45 U.S.C. 152)
5 is amended by adding at the end the following:

6 “Twelfth. Showing of interest for representation elec-
7 tions. The Mediation Board, upon receipt of an application
8 requesting that an organization or individual be certified
9 as the representative of any craft or class of employees,
10 shall not direct an election or use any other method to
11 determine who shall be the representative of such craft
12 or class unless the Mediation Board determines that the
13 application is supported by a showing of interest from not
14 less than 50 percent of the employees in the craft or
15 class.”.

16 **SEC. 1004. OVERSIGHT.**

17 Title I of the Railway Labor Act (45 U.S.C. 151 et
18 seq.) is amended by adding at the end the following:

19 **“SEC. 15. EVALUATION AND AUDIT OF MEDIATION BOARD.**

20 “(a) EVALUATION AND AUDIT OF MEDIATION
21 BOARD.—

22 “(1) IN GENERAL.—In order to promote econ-
23 omy, efficiency, and effectiveness in the administra-
24 tion of the programs, operations, and activities of
25 the Mediation Board, the Comptroller General of the

1 United States shall evaluate and audit the programs
 2 and expenditures of the Mediation Board. Such an
 3 evaluation and audit shall be conducted not less fre-
 4 quently than every 2 years, but may be conducted as
 5 determined necessary by the Comptroller General or
 6 the appropriate congressional committees.

7 “(2) RESPONSIBILITY OF COMPTROLLER GEN-
 8 ERAL.—In carrying out the evaluation and audit re-
 9 quired under paragraph (1), the Comptroller Gen-
 10 eral shall evaluate and audit the programs, oper-
 11 ations, and activities of the Mediation Board, includ-
 12 ing, at a minimum—

13 “(A) information management and secu-
 14 rity, including privacy protection of personally
 15 identifiable information;

16 “(B) resource management;

17 “(C) workforce development;

18 “(D) procurement and contracting plan-
 19 ning, practices, and policies;

20 “(E) the extent to which the Mediation
 21 Board follows leading practices in selected man-
 22 agement areas; and

23 “(F) the processes the Mediation Board
 24 follows to address challenges in—

1 “(2) a description of the extent to which such
2 processes are consistent with similar processes ap-
3 plied to other Federal or State agencies with juris-
4 diction over labor relations, and an evaluation of any
5 justifications for any discrepancies between the proc-
6 esses of the Mediation Board and such similar Fed-
7 eral or State processes.

8 “(c) APPROPRIATE CONGRESSIONAL COMMITTEE
9 DEFINED.—In this section, the term ‘appropriate congres-
10 sional committees’ means the Committee on Transpor-
11 tation and Infrastructure of the House of Representatives,
12 the Committee on Commerce, Science, and Transportation
13 of the Senate, and the Committee on Health, Education,
14 Labor, and Pensions of the Senate.”.

15 **TITLE XI—AIRPORT AND AIRWAY**
16 **TRUST FUND PROVISIONS**
17 **AND RELATED TAXES**

18 **SEC. 1100. AMENDMENT OF 1986 CODE.**

19 Except as otherwise expressly provided, whenever in
20 this title an amendment or repeal is expressed in terms
21 of an amendment to, or repeal of, a section or other provi-
22 sion, the reference shall be considered to be made to a
23 section or other provision of the Internal Revenue Code
24 of 1986.

1 (b) CONFORMING AMENDMENT.—Paragraph (2) of
2 section 9502(e) is amended by striking “February 18,
3 2012” and inserting “October 1, 2015”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on February 18, 2012.

6 **SEC. 1103. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**
7 **SHIP PROGRAMS.**

8 (a) FUEL SURTAX.—

9 (1) IN GENERAL.—Subchapter B of chapter 31
10 is amended by adding at the end the following new
11 section:

12 **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**
13 **A FRACTIONAL OWNERSHIP PROGRAM.**

14 “(a) IN GENERAL.—There is hereby imposed a tax
15 on any liquid used (during any calendar quarter by any
16 person) in a fractional program aircraft as fuel—

17 “(1) for the transportation of a qualified frac-
18 tional owner with respect to the fractional ownership
19 aircraft program of which such aircraft is a part, or

20 “(2) with respect to the use of such aircraft on
21 account of such a qualified fractional owner, includ-
22 ing use in deadhead service.

23 “(b) AMOUNT OF TAX.—The rate of tax imposed by
24 subsection (a) is 14.1 cents per gallon.

1 “(C) with respect to at least 2 fractional
2 program aircraft, none of the ownership inter-
3 ests in such aircraft are—

4 “(i) less than the minimum fractional
5 ownership interest, or

6 “(ii) held by the program manager re-
7 ferred to in subparagraph (A),

8 “(D) there exists a dry-lease aircraft ex-
9 change arrangement among all of the fractional
10 owners, and

11 “(E) there are multi-year program agree-
12 ments covering the fractional ownership, frac-
13 tional ownership program management services,
14 and dry-lease aircraft exchange aspects of the
15 program.

16 “(3) DEFINITIONS RELATED TO FRACTIONAL
17 OWNERSHIP INTERESTS.—

18 “(A) QUALIFIED FRACTIONAL OWNER.—
19 The term ‘qualified fractional owner’ means any
20 fractional owner which has a minimum frac-
21 tional ownership interest in at least one frac-
22 tional program aircraft.

23 “(B) MINIMUM FRACTIONAL OWNERSHIP
24 INTEREST.—The term ‘minimum fractional

1 (2) CONFORMING AMENDMENT.—Subsection (e)
2 of section 4082 is amended by inserting “(other
3 than kerosene with respect to which tax is imposed
4 under section 4043)” after “In the case of ker-
5 osene”.

6 (3) TRANSFER OF REVENUES TO AIRPORT AND
7 AIRWAY TRUST FUND.—Paragraph (1) of section
8 9502(b) is amended by redesignating subparagraphs
9 (B) and (C) as subparagraphs (C) and (D), respec-
10 tively, and by inserting after subparagraph (A) the
11 following new subparagraph:

12 “(B) section 4043 (relating to surtax on
13 fuel used in aircraft part of a fractional owner-
14 ship program),”.

15 (4) CLERICAL AMENDMENT.—The table of sec-
16 tions for subchapter B of chapter 31 is amended by
17 adding at the end the following new item:

 “Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-
 gram.”.

18 (b) FRACTIONAL OWNERSHIP PROGRAMS TREATED
19 AS NON-COMMERCIAL AVIATION.—Subsection (b) of sec-
20 tion 4083 is amended by adding at the end the following
21 new sentence: “Such term shall not include the use of any
22 aircraft before October 1, 2015, if tax is imposed under
23 section 4043 with respect to the fuel consumed in such

1 use or if no tax is imposed on such use under section 4043
2 by reason of subsection (c)(5) thereof.”.

3 (c) EXEMPTION FROM TAX ON TRANSPORTATION OF
4 PERSONS.—Section 4261, as amended by this Act, is
5 amended by redesignating subsection (j) as subsection (k)
6 and by inserting after subsection (i) the following new sub-
7 section:

8 “(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL
9 OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be im-
10 posed by this section or section 4271 on any air transpor-
11 tation if tax is imposed under section 4043 with respect
12 to the fuel used in such transportation. This subsection
13 shall not apply after September 30, 2015.”.

14 (d) EFFECTIVE DATES.—

15 (1) SUBSECTION (a).—The amendments made
16 by subsection (a) shall apply to fuel used after
17 March 31, 2012.

18 (2) SUBSECTION (b).—The amendment made
19 by subsection (b) shall apply to uses of aircraft after
20 March 31, 2012.

21 (3) SUBSECTION (c).—The amendments made
22 by subsection (c) shall apply to taxable transpor-
23 tation provided after March 31, 2012.

1 or in a separate disclosure of amounts not attrib-
2 utable to such taxes.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to taxable transportation provided
5 after March 31, 2012.

6 **SEC. 1105. TAX-EXEMPT BOND FINANCING FOR FIXED-WING**
7 **EMERGENCY MEDICAL AIRCRAFT.**

8 (a) **IN GENERAL.**—Subsection (e) of section 147 is
9 amended by adding at the end the following new sentence:
10 “The preceding sentence shall not apply to any fixed-wing
11 aircraft equipped for, and exclusively dedicated to pro-
12 viding, acute care emergency medical services (within the
13 meaning of section 4261(g)(2)).”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 this section shall apply to obligations issued after the date
16 of the enactment of this Act.

17 **SEC. 1106. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE**
18 **CARRIER BANKRUPTCY.**

19 (a) **GENERAL RULES.**—

20 (1) **ROLLOVER OF AIRLINE PAYMENT**
21 **AMOUNT.**—If a qualified airline employee receives
22 any airline payment amount and transfers any por-
23 tion of such amount to a traditional IRA within 180
24 days of receipt of such amount (or, if later, within
25 180 days of the date of the enactment of this Act),

1 then such amount (to the extent so transferred)
2 shall be treated as a rollover contribution described
3 in section 402(c) of the Internal Revenue Code of
4 1986. A qualified airline employee making such a
5 transfer may exclude from gross income the amount
6 transferred, in the taxable year in which the airline
7 payment amount was paid to the qualified airline
8 employee by the commercial passenger airline car-
9 rier.

10 (2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO
11 AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER
12 TO ROTH IRA.—A qualified airline employee who has
13 contributed an airline payment amount to a Roth
14 IRA that is treated as a qualified rollover contribu-
15 tion pursuant to section 125 of the Worker, Retiree,
16 and Employer Recovery Act of 2008, may transfer
17 to a traditional IRA, in a trustee-to-trustee transfer,
18 all or any part of the contribution (together with any
19 net income allocable to such contribution), and the
20 transfer to the traditional IRA will be deemed to
21 have been made at the time of the rollover to the
22 Roth IRA, if such transfer is made within 180 days
23 of the date of the enactment of this Act. A qualified
24 airline employee making such a transfer may exclude
25 from gross income the airline payment amount pre-

1 ployee) if at any time during the taxable year of the
2 transfer or any preceding taxable year the qualified
3 airline employee held a position described in sub-
4 paragraph (A) or (B) of section 162(m)(3) with the
5 commercial passenger airline carrier from whom the
6 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
13 the qualified airline employee in the taxable year of pay-
14 ment because such amount is excluded from the qualified
15 airline employee’s gross income under subsection (a).

16 (c) DEFINITIONS AND SPECIAL RULES.—For pur-
17 poses of this section—

18 (1) AIRLINE PAYMENT AMOUNT.—

19 (A) IN GENERAL.—The term “airline pay-
20 ment amount” means any payment of any
21 money or other property which is payable by a
22 commercial passenger airline carrier to a quali-
23 fied airline employee—

24 (i) under the approval of an order of
25 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 qualified airline employee, the surviving spouse of the
19 qualified airline employee may take all actions permitted
20 under section 125 of the Worker, Retiree and Employer
21 Recovery Act of 2008, or under this section, to the same
22 extent that the qualified airline employee could have done
23 had the qualified airline employee survived.

24 (e) EFFECTIVE DATE.—This section shall apply to
25 transfers made after the date of the enactment of this Act

1 with respect to airline payment amounts paid before, on,
 2 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.**

13 (a) **IN GENERAL.**—Section 249(a) is amended by
 14 striking “, or a corporation in control of, or controlled by,”
 15 and inserting “, or a corporation in the same parent-sub-
 16 sidiary controlled group (within the meaning of section
 17 1563(a)(1) as”.

18 (b) **CONFORMING AMENDMENT.**—Section 249(b) is
 19 amended—

20 (1) by striking all that precedes “is the issue
 21 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).

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to repurchases after the date of
3 the enactment of this Act.

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

7 **SEC. 1201. COMPLIANCE PROVISION.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go-Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, jointly submitted for printing in the Congressional
13 Record by the Chairmen of the House and Senate Budget
14 Committees, provided that such statement has been sub-
15 mitted prior to the vote on passage in the House acting
16 first on this conference report or amendment between the
17 Houses.

 And the Senate agree to the same.