

110TH CONGRESS
1ST SESSION

S. 1300

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to modernize the air traffic control system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

Mr. ROCKEFELLER (for himself, Mr. LOTT, Mr. INOUE, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to modernize the air traffic control system, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Aviation Investment and Modernization Act of 2007”.

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

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

TITLE I—AUTHORIZATIONS AND FINANCING

- Sec. 101. Operations.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. Research and development.
- Sec. 104. Airport planning and development and noise compatibility planning and programs.
- Sec. 105. Other aviation programs.
- Sec. 106. Air Traffic Modernization Fund.
- Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

- Sec. 201. Reform of passenger facility charge authority.
- Sec. 202. Passenger facility charge pilot program.
- Sec. 203. Amendments to grant assurances.
- Sec. 204. Government share of project costs.
- Sec. 205. Amendments to allowable costs.
- Sec. 206. Sale of private airport to public sponsor.
- Sec. 207. Pilot program for airport takeover of air navigation facilities.
- Sec. 208. Government share of certain air project costs.
- Sec. 209. Miscellaneous amendments.
- Sec. 210. State block grant program.
- Sec. 211. Airport funding of special studies or reviews.
- Sec. 212. Grant eligibility for assessment of flight procedures.
- Sec. 213. Safety-critical airports.
- Sec. 214. Expanded passenger facility charge eligibility for noise compatibility projects.

TITLE III—FAA ORGANIZATION AND REFORM

- Sec. 301. Air Traffic Control Modernization Oversight Board.
- Sec. 302. ADS-B support pilot program.
- Sec. 303. Facilitation of next generation air traffic services.
- Sec. 304. Clarification of authority to enter into reimbursable agreements.
- Sec. 305. Clarification to acquisition reform authority.
- Sec. 306. Assistance to other aviation authorities.
- Sec. 307. Presidential rank award program.
- Sec. 308. Next generation facilities needs assessment.
- Sec. 309. Next Generation Air Transportation System Planning Office.
- Sec. 310. Definition of air navigation facility.
- Sec. 311. Improved management of property inventory.
- Sec. 312. Educational requirements.
- Sec. 313. Federal Aviation Administration personnel management system.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

- Sec. 401. Airline contingency service requirements.
- Sec. 402. Publication of customer service data and flight delay history.
- Sec. 403. EAS connectivity program.
- Sec. 404. Extension of final order establishing mileage adjustment eligibility.
- Sec. 405. EAS contract guidelines.

- Sec. 406. Conversion of former EAS airports.
- Sec. 407. Essential air service reform.
- Sec. 408. Clarification of air carrier fee disputes.
- Sec. 409. Small community air service.
- Sec. 410. Contract tower program.
- Sec. 411. Airfares for members of the Armed Forces.

TITLE V—AVIATION SAFETY

- Sec. 501. Runway incursion reduction.
- Sec. 502. Aircraft fuel tank safety improvement.
- Sec. 503. Judicial review of denial of airman certificates.
- Sec. 504. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 505. Design organization certificates.
- Sec. 506. FAA access to criminal history records or database systems.
- Sec. 507. Flight crew fatigue.
- Sec. 508. Increasing safety for helicopter emergency medical service operators.
- Sec. 509. Cabin crew communication requirements.

TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy from civilian aircraft.
- Sec. 603. Production of clean coal fuel technology for civilian aircraft.
- Sec. 604. Advisory committee on future of aeronautics.

TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.
- Sec. 702. Human intervention management study.
- Sec. 703. Airport program modifications.
- Sec. 704. Miscellaneous program extensions.
- Sec. 705. Extension of competitive access reports.
- Sec. 706. Modification of FAA's age-60 standard.
- Sec. 707. Update on overflights.
- Sec. 708. Technical corrections.
- Sec. 709. FAA technical training and staffing.

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

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

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.

5 **TITLE I—AUTHORIZATIONS AND**
6 **FINANCING**

7 **SEC. 101. OPERATIONS.**

8 Section 106(k)(1) is amended by striking subpara-
9 graphs (A) through (D) and inserting the following:

10 “(A) \$8,726,000,000 for fiscal year 2008;

11 “(B) \$8,978,000,000 for fiscal year 2009;

12 “(C) \$9,305,000,000 for fiscal year 2010;

13 and

14 “(D) \$9,590,000,000 for fiscal year
15 2011.”.

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

17 Section 48101(a) is amended by striking paragraphs
18 (1) through (4) and inserting the following:

19 “(1) \$2,572,000,000 for fiscal year 2008;

20 “(2) \$2,923,000,000 for fiscal year 2009, of
21 which \$412,000,000 is derived from the surcharge
22 imposed under section 48115;

23 “(3) \$3,079,000,000 for fiscal year 2010, of
24 which \$423,000,000 is derived from the surcharge
25 imposed under section 48115; and

1 “(4) \$3,317,000,000 for fiscal year 2011, of
2 which \$436,000,000 is derived from the surcharge
3 imposed under section 48115.

4 **SEC. 103. RESEARCH AND DEVELOPMENT.**

5 Section 48102 is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—Not more than the following
9 amounts may be appropriated to the Secretary of Trans-
10 portation out of the Airport and Airway Trust Fund es-
11 tablished under section 9502 of the Internal Revenue Code
12 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-
13 search and development under sections 44504, 44505,
14 44507, 44509, and 44511 through 44513 of this title:

15 “(1) \$140,000,000 for fiscal year 2008.

16 “(2) \$191,000,000 for fiscal year 2009.

17 “(3) \$191,000,000 for fiscal year 2010.

18 “(4) \$194,000,000 for fiscal year 2011.”;

19 (2) by striking subsections (c) through (h); and

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

21 “(c) RESEARCH GRANTS PROGRAM INVOLVING UN-
22 DERGRADUATE STUDENTS.—The Administrator of the
23 Federal Aviation Administration shall establish a program
24 to utilize undergraduate and technical colleges, including
25 Historically Black Colleges and Universities, Hispanic

1 Serving Institutions, tribally controlled colleges and uni-
 2 versities, and Alaska Native and Native Hawaiian serving
 3 institutions in research on subjects of relevance to the
 4 Federal Aviation Administration. Grants may be awarded
 5 under this subsection for—

6 “(1) research projects to be carried out at pri-
 7 marily undergraduate institutions and technical col-
 8 leges;

9 “(2) research projects that combine research at
 10 primarily undergraduate institutions and technical
 11 colleges with other research supported by the Fed-
 12 eral Aviation Administration;

13 “(3) research on future training requirements
 14 on projected changes in regulatory requirements for
 15 aircraft maintenance and power plant licensees; or

16 “(4) research on the impact of new technologies
 17 and procedures, particularly those related to aircraft
 18 flight deck and air traffic management functions, on
 19 training requirements for pilots and air traffic con-
 20 trollers.”.

21 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**
 22 **NOISE COMPATIBILITY PLANNING AND PRO-**
 23 **GRAMS.**

24 Section 48103 is amended by striking paragraphs (1)
 25 through (4) and inserting the following:

- 1 “(1) \$3,800,000,000 for fiscal year 2008;
2 “(2) \$3,900,000,000 for fiscal year 2009;
3 “(3) \$4,000,000,000 for fiscal year 2010; and
4 “(4) \$4,100,000,000 for fiscal year 2011.”;

5 **SEC. 105. OTHER AVIATION PROGRAMS.**

6 Section 48114 is amended—

- 7 (1) by striking “2007” in subsection (a)(1)(A)
8 and inserting “2011”;
9 (2) by striking “2007,” in subsection (a)(2) and
10 inserting “2011,”; and
11 (3) by striking “2007” in subsection (c)(2) and
12 inserting “2011”.

13 **SEC. 106. AIR TRAFFIC MODERNIZATION FUND.**

14 (a) IN GENERAL.—Chapter 481 is amended by add-
15 ing at the end the following:

16 **“§ 48115. Modernization surcharge**

17 “(a) IN GENERAL.—

18 “(1) Not later than October 1, 2008, the Ad-
19 ministrator of the Federal Aviation Administration
20 shall impose a surcharge of \$25 per flight for air
21 traffic control costs. Except as provided in sub-
22 section (b), owners or operators of aircraft in the
23 national airspace system shall pay the surcharges as-
24 sessed under this section.

1 “(2) SURCHARGE CREDITED AS OFFSETTING
2 COLLECTIONS.—Any surcharge collected under this
3 section shall, subject to appropriation made in ad-
4 vance—

5 “(A) be deposited in an Air Traffic Mod-
6 ernization Fund which shall be established in
7 the Treasury;

8 “(B) be credited as offsetting collections to
9 the account established under section 48101 of
10 this title; and

11 “(C) be available to the Administrator for
12 expenditure only to pay the costs of Next Gen-
13 eration Air Transportation System projects list-
14 ed in the Capital Investment Plan required by
15 section 44501 and approved by the Air Traffic
16 Control Modernization Oversight Board.

17 “(3) EFFECT OF LAW ON SURCHARGE COLLEC-
18 TION.—The Administrator may continue to assess
19 and collect and spend surcharges established under
20 this section during any period in which the agency’s
21 funding is provided under an Act providing con-
22 tinuing appropriations in lieu of the agency’s regular
23 appropriations. The Administrator may not assess or
24 collect a surcharge established under this section for
25 any fiscal year for which no annual appropriations

1 Act is enacted that appropriates at least the amount
2 authorized by section 48101 for that fiscal year less
3 the amount required by section 48116(c).

4 “(b) EXCEPTIONS.—

5 “(1) MILITARY AND OTHER PUBLIC AIR-
6 CRAFT.—A surcharge may not be assessed under
7 this section for military aircraft, public aircraft (as
8 defined in section 40102 of this subtitle), air ambu-
9 lance aircraft, or to military or non-commercial civil
10 aircraft of a foreign government.

11 “(2) GENERAL AVIATION EXEMPTIONS.—A sur-
12 charge may not be assessed under this section for—

13 “(A) piston engined aircraft; or

14 “(B) turboprop aircraft operating outside
15 of controlled airspace.

16 “(3) FLIGHT PLAN INFORMATION.—Any person
17 required to file a flight plan with the Administra-
18 tion, including operators of flights described in para-
19 graphs (1) and (2), shall specify in the plan whether
20 the person is engaged in an operation for compensa-
21 tion or hire, or a general aviation operation, or a
22 military or public aircraft operation, for purposes of
23 this section.

24 “(4) CANADA TO CANADA FLIGHTS.—The Ad-
25 ministrator may waive a surcharge that would other-

1 wise be assessed under this chapter for flights that
2 operate in United States-controlled airspace but
3 takeoff and land at an airport in Canada without an
4 intermediate stop outside Canada, if the Adminis-
5 trator determines that not assessing and collecting
6 the surcharge for such flights would be in the public
7 interest.

8 “(5) INTRASTATE FLIGHTS.—For the purpose
9 of applying this section to intrastate flights in a
10 State that is not contiguous with another State, a
11 surcharge—

12 “(A) may not be assessed for more than 2
13 intrastate departures for a continuing intrastate
14 flight; and

15 “(B) may not be applied to a departure
16 from an airport for which basic essential air
17 service is provided under subchapter II of chap-
18 ter 417 of this title.

19 “(c) ADMINISTRATIVE PROVISIONS.—

20 “(1) SURCHARGES PAYABLE TO THE ADMINIS-
21 TRATOR.—Surcharges assessed and amounts col-
22 lected under this section are payable to the Adminis-
23 trator. The Administrator may refund any sur-
24 charge, or portion thereof, paid by mistake in excess
25 of the amount required. The Administrator may

1 enter into agreements with other Federal agencies to
2 collect surcharges assessed under this section on be-
3 half of the Administration.

4 “(2) COLLECTION PROCEDURES.—The Admin-
5 istrator shall establish procedures for the collection
6 of surcharges. These procedures shall establish the
7 frequency of payment, deadlines for payment, a
8 maximum amount of surcharges that may be out-
9 standing on the account of any person, and such
10 other limitations and conditions as the Adminis-
11 trator determines are necessary to obtain prompt
12 payment of surcharges.

13 “(3) FAILURE TO PAY REQUIRED SUR-
14 CHARGES.—If the Administrator determines that
15 any person has failed to pay surcharges when due
16 under this section, or to comply with any limitation
17 or condition on payment under this section, or has
18 failed to provide the Administration with the correct
19 information in the person’s flight plan or by other
20 means regarding the nature of the flight, including
21 whether the person engaged in an operation for com-
22 pensation or hire or general aviation operation, the
23 Administrator may—

24 “(A) assess interest charges, using a rate
25 equal to 150 percent of a rate determined by

1 the Secretary based on the average of bond
2 equivalent yields on 13-week Treasury bills auc-
3 tioned during the previous calendar quarter, to
4 be predetermined quarterly, on amounts that
5 have not been paid by the deadline;

6 “(B) change the required payment sched-
7 ule for such person;

8 “(C) offset any amount of surcharges owed
9 by withholding any payment otherwise owed or
10 due to the person by the Secretary or the Ad-
11 ministrator;

12 “(D) impose a civil penalty for each day
13 amounts remain unpaid, or take other appro-
14 priate enforcement action under this subtitle.

15 “(4) ACTION WHEN FUTURE PAYMENT IN JEOP-
16 ARDY.—If the Administrator reasonably determines
17 that an aircraft owner or operator will not pay its
18 required surcharges when due, the Administrator
19 may change the required payment schedule for such
20 person.

21 “(d) EFFECT ON PREVIOUS PROVISIONS.—Unless
22 otherwise specified, nothing in this section shall be con-
23 strued as affecting fees previously authorized and estab-
24 lished under chapter 453.

1 “(e) ADMINISTRATION OF SURCHARGE.—The re-
 2 quirements applicable to developing and issuing rules
 3 under title 5, United States Code, shall not apply to the
 4 actions of the Secretary or the Administrator under this
 5 section.

6 “(f) DEFINITIONS.—In this section:

7 “(1) AIR AMBULANCE AIRCRAFT.—The term
 8 ‘air ambulance aircraft’ means—

9 “(A) rotorcraft which are engaged in an
 10 operation to provide emergency medical serv-
 11 ices; or

12 “(B) fixed-wing aircraft which are
 13 equipped for and exclusively dedicated to pro-
 14 viding acute care medical services.

15 “(2) FLIGHT.—The term ‘flight’ means a take-
 16 off and landing by an aircraft.

17 **“§ 48116. Leveraged financing for next generation air**
 18 **traffic control system**

19 “(a) IN GENERAL.—

20 “(1) In order to support the transition to the
 21 Next Generation Air Transportation System, in fis-
 22 cal years 2009 through 2025 the Secretary of
 23 Transportation is authorized to issue obligations to
 24 finance capital investments in the facilities and
 25 equipment account of the air traffic control system

1 to be owned and operated by the Federal Aviation
2 Administration.

3 “(2) The Secretary shall not issue any obliga-
4 tions under paragraph (1) without first obtaining
5 approval by the Director of the Office of Manage-
6 ment and Budget of the issuance of such obligations
7 and proposed investments to be financed.

8 “(b) CONDITIONS AND LIMIT ON INDEBTEDNESS.—
9 Obligations issued under this section shall be in such
10 forms and denominations, bear such maturities, and shall
11 be subject to such terms and conditions as may be pre-
12 scribed by the Secretary. The aggregate amount of all
13 such obligations shall not exceed \$5,000,000,000.

14 “(c) REPAYMENT.—The Secretary of Transportation
15 shall use revenues derived from the surcharges authorized
16 by section 48115 in the amounts required to repay such
17 obligations with interest, and such payments shall have
18 first priority in the use of surcharges collected during this
19 period. Beginning in 2009, any surcharges required to
20 repay obligations shall be collected notwithstanding sec-
21 tion 48115(a)(3). These amounts shall not be treated as
22 discretionary offsetting collections, but shall be treated as
23 offsetting receipts and shall only be used to repay the obli-
24 gations incurred under paragraph (1).

1 “(d) INTEREST RATE.—The interest rate on obliga-
2 tions issued under this section shall be a rate determined
3 by the Secretary, taking into consideration the current
4 market yields on outstanding marketable obligations of the
5 United States of comparable maturity, plus a surcharge,
6 determined by the Secretary, to be sufficient to cover any
7 potential losses and the administrative costs associated
8 with the obligations. Any surcharges for administrative
9 costs collected by the Secretary shall be credited to the
10 appropriation account which incurred the cost.

11 “(e) PURCHASE OF OBLIGATIONS.—For the purposes
12 of purchasing obligations under subsection (a), the Sec-
13 retary may use as a public debt transaction the proceeds
14 from the sale of any securities issued under chapter 31
15 of title 31, United States Code, and the purposes for which
16 securities may be issued under such chapter are extended
17 to include any purchase of such obligations under this sub-
18 section.”.

19 (b) DELINEATION OF NEXT GENERATION AIR
20 TRANSPORTATION SYSTEM PROJECTS.—Section 44501(b)
21 is amended—

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

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

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

2 “(5) a list of projects that are part of the Next
3 Generation Air Transportation System.”.

4 (c) CONFORMING AMENDMENT.—The chapter anal-
5 ysis for chapter 481 is amended by inserting after the item
6 relating to section 48114 the following:

“48115. Modernization surcharge.

“48116. Leveraged financing for next generation air traffic control system.”.

7 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**
8 **AIRPORT PROGRAMS.**

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

11 **“§ 48105. Airport programs administrative expenses**

12 Of the amount newly made available, the following
13 shall be available for administrative expenses relating to
14 the Airport Improvement Program, passenger facility
15 charge approval and oversight, national airport system
16 planning, airport standards development and enforcement,
17 airport certification, airport-related environmental activi-
18 ties (including legal services), and other airport-related ac-
19 tivities (including airport technology research), to remain
20 available until expended—

21 “(1) for fiscal year 2008, \$80,676,000;

22 “(2) for fiscal year 2009, \$85,000,000;

23 “(3) for fiscal year 2010, \$89,000,000; and

24 “(4) for fiscal year 2011, \$93,000,000.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 481 is amended by striking the item relat-
 3 ing to section 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

4 **TITLE II—AIRPORT**
 5 **IMPROVEMENTS**

6 **SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AU-**
 7 **THORITY.**

8 (a) PASSENGER FACILITY CHARGE STREAM-
 9 LINING.—Section 40117(c) is amended to read as follows:

10 “(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION
 11 OF PASSENGER FACILITY CHARGE.—

12 “(1) IN GENERAL.—An eligible agency must
 13 submit to those air carriers and foreign air carriers
 14 operating at the airport with a significant business
 15 interest, as defined in paragraph (3), and to the
 16 Secretary and make available to the public annually
 17 a report, in the form required by the Secretary, on
 18 the status of the eligible agency’s passenger facility
 19 charge program, including—

20 “(A) the total amount of program revenue
 21 held by the agency at the beginning of the 12
 22 months covered by the report;

23 “(B) the total amount of program revenue
 24 collected by the agency during the period cov-
 25 ered by the report;

1 “(C) the amount of expenditures with pro-
2 gram revenue made by the agency on each eligi-
3 ble airport-related project during the period
4 covered by the report;

5 “(D) each airport-related project for which
6 the agency plans to collect and use program
7 revenue during the next 12-month period cov-
8 ered by the report, including the amount of rev-
9 enue projected to be used for such project;

10 “(E) the level of program revenue the
11 agency plans to collect during the next 12-
12 month period covered by the report;

13 “(F) a description of the notice and con-
14 sultation process with air carriers and foreign
15 air carriers under paragraph (3), and with the
16 public under paragraph (4), including a copy of
17 any adverse comments received and how the
18 agency responded; and

19 “(G) any other information on the pro-
20 gram that the Secretary may require.

21 “(2) IMPLEMENTATION.—Subject to the re-
22 quirements of paragraphs (3), (4), (5), and (6), the
23 eligible agency may implement the planned collection
24 and use of passenger facility charges in accordance

1 with its report upon filing the report as required in
2 paragraph (1).

3 “(3) CONSULTATION WITH CARRIERS FOR NEW
4 PROJECTS.—

5 “(A) An eligible agency proposing to col-
6 lect or use passenger facility charge revenue for
7 a project not previously approved by the Sec-
8 retary or not included in a report required by
9 paragraph (1) that was submitted in a prior
10 year shall provide to air carriers and foreign air
11 carriers operating at the airport reasonable no-
12 tice, and an opportunity to comment on the
13 planned collection and use of program revenue
14 before providing the report required under
15 paragraph (1). The Secretary shall prescribe by
16 regulation what constitutes reasonable notice
17 under this paragraph, which shall at a min-
18 imum include—

19 “(i) that the eligible agency provide to
20 air carriers and foreign air carriers oper-
21 ating at the airport written notice of the
22 planned collection and use of passenger fa-
23 cility charge revenue;

1 “(ii) that the notice include a full de-
2 scription and justification for a proposed
3 project;

4 “(iii) a detailed financial plan for the
5 proposed project; and

6 “(iv) the proposed level for the pas-
7 senger facility charge.

8 “(B) An eligible agency providing notice
9 and an opportunity for comment shall be
10 deemed to have satisfied the requirements of
11 this paragraph if the eligible agency provides
12 such notice to air carriers and foreign air car-
13 riers that have a significant business interest at
14 the airport. For purposes of this subparagraph,
15 the term ‘significant business interest’ means
16 an air carrier or foreign air carrier that—

17 “(i) had not less than 1.0 percent of
18 passenger boardings at the airport in the
19 prior calendar year;

20 “(ii) had at least 25,000 passenger
21 boardings at the airport in the prior cal-
22 endar year; or

23 “(iii) provides scheduled service at the
24 airport.

1 “(C) Not later than 45 days after written
2 notice is provided under subparagraph (A),
3 each air carrier and foreign air carrier may pro-
4 vide written comments to the eligible agency in-
5 dicating its agreement or disagreement with the
6 project or, if applicable, the proposed level for
7 a passenger facility charge.

8 “(D) The eligible agency may include, as
9 part of the notice and comment process, a con-
10 sultation meeting to discuss the proposed
11 project or, if applicable, the proposed level for
12 a passenger facility charge. If the agency pro-
13 vides a consultation meeting, the written com-
14 ments specified in subparagraph (C) shall be
15 due not later than 30 days after the meeting.

16 “(4) PUBLIC NOTICE AND COMMENT.—

17 “(A) An eligible agency proposing to col-
18 lect or use passenger facility charge revenue for
19 a project not previously approved by the Sec-
20 retary or not included in a report required by
21 paragraph (1) that was filed in a prior year
22 shall provide reasonable notice and an oppor-
23 tunity for public comment on the planned col-
24 lection and use of program revenue before pro-
25 viding the report required in paragraph (1).

1 “(B) The Secretary shall prescribe by reg-
2 ulation what constitutes reasonable notice under
3 this paragraph, which shall at a minimum re-
4 quire—

5 “(i) that the eligible agency provide
6 public notice of intent to collect a pas-
7 senger facility charge so as to inform those
8 interested persons and agencies that may
9 be affected;

10 “(ii) appropriate methods of publica-
11 tion, which may include notice in local
12 newspapers of general circulation or other
13 local media, or posting of the notice on the
14 agency’s Internet website; and

15 “(iii) submission of public comments
16 no later than 45 days after the date of the
17 publication of the notice.

18 “(5) OBJECTIONS.—

19 “(A) Any interested person may file with
20 the Secretary a written objection to a proposed
21 project included in a notice under this para-
22 graph provided that the filing is made within 30
23 days after submission of the report specified in
24 paragraph (1).

1 “(B) The Secretary shall provide not less
2 than 30 days for the eligible agency to respond
3 to any filed objection.

4 “(C) Not later than 90 days after receiving
5 the eligible agency’s response to a filed objec-
6 tion, the Secretary shall make a determination
7 whether or not to terminate authority to collect
8 the passenger facility charge for the project,
9 based on the filed objection. The Secretary shall
10 state the reasons for any determination. The
11 Secretary may only terminate authority if—

12 “(i) the project is not an eligible air-
13 port related project;

14 “(ii) the eligible agency has not com-
15 plied with the requirements of this section
16 or the Secretary’s implementing regula-
17 tions in proposing the project;

18 “(iii) the eligible agency has been
19 found to be in violation of section
20 47107(b) of this title and has failed to
21 take corrective action, prior to the filing of
22 the objection; or

23 “(iv) in the case of a proposed in-
24 crease in the passenger facility charge

1 level, the level is not authorized by this
2 section.

3 “(D) Upon issuance of a decision termi-
4 nating authority, the public agency shall pre-
5 pare an accounting of passenger facility revenue
6 collected under the terminated authority and re-
7 store the funds for use on other authorized
8 projects.

9 “(E) Except as provided in subparagraph
10 (C), the eligible agency may implement the
11 planned collection and use of a passenger facil-
12 ity charge in accordance with its report upon
13 filing the report as specified in paragraph
14 (1)(A).

15 “(6) APPROVAL REQUIREMENT FOR INCREASED
16 PASSENGER FACILITY CHARGE OR INTERMODAL
17 GROUND ACCESS PROJECT.—

18 “(A) An eligible agency may not collect or
19 use a passenger facility charge to finance an
20 intermodal ground access project, or increase a
21 passenger facility charge, unless the project is
22 first approved by the Secretary in accordance
23 with this paragraph.

24 “(B) The eligible agency may submit to
25 the Secretary an application for authority to

1 impose a passenger facility charge for an inter-
2 modal ground access project or to increase a
3 passenger facility charge. The application shall
4 contain information and be in the form that the
5 Secretary may require by regulation but, at a
6 minimum, must include copies of any comments
7 received by the agency during the comment pe-
8 riod described by subparagraph (C).

9 “(C) Before submitting an application
10 under this paragraph, an eligible agency must
11 provide air carriers and foreign air carriers op-
12 erating at the airport, and the public, reason-
13 able notice of and an opportunity to comment
14 on a proposed intermodal ground access project
15 or the increased passenger facility charge. Such
16 notice and opportunity to comment shall con-
17 form to the requirements of paragraphs (3) and
18 (4).

19 “(D) After receiving an application, the
20 Secretary may provide air carriers, foreign air
21 carriers and other interested persons notice and
22 an opportunity to comment on the application.
23 The Secretary shall make a final decision on
24 the application not later than 120 days after re-
25 ceiving it.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) REFERENCES.—

3 (A) Section 40117(a) is amended—

4 (i) by striking “FEE” in the heading
5 for paragraph (5) and inserting
6 “CHARGE”; and

7 (ii) by striking “fee” each place it ap-
8 pears in paragraphs (5) and (6) and in-
9 serting “charge”.

10 (B) Subsections (b), and subsections (d)
11 through (m), of section 40117 are amended—

12 (i) by striking “fee” or “fees” each
13 place either appears and inserting
14 “charge” or “charges”, respectively; and

15 (ii) by striking “FEE” in the sub-
16 section caption for subsection (l), and
17 “FEES” in the subsection captions for sub-
18 sections (e) and (m), and inserting
19 “CHARGE” and “CHARGES”, respectively.

20 (C) The caption for section 40117 is
21 amended to read as follows:

22 **“§ 40117. Passenger facility charges”.**

23 (D) The chapter analysis for chapter 401
24 is amended by striking the item relating to sec-
25 tion 40117 and inserting the following:

“40117. Passenger facility charges.”.

1 (2) LIMITATIONS ON APPROVING APPLICA-
2 TIONS.—Section 40117(d) is amended—

3 (A) by striking “subsection (c) of this sec-
4 tion to finance a specific” and inserting “sub-
5 section (c)(6) of this section to finance an inter-
6 modal ground access”;

7 (B) by striking “specific” in paragraph
8 (1);

9 (C) by striking paragraph (2) and insert-
10 ing the following:

11 “(2) the project is an eligible airport-related
12 project; and”;

13 (D) by striking “each of the specific
14 projects; and” in paragraph (3) and inserting
15 “the project.”; and

16 (E) by striking paragraph (4).

17 (3) LIMITATIONS ON IMPOSING CHARGES.—Sec-
18 tion 40117(e)(1) is amended to read as follows: “(1)
19 An eligible agency may impose a passenger facility
20 charge only subject to terms the Secretary may pre-
21 scribe to carry out the objectives of this section.”.

22 (4) LIMITATIONS ON CONTRACTS, LEASES, AND
23 USE AGREEMENTS.—Section 40117(f)(2) is amended
24 by striking “long-term”.

1 (5) COMPLIANCE.—Section 40117(h) is amend-
2 ed—

3 (A) by redesignating paragraph (3) as
4 paragraph (4); and

5 (B) by inserting after paragraph (2) the
6 following:

7 “(3) The Secretary may, on complaint of an in-
8 terested person or on the Secretary’s own initiative,
9 conduct an investigation into an eligible agency’s col-
10 lection and use of passenger facility charge revenue
11 to determine whether a passenger facility charge is
12 excessive or that passenger facility revenue is not
13 being used as provided in this section. The Secretary
14 shall prescribe regulations establishing procedures
15 for complaints and investigations. The regulations
16 may provide for the issuance of a final agency deci-
17 sion without resort to an oral evidentiary hearing.
18 The Secretary shall not accept complaints filed
19 under this paragraph until after the issuance of reg-
20 ulations establishing complaint procedures.”.

21 (6) PILOT PROGRAM FOR PFC AT NONHUB AIR-
22 PORTS.—Section 40117(l) is amended—

23 (A) by striking “(c)(2)” in paragraph (2)
24 and inserting “(c)(3)”; and

1 (B) by striking “date that is 3 years after
 2 the date of issuance of regulations to carry out
 3 this subsection.” in paragraph (7) and inserting
 4 “date of issuance of regulations to carry out
 5 subsection (e) of this section, as amended by
 6 the Aviation Investment and Modernization Act
 7 of 2007.”.

8 (7) PROHIBITION ON APPROVING PFC APPLICA-
 9 TIONS FOR AIRPORT REVENUE DIVERSION.—Section
 10 47111(e) is amended by striking “sponsor” the first
 11 place it appears in the first sentence and all that fol-
 12 lows and inserting “sponsor. A sponsor shall not
 13 propose collection or use of passenger facility
 14 charges for any new projects under paragraphs (3)
 15 through (6) of section 40117(c) unless the Secretary
 16 determines that the sponsor has taken corrective ac-
 17 tion to address the violation and the violation no
 18 longer exists.”.

19 **SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.**

20 Section 40117 is amended by adding at the end
 21 thereof the following:

22 “(n) ALTERNATIVE PASSENGER FACILITY CHARGE
 23 COLLECTION PILOT PROGRAM.—

24 “(1) IN GENERAL.—The Secretary shall estab-
 25 lish and conduct a pilot program at not more than

1 6 airports under which an eligible agency may im-
 2 pose a passenger facility charge under this section
 3 without regard to the dollar amount limitations set
 4 forth in paragraph (1) or (4) of subsection (b) if the
 5 participating eligible agency meets the requirements
 6 of paragraph (2).

7 “(2) COLLECTION REQUIREMENTS.—

8 “(A) DIRECT COLLECTION.—An eligible
 9 agency participating in the pilot program—

10 “(i) may collect the charge from the
 11 passenger at the facility, via the Internet,
 12 or in any other reasonable manner; but

13 “(ii) may not require or permit the
 14 charge to be collected by an air carrier or
 15 foreign air carrier for the flight segment.

16 “(B) PFC COLLECTION REQUIREMENT
 17 NOT TO APPLY.—Subpart C of part 158 of title
 18 14, Code of Federal Regulations, does not apply
 19 to the collection of the passenger facility charge
 20 imposed by an eligible agency participating in
 21 the pilot program.”.

22 **SEC. 203. AMENDMENTS TO GRANT ASSURANCES.**

23 Section 47107 is amended—

24 (1) by striking “made;” in subsection
 25 (a)(16)(D)(ii) and inserting “made, except that, if

1 there is a change in airport design standards that
2 the Secretary determines is beyond the owner or op-
3 erator’s control that requires the relocation or re-
4 placement of an existing airport facility, the Sec-
5 retary, upon the request of the owner or operator,
6 may grant funds available under section 47114 to
7 pay the cost of relocating or replacing such facil-
8 ity;”;

9 (2) by striking “purpose;” and inserting “pur-
10 pose, which includes serving as noise buffer land;”;

11 (3) by striking “paid to the Secretary for de-
12 posit in the Fund if another eligible project does not
13 exist.” in subsection (c)(2)(A)(iii) and inserting “re-
14 invested in another project at the airport or trans-
15 ferred to another airport as the Secretary pre-
16 scribes.”; and

17 (4) by redesignating paragraph (3) of sub-
18 section (c) as paragraph (4) and inserting after
19 paragraph (2) the following:

20 “(3) In approving the reinvestment or transfer of
21 proceeds under paragraph (2)(C)(iii), the Secretary shall
22 give preference, in descending order, to—

23 “(i) reinvestment in an approved noise compat-
24 ibility project;

1 “(ii) reinvestment in an approved project that is
2 eligible for funding under section 47117(e);

3 “(iii) reinvestment in an airport development
4 project that is eligible for funding under sections
5 47114, 47115 or 47117 and meets the requirements
6 of this chapter;

7 “(iv) transfer to the sponsor of another public
8 airport to be reinvested in an approved noise com-
9 patibility project at such airport; and

10 “(v) payment to the Secretary for deposit in the
11 Airport and Airway Trust Fund established under
12 section 9502 of the Internal Revenue Code of 1986
13 (26 U.S.C. 9502).”.

14 **SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.**

15 Section 47109 is amended—

16 (1) by striking “subsection (b) or subsection
17 (c)” in subsection (a) and inserting “subsection (b),
18 (c), or (e)”; and

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

20 “(e) SPECIAL RULE FOR TRANSITION FROM SMALL
21 HUB TO MEDIUM HUB STATUS.—If the status of a small
22 hub primary airport changes to a medium hub primary
23 airport, the United States Government’s share of allow-
24 able project costs for the airport may not exceed 90 per-

1 cent for 2 fiscal years following such change in hub sta-
2 tus.”.

3 **SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.**

4 Section 47110 is amended—

5 (1) by striking subsection (d) and inserting the
6 following:

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

12 “(1) the Government’s share of such costs is
13 paid with funds apportioned to the airport sponsor
14 under sections 47114(c)(1) or 47114(d)(2);

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

18 “(3) the Secretary determines that the change
19 is beyond the control of the airport sponsor.”; and

20 (2) by striking “facilities, including fuel farms
21 and hangars,” in subsection (h) and inserting “fa-
22 cilities, as defined by section 47102,”.

23 **SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

24 Section 47133(b) is amended—

1 (1) by resetting the text of the subsection as an
2 indented paragraph 2 ems from the left margin;

3 (2) by inserting “(1)” before “Subsection”; and

4 (3) by adding at the end thereof the following:

5 “(2) In the case of a privately owned airport,
6 subsection (a) shall not apply to the proceeds from
7 the sale of the airport to a public sponsor if—

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

9 “(B) funding is provided under this title
10 for the public sponsor’s acquisition; and

11 “(C) an amount equal to the remaining
12 unamortized portion of the original grant, am-
13 ortized over a 20-year period, is repaid to the
14 Secretary by the private owner for deposit in
15 the Trust Fund for airport acquisitions.

16 “(3) This subsection shall apply to grants
17 issued on or after October 1, 1996.”.

18 **SEC. 207. PILOT PROGRAM FOR AIRPORT TAKEOVER OF**

19 **AIR NAVIGATION FACILITIES.**

20 (a) **IN GENERAL.**—Chapter 445 is amended by add-
21 ing at the end the following new section:

22 **“§44518. Pilot program for airport takeover of ter-
23 minal area air navigation equipment**

24 “(a) **IN GENERAL.**—Subject to the requirements of
25 this section, the Administrator of the Federal Aviation Ad-

1 ministrator may carry out a pilot program under which
2 the Administrator may transfer ownership, operating and
3 maintenance responsibilities for airport terminal area air
4 navigation equipment to sponsors of not more than 10 air-
5 ports.

6 “(b) TERMS AND CONDITIONS OF TRANSFER FOR
7 AIRPORT SPONSORS.—As a condition of participating in
8 this pilot program the sponsor shall agree that the sponsor
9 will—

10 “(1) operate and maintain all of the air naviga-
11 tion equipment that is subject to this section at the
12 airport in accordance with standards established by
13 the Administrator;

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

18 “(3) acquire and maintain new air navigation
19 equipment as needed to replace facilities that have
20 to be replaced at the end of their useful life or to
21 meet new standards established by the Adminis-
22 trator.

23 “(c) TERMS AND CONDITIONS OF TRANSFER FOR
24 THE ADMINISTRATOR.—When the Administrator approves

1 a sponsor's participation in this pilot program, the Admin-
2 istrator shall—

3 “(1) transfer, at no cost to the sponsor, the
4 title and ownership of the air navigation equipment
5 facilities approved for transfer under this program;
6 and

7 “(2) transfer, at no cost to the sponsor, the
8 government's property interest in the land on which
9 the air navigation facilities transferred under para-
10 graph (1) are located.

11 “(d) TREATMENT OF AIRPORT COSTS UNDER PILOT
12 PROGRAM.—Upon transfer by the Administrator, any
13 costs incurred by the airport for ownership and mainte-
14 nance of the equipment transferred under this section
15 shall be considered a cost of providing airfield facilities
16 and services under standards and guidelines issued by the
17 Secretary under section 47129(b)(2) and may be recov-
18 ered in rates and charges assessed for use of the airfield.

19 “(e) DEFINITIONS.—In this section:

20 “(1) SPONSOR.—The term ‘sponsor’ has the
21 meaning given that term in section 40102.

22 “(2) TERMINAL AREA AIR NAVIGATION EQUIP-
23 MENT.—The term ‘terminal area air navigation
24 equipment’ means an air navigation facility under
25 section 40102, other than buildings used for air

1 traffic control functions, that exists to provide ap-
 2 proach and landing guidance to aircraft.

3 “(f) GUIDELINES.—The Administrator shall issue ad-
 4 visory guidelines on the implementation of the program.
 5 The guidelines shall not be subject to administrative rule-
 6 making requirements under subchapter II of chapter 5 of
 7 title 5.”.

8 (b) CONFORMING AMENDMENT.—The chapter anal-
 9 ysis for chapter 445 is amended by inserting after the item
 10 relating to section 44517 the following:

“44518. Pilot program for airport takeover of terminal area air navigation
 equipment.”.

11 **SEC. 208. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**
 12 **COSTS.**

13 Notwithstanding section 47109(a) of title 49, United
 14 States Code, the Federal government’s share of allowable
 15 project costs for a grant made in fiscal year 2008, 2009,
 16 2010, or 2011 under chapter 471 of that title for a project
 17 described in paragraph (2) or (3) of that section shall be
 18 95 percent.

19 **SEC. 209. MISCELLANEOUS AMENDMENTS.**

20 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF
 21 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is
 22 amended—

23 (1) by striking “each airport to—” in sub-
 24 section (a) and inserting “the airport system to—”;

1 (2) by striking “system in the particular area;”
2 in subsection (a)(1) and inserting “system, including
3 connection to the surface transportation network;
4 and”;

5 (3) by striking “aeronautics; and” in subsection
6 (a)(2) and inserting “aeronautics.”;

7 (4) by striking subsection (a)(3);

8 (5) by striking paragraph (2) of subsection (b)
9 and redesignating paragraph (3) as paragraph (2);

10 (6) by striking “operations, Short Takeoff and
11 Landing/Very Short Takeoff and Landing aircraft
12 operations,” in subsection (b)(2), as redesignated
13 and inserting “operations”; and

14 (7) by striking “status of the” in subsection
15 (d).

16 (b) UPDATE VETERANS PREFERENCE DEFINI-
17 TION.—Section 47112(c) is amended—

18 (1) by striking “separated from” in paragraph
19 (1)(B) and inserting “discharged or released from
20 active duty in”;

21 (2) by adding at the end of paragraph (1) the
22 following:

23 “(C) ‘Afghanistan-Iraq war veteran’ means an
24 individual who served on active duty, as defined by
25 section 101(21) of title 38, at any time in the armed

1 forces for a period of more than 180 consecutive
2 days, any part of which occurred during the period
3 beginning on September 11, 2001, and ending on
4 the date prescribed by Presidential proclamation or
5 by law as the last date of Operation Iraqi Free-
6 dom.”; and

7 (3) by striking “veterans and” in paragraph (2)
8 and inserting “veterans, Afghanistan-Iraq war vet-
9 erans, and”.

10 (c) ANNUAL REPORT.—Section 47131(a) is amend-
11 ed—

12 (1) by striking “April 1” and inserting “June
13 1”; and

14 (2) by revising paragraphs (1), (2), (3), and (4)
15 to read as follows:

16 “(1) a summary of airport development and
17 planning completed;

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

19 “(3) an accounting of discretionary and appor-
20 tioned funds allocated;

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

22 (d) SUNSET OF PROGRAM.—Section 47137 is re-
23 pealed effective September 30, 2008.

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

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

3 (2) by striking “47102(3)(F),” in subsection
4 (b);

5 (3) by striking “47102(3)(L), or 47140” in
6 subsection (b) and inserting “or 47102(3)(L),”;

7 (4) by striking “47103(3)(F), in subsection (b);

8 (5) by striking “47102(3)(L), or 47140,” in
9 subsection (b) and inserting “or 47102(3)(L),”.

10 (f) CORRECTION TO SURPLUS PROPERTY AUTHOR-
11 ITY.—Section 47151(e) is amended by striking “(other
12 than real property that is subject to section 2687 of title
13 10, section 201 of the Defense Authorization Amendments
14 and Base Closure and Realignment Act (10 U.S.C. 2687
15 note), or section 2905 of the Defense Base Closure and
16 Realignment Act of 1990 (10 U.S.C. 2687 note)”.

17 (g) AIRPORT CAPACITY BENCHMARK REPORTS; DEF-
18 INITION OF JOINT USE AIRPORT.—Section 47175 is
19 amended—

20 (1) by striking “Airport Capacity Benchmark
21 Report 2001.” in paragraph (2) and inserting “2001
22 and 2004 Airport Capacity Benchmark Reports or
23 of the most recent Benchmark report.”; and

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

1 “(7) JOINT USE AIRPORT.—The term ‘joint use
2 airport’ means an airport owned by the United
3 States Department of Defense, at which both mili-
4 tary and civilian aircraft make shared use of the air-
5 field.”.

6 (h) CARGO AIRPORTS.—Section 47114(c)(2)(A) is
7 amended by striking “3.5 percent” and inserting “4.0 per-
8 cent”.

9 (i) USE OF APPORTIONED AMOUNTS.—Section
10 47117(e)(A) is amended—

11 (1) by striking “35 percent” in the first sen-
12 tence and inserting “\$300,000,000”;

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

14 (3) by striking “et seq.)” and inserting “et
15 seq.), and for water quality mitigation projects to
16 comply with the Act of June 30, 1948 (33 U.S.C.
17 1251 et seq.) approved in an environmental record
18 of decision for an airport development project under
19 this title.”; and

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

23 (j) USE OF APPORTIONED AMOUNTS.—An amount
24 apportioned under section 47114 of title 49, United States
25 Code, or made available under section 47115 of that title,

1 to the sponsor of a reliever airport the crosswind runway
2 of which was closed as a result of a Record of Decision
3 dated September 3, 2004, shall be available for project
4 costs associated with the establishment of a new crosswind
5 runway.

6 (k) USE OF PREVIOUS FISCAL YEAR'S APPORTION-
7 MENT.—Section 47114(c)(1) is amended—

8 (1) by striking “airport due to an employment
9 action, natural disaster, or other event unrelated to
10 the demand for air transportation at the affected
11 airport.” in paragraph (E)(iii) and inserting “air-
12 port—

13 “(I) if it is included in the essential air
14 service program in the calendar year in which
15 the passenger boardings fall below 9,700;

16 “(II) if at the airport the total passenger
17 boardings from large certificated air carriers
18 (as defined in part 241 of title 14, Code of Fed-
19 eral Regulations) conducting scheduled plus
20 nonscheduled service totals 10,000 or more in
21 the calendar year in which the airport does not
22 meet the criteria for a primary airport under
23 section 47102 of this title; or

24 “(III) if the documented interruption to
25 scheduled service at the airport was equal to 4

1 percent of the scheduled flights in calendar year
2 2006, exclusive of cancellations due to severe
3 weather conditions, and the airport is served by
4 a single air carrier.”;

5 (2) by redesignating subparagraphs (F) and
6 (G) as (G) and (H), respectively, and inserting after
7 subparagraph (E) the following:

8 “(F) For fiscal years 2009 through 2012, with
9 regard to an airport that meets the criteria de-
10 scribed in paragraph (E)(iii), if the calendar year
11 passenger boardings for the calculation of apportion-
12 ments under this section fall below 10,000 passenger
13 boardings, the Secretary may use the passenger
14 boardings for the last fiscal year in which passenger
15 boardings exceeded 10,000 for calculating apportion-
16 ments.”.

17 **SEC. 210. STATE BLOCK GRANT PROGRAM.**

18 Section 47128 is amended—

19 (1) by striking “regulations” each place it ap-
20 pears in subsection (a) and inserting “guidance”;

21 (2) by striking “grant;” in subsection (b)(4)
22 and inserting “grant, including Federal environ-
23 mental requirements or an agreed upon equivalent;”;

1 **SEC. 212. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
2 **PROCEDURES.**

3 Section 47504 is amended by adding at the end the
4 following:

5 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
6 DURES.—

7 ““(1) The Secretary is authorized in accordance
8 with subsection (c)(1) to make a grant to an airport
9 operator to assist in completing environmental re-
10 view and assessment activities for proposals to im-
11 plement flight procedures that have been approved
12 for airport noise compatibility planning purposes
13 under subsection (b).

14 ““(2) The Administrator of the Federal Aviation
15 Administration may accept funds from an airport
16 sponsor, including funds provided to the sponsor
17 under paragraph (1), to hire additional staff or ob-
18 tain the services of consultants in order to facilitate
19 the timely processing, review and completion of envi-
20 ronmental activities associated with proposals to im-
21 plement flight procedures submitted and approved
22 for airport noise compatibility planning purposes in
23 accordance with this section. Funds received under
24 this authority shall not be subject to the procedures
25 applicable to the receipt of gifts by the Adminis-
26 trator.”.

1 **SEC. 213. SAFETY-CRITICAL AIRPORTS.**

2 Section 47118(c) is amended—

3 (1) by striking “or” after the semicolon in
4 paragraph (1);

5 (2) by striking “delays.” in paragraph (2) and
6 inserting “delays; or”; and

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

8 “(3) be critical to the safety of commercial,
9 military, or general aviation in trans-oceanic
10 flights.”.

11 **SEC. 214. EXPANDED PASSENGER FACILITY CHARGE ELIGI-**
12 **BILITY FOR NOISE COMPATIBILITY**
13 **PROJECTS.**

14 Section 40117(b) is amended by adding at the end
15 the following:

16 “(7) NOISE MITIGATION FOR CERTAIN
17 SCHOOLS.—

18 “(A) IN GENERAL.—In addition to the
19 uses specified in paragraphs (1), (4), and (6),
20 the Secretary may authorize a passenger facility
21 charge imposed under paragraph (1) or (4) at
22 a large hub airport that is the subject of an
23 amended judgment and final order in con-
24 demnation filed on January 7, 1980, by the Su-
25 perior Court of the State of California for the
26 county of Los Angeles, to be used for a project

1 to carry out noise mitigation for a building, or
2 for the replacement of a relocatable building
3 with a permanent building, in the noise im-
4 pacted area surrounding the airport at which
5 such building is used primarily for educational
6 purposes, notwithstanding the air easement
7 granted or any terms to the contrary in such
8 judgment and final order, if—

9 “(i) the Secretary determines that the
10 building is adversely affected by airport
11 noise;

12 “(ii) the building is owned or char-
13 tered by the school district that was the
14 plaintiff in case number 986,442 or
15 986,446, which was resolved by such judg-
16 ment and final order;

17 “(iii) the project is for a school identi-
18 fied in 1 of the settlement agreements ef-
19 fective February 16, 2005, between the
20 airport and each of the school districts;

21 “(iv) in the case of a project to re-
22 place a relocatable building with a perma-
23 nent building, the eligible project costs are
24 limited to the actual structural construc-
25 tion costs necessary to mitigate aircraft

1 noise in instructional classrooms to an in-
 2 terior noise level meeting current stand-
 3 ards of the Federal Aviation Administra-
 4 tion; and

5 “(v) the project otherwise meets the
 6 requirements of this section for authoriza-
 7 tion of a passenger facility charge.

8 “(B) ELIGIBLE PROJECT COSTS.—In sub-
 9 paragraph (A)(iv), the term ‘eligible project
 10 costs’ means the difference between the cost of
 11 standard school construction and the cost of
 12 construction necessary to mitigate classroom
 13 noise to the standards of the Federal Aviation
 14 Administration.”.

15 **TITLE III—FAA ORGANIZATION** 16 **AND REFORM**

17 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-** 18 **SIGHT BOARD.**

19 Section 106 is amended by striking subsection (p)
 20 and inserting in lieu thereof the following:

21 “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-
 22 SIGHT BOARD.—

23 “(1) ESTABLISHMENT.—The Secretary shall es-
 24 tablish an advisory Board which shall be known as

1 the Air Traffic Control Modernization Oversight
2 Board.

3 “(2) MEMBERSHIP.—The Board shall be com-
4 prised of 7 members, who shall consist of—

5 “(A) the Administrator of the Federal
6 Aviation Administration and a representative
7 from the Department of Defense;

8 “(B) 1 member who shall have a fiduciary
9 responsibility to represent the public interest;
10 and

11 “(C) 4 members representing aviation in-
12 terests:

13 “(i) 1 representative that is the chief
14 executive officer of an airport.

15 “(ii) 1 representative that is the chief
16 executive officer of a passenger or cargo
17 air carrier.

18 “(iii) 1 representative of a labor orga-
19 nization representing employees at the
20 Federal Aviation Administration that are
21 involved with the operation, maintenance
22 or procurement of the air traffic control
23 system.

1 “(iv) 1 representative with extensive
2 operational experience in the general avia-
3 tion community.

4 “(3) APPOINTMENT AND QUALIFICATIONS.—

5 “(A) Members of the Board appointed
6 under paragraphs (2)(B) and (2)(C) shall be
7 appointed by the President, by and with the ad-
8 vice and consent of the Senate.

9 “(B) Members of the Board appointed
10 under paragraph (2)(B) shall be citizens of the
11 United States and shall be appointed without
12 regard to political affiliation and solely on the
13 basis of their professional experience and exper-
14 tise in one or more of the following areas and,
15 in the aggregate, should collectively bring to
16 bear expertise in—

17 “(i) management of large service or-
18 ganizations;

19 “(ii) customer service;

20 “(iii) management of large procure-
21 ments;

22 “(iv) information and communications
23 technology;

24 “(v) organizational development; and

25 “(vi) labor relations.

1 “(4) FUNCTIONS.—

2 “(A) IN GENERAL.—The Board shall—

3 “(i) review and provide advice on the
4 Administration’s modernization programs,
5 budget, and cost accounting system;

6 “(ii) review the Administration’s stra-
7 tegic plan and make recommendations on
8 the non-safety program portions of the
9 plan, and provide advice on the safety pro-
10 grams of the plan;

11 “(iii) review the operational efficiency
12 of the air traffic control system and make
13 recommendations on the operational and
14 performance metrics for that system;

15 “(iv) approve capital expenditures for
16 a project of \$100,000,000 or more related
17 to the system;

18 “(v) approve by July 31 of each year
19 the Administrator’s budget request for fa-
20 cilities and equipment prior to its submis-
21 sion to the Office of Management and
22 Budget;

23 “(vi) approve the Federal Aviation
24 Administration’s Capital Investment Plan
25 prior to its submission to the Congress;

1 “(vii) annually approve the Oper-
2 ational Evolution Plan;

3 “(viii) approve the Administrator’s se-
4 lection of a Chief Operating Officer for the
5 Air Traffic Organization and on the ap-
6 pointment and compensation of its man-
7 agers; and

8 “(ix) approve the selection of the head
9 of the Joint Planning Development Office.

10 “(B) MEETINGS.—The Board shall meet
11 on a regular and periodic basis or at the call of
12 the Chairman or of the Administrator.

13 “(C) ACCESS TO DOCUMENTS AND
14 STAFF.—The Administration may give the
15 Board appropriate access to relevant documents
16 and personnel of the Administration, and the
17 Administrator shall make available, consistent
18 with the authority to withhold commercial and
19 other proprietary information under section 552
20 of title 5, cost data associated with the acquisi-
21 tion and operation of air traffic control systems.
22 Any member of the Board who receives com-
23 mercial or other proprietary data from the Ad-
24 ministrator shall be subject to the provisions of

1 section 1905 of title 18, pertaining to unauthor-
2 ized disclosure of such information.

3 “(5) FEDERAL ADVISORY COMMITTEE ACT NOT
4 TO APPLY.—The Federal Advisory Committee Act (5
5 U.S.C. App.) shall not apply to the Board or such
6 rulemaking committees as the Administrator shall
7 designate.

8 “(6) ADMINISTRATIVE MATTERS.—

9 “(A) TERMS OF MEMBERS.—Members of
10 the Board appointed under paragraph (2)(B)
11 and (2)(C) shall be appointed for a term of 4
12 years.

13 “(B) REAPPOINTMENT.—No individual
14 may be appointed to the Board for more than
15 8 years total.

16 “(C) VACANCY.—Any vacancy on the
17 Board shall be filled in the same manner as the
18 original position. Any member appointed to fill
19 a vacancy occurring before the expiration of the
20 term for which the member’s predecessor was
21 appointed shall be appointed for a term of 4
22 years.

23 “(D) CONTINUATION IN OFFICE.—A mem-
24 ber of the Board whose term expires shall con-

1 tinue to serve until the date on which the mem-
2 ber’s successor takes office.

3 “(E) REMOVAL.—Any member of the
4 Board appointed under paragraph (2)(B) or
5 (2)(C) may be removed by the President for
6 cause.

7 “(F) CLAIMS AGAINST MEMBERS OF THE
8 BOARD.—

9 “(i) IN GENERAL.—A member ap-
10 pointed to the Board shall have no per-
11 sonal liability under State or Federal law
12 with respect to any claim arising out of or
13 resulting from an act or omission by such
14 member within the scope of service as a
15 member of the Board.

16 “(ii) EFFECT ON OTHER LAW.—This
17 subparagraph shall not be construed—

18 “(I) to affect any other immunity
19 or protection that may be available to
20 a member of the Board under applica-
21 ble law with respect to such trans-
22 actions;

23 “(II) to affect any other right or
24 remedy against the United States
25 under applicable law; or

1 “(III) to limit or alter in any way
2 the immunities that are available
3 under applicable law for Federal offi-
4 cers and employees.

5 “(G) ETHICAL CONSIDERATIONS.—Each
6 member of the Board appointed under para-
7 graph (2)(B) must certify that he or she—

8 “(i) does not have a pecuniary interest
9 in, or own stock in or bonds of, an aviation
10 or aeronautical enterprise, except an inter-
11 est in a diversified mutual fund or an in-
12 terest that is exempt from the application
13 of section 208 of title 18;

14 “(ii) does not engage in another busi-
15 ness related to aviation or aeronautics; and

16 “(iii) is not a member of any organi-
17 zation that engages, as a substantial part
18 of its activities, in activities to influence
19 aviation-related legislation.

20 “(H) CHAIRMAN; VICE CHAIRMAN.—The
21 Board shall elect a chair and a vice chair from
22 among its members, each of whom shall serve
23 for a term of 2 years. The vice chair shall per-
24 form the duties of the chairman in the absence
25 of the chairman.

1 “(I) COMPENSATION.—No member shall re-
2 ceive any compensation or other benefits from
3 the Federal Government for serving on the
4 Board, except for compensation benefits for in-
5 juries under subchapter I of chapter 81 of title
6 5 and except as provided under subparagraph
7 (J).

8 “(J) EXPENSES.—Each member of the
9 Board shall be paid actual travel expenses and
10 per diem in lieu of subsistence expenses when
11 away from his or her usual place of residence,
12 in accordance with section 5703 of title 5.

13 “(K) BOARD RESOURCES.—From re-
14 sources otherwise available to the Adminis-
15 trator, the Chairman shall appoint such staff to
16 assist the board and provide impartial analysis.
17 The Administrator shall make available to the
18 Board such information and administrative
19 services and assistance as may reasonably be
20 required to enable the Board to carry out its re-
21 sponsibilities under this subsection.

22 “(L) QUORUM AND VOTING.—A simple
23 majority of members of the Board shall con-
24 stitute a quorum. A majority vote of members

1 present and voting shall be required for the
2 Committee to take action.

3 “(7) AIR TRAFFIC CONTROL SYSTEM DE-
4 FINED.—In this subsection, the term ‘air traffic con-
5 trol system’ has the meaning given that term in sec-
6 tion 40102(a).”.

7 **SEC. 302. ADS-B SUPPORT PILOT PROGRAM.**

8 (a) IN GENERAL.—Chapter 445, as amended by sec-
9 tion 317, is amended by adding at the end the following:

10 **“§ 44519. ADS-B support pilot program**

11 “(a) IN GENERAL.—The Secretary may carry out a
12 pilot program to support non-Federal acquisition of Na-
13 tional Airspace System compliant Automatic Dependent
14 Surveillance-Broadcast (ADS-B) ground stations if—

15 “(1) the Secretary determines that acquisition
16 of the ground stations benefits the improvement of
17 safety or capacity in the National Airspace System;

18 “(2) the ground stations provide the required
19 transmit and receive data formats consistent with
20 the National Airspace System architecture at the ap-
21 propriate service delivery point; and

22 “(3) the ground stations acquired under this
23 program are supplemental to ground stations estab-
24 lished under programs administered by the Adminis-
25 trator of the Federal Aviation Administration.

1 “(b) PROJECT GRANTS.—

2 “(1) For purposes of carrying out the pilot pro-
3 gram and notwithstanding the requirements of sec-
4 tion 47114(d), the Secretary may make a project
5 grant out of funds apportioned under section
6 47114(d)(2) to not more than 10 eligible sponsors to
7 acquire and install ADS-B ground stations in order
8 to serve any public-use airport.

9 “(2) The Secretary shall establish procurement
10 procedures applicable to grants issued under this
11 section. The procedures shall permit the sponsor to
12 carry out the project using Federal Aviation Admin-
13 istration contracts. The procedures established by
14 the Secretary may provide for the direct reimburse-
15 ment (including administrative costs) of the Admin-
16 istrator by the sponsor using grant funds under this
17 section, for the ordering of such equipment and its
18 installation, or for the direct ordering of such equip-
19 ment and its installation by the sponsor, using such
20 grant funds, from the suppliers with which the Ad-
21 ministrator has contracted.

22 “(c) MATCHING REQUIREMENT.—The amount of a
23 grant to an eligible sponsor under subsection (b) may not
24 exceed 90 percent of the costs of the acquisition and in-
25 stallation of the ground support equipment.

1 “(d) DEFINITIONS.—In this section:

2 “(1) ADS-B GROUND STATION.—The term
3 ‘ADS-B ground station’ means electronic equipment
4 that provides for ADS-B reception and broadcast
5 services.

6 “(2) ELIGIBLE SPONSOR.—The term ‘eligible
7 sponsor’ means a State or any consortium of 2 or
8 more State or local governments meeting the defini-
9 tion of a sponsor under section 47102 of this title.”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-
11 ysis for chapter 445 is amended by inserting after the item
12 relating to section 44518 the following:

“44519. ADS-B support pilot program.”.

13 **SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAF-**
14 **FIC SERVICES.**

15 Section 106(l) is amended by adding at the end the
16 following:

17 “(7) AIR TRAFFIC SERVICES.—In determining
18 what actions to take, by rule or through an agree-
19 ment or transaction under paragraph (6) or under
20 section 44502, to permit non-government providers
21 of communications, navigation, surveillance or other
22 services to provide such services in the National Air-
23 space System, or to require the usage of such serv-
24 ices, the Administrator shall consider whether such
25 actions would—

1 “(A) promote the safety of life and prop-
2 erty;

3 “(B) improve the efficiency of the National
4 Airspace System and reduce the regulatory bur-
5 den upon National Airspace System users,
6 based upon sound engineering principles, user
7 operational requirements, and marketplace de-
8 mands;

9 “(C) encourage competition and provide
10 services to the largest feasible number of users;
11 and

12 “(D) take into account the unique role
13 served by general aviation.”.

14 **SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO**
15 **REIMBURSABLE AGREEMENTS.**

16 Section 106(m) is amended by striking “without” in
17 the last sentence and inserting “with or without”.

18 **SEC. 305. CLARIFICATION TO ACQUISITION REFORM AU-**
19 **THORITY.**

20 Section 40110(c) is amended—

21 (1) by inserting “and” after the semicolon in
22 paragraph (3);

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

24 (3) by redesignating paragraph (5) as para-
25 graph (4).

1 **SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.**

2 Section 40113(e) is amended—

3 (1) by inserting “(whether public or private)”
4 in paragraph (1) after “authorities”;

5 (2) by striking “safety.” in paragraph (1) and
6 inserting “safety or efficiency. The Administrator is
7 authorized to participate in, and submit offers in re-
8 sponse to, competitions to provide these services,
9 and to contract with foreign aviation authorities to
10 provide these services consistent with the provisions
11 under section 106(l)(6) of this title. The Adminis-
12 trator is also authorized, notwithstanding any other
13 provision of law or policy, to accept payments in ar-
14 rears.”; and

15 (3) by striking “appropriation from which ex-
16 penses were incurred in providing such services.” in
17 paragraph (3) and inserting “appropriation current
18 when the expenditures are or were paid, or the ap-
19 propriation current when the amount is received.”.

20 **SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.**

21 Section 40122(g)(2) is amended—

22 (1) by striking “and” after the semicolon in
23 subparagraph (G);

24 (2) by striking “Board.” in subparagraph (H)
25 and inserting “Board;”; and

1 (3) by inserting at the end the following new
2 subparagraph:

3 “(I) subsections (b), (c), and (d) of section
4 4507 (relating to Meritorious Executive or Dis-
5 tinguished Executive rank awards), and section
6 subsections (b) and (c) of section 4507a (relat-
7 ing to Meritorious Senior Professional or Dis-
8 tinguished Senior Professional rank-awards),
9 except that—

10 “(i) for purposes of applying such
11 provisions to the personnel management
12 system—

13 “(I) the term ‘agency’ means the
14 Department of Transportation;

15 “(II) the term ‘senior executive’
16 means an Federal Aviation Adminis-
17 tration executive;

18 “(III) the term ‘career appointee’
19 means an Federal Aviation Adminis-
20 tration career executive; and

21 “(IV) the term ‘senior career em-
22 ployee’ means an Federal Aviation
23 Administration career senior profes-
24 sional;

1 “(ii) receipt by a career appointee of
2 the rank of Meritorious Executive or Meri-
3 torious Senior Professional entitles such
4 individual to a lump-sum payment of an
5 amount equal to 20 percent of annual
6 basic pay, which shall be in addition to the
7 basic pay paid under the Federal Aviation
8 Administration Executive Compensation
9 Plan; and

10 “(iii) receipt by a career appointee of
11 the rank of Distinguished Executive or
12 Distinguished Senior Professional entitles
13 the individual to a lump-sum payment of
14 an amount equal to 35 percent of annual
15 basic pay, which shall be in addition to the
16 basic pay paid under the Federal Aviation
17 Administration Executive Compensation
18 Plan.”.

19 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**
20 **MENT.**

21 (a) **FAA CRITERIA FOR FACILITIES REALIGN-**
22 **MENT.**—Within 9 months after the date of enactment of
23 this Act, the Administrator of the Federal Aviation Ad-
24 ministration, after providing an opportunity for public
25 comment, shall publish final criteria to be used in making

1 the Administrator's recommendations for the realignment
2 of services and facilities to assist in the transition to next
3 generation facilities and help reduce capital, operating,
4 maintenance, and administrative costs with no adverse ef-
5 fect on safety.

6 (b) REALIGNMENT RECOMMENDATIONS.—Within 9
7 months after publication of the criteria, the Administrator
8 shall publish a list of the services and facilities that the
9 Administrator recommends for realignment, including a
10 justification for each recommendation, and a description
11 of the costs and savings of such transition.

12 (c) REALIGNMENT DEFINED.—As used in this sec-
13 tion, the term “realignment” includes any action which
14 relocates functions and personnel positions but does not
15 include a reduction in personnel resulting from workload
16 adjustments.

17 (d) STUDY BY BOARD.—The Air Traffic Control
18 Modernization Oversight Board established by section
19 106(p) of title 49, United States Code, shall study the Ad-
20 ministrator's recommendations for realignment and the
21 opportunities, risks, and benefits of realigning services and
22 facilities of the Federal Aviation Administration to help
23 reduce capital, operating, maintenance, and administrative
24 costs with no adverse effect on safety.

25 (e) REVIEW AND RECOMMENDATIONS.—

1 (1) After receiving the recommendations from
2 the Administrator pursuant to subsection (b), the
3 Board shall provide opportunity for public comment
4 on such recommendations.

5 (2) Based on its review and analysis of the Ad-
6 ministrator's recommendations and any public com-
7 ment it may receive, the Board shall make its inde-
8 pendent recommendations for realignment of avia-
9 tion services or facilities and submit its rec-
10 ommendations in a report to the President, the Sen-
11 ate Committee on Commerce, Science, and Trans-
12 portation, and the House of Representatives Com-
13 mittee on Transportation and Infrastructure.

14 (3) The Board shall explain and justify in its
15 report any recommendation made by the Board that
16 is different from the recommendations made by the
17 Administrator pursuant to subsection (b).

18 (4) The Administrator may not consolidate any
19 additional approach control facilities into the South-
20 ern California TRACON until the Board's rec-
21 ommendations are completed.

22 **SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYS-**
23 **TEM PLANNING OFFICE.**

24 (a) IMPROVED COOPERATION AND COORDINATION
25 AMONG PARTICIPATING AGENCIES.—Section 709 of the

1 Vision 100—Century of Aviation Reauthorization Act (49
2 U.S.C. 40101 note) is amended—

3 (1) by inserting “(A)” after “(3)” in subsection
4 (a)(3);

5 (2) by inserting after subsection (a)(3) the fol-
6 lowing:

7 “(B) The Administrator of the Federal
8 Aviation Administration, the Secretary of De-
9 fense, the Administrator of the National Aero-
10 nautics and Space Administration, the Sec-
11 retary of Commerce, the Secretary of Homeland
12 Security, and the head of any other Department
13 or Federal agency from which the Secretary of
14 Transportation requests assistance under sub-
15 paragraph (A) shall designate an office to be
16 responsible for—

17 “(i) carrying out the Department or
18 agency’s Next Generation Air Transpor-
19 tation System activities with the Office;
20 and

21 “(ii) liaison and coordination with
22 other Departments and agencies involved
23 in Next Generation Air Transportation
24 System activities.

1 “(C) The head of any such Department or
2 agency shall ensure that—

3 “(i) the Department’s or agency’s
4 Next Generation Air Transportation Sys-
5 tem responsibilities are clearly commu-
6 nicated to the designated office; and

7 “(ii) the performance of supervisory
8 personnel in that office in carrying out the
9 Department’s or agency’s Next Generation
10 Air Transportation System responsibilities
11 is reflected in their annual performance
12 evaluations and compensation decisions.

13 “(D)(i) Within 6 months after the date of
14 enactment of the Aviation Investment and Mod-
15 ernization Act of 2007, the head of each such
16 Department or agency shall execute a memo-
17 randum of understanding with the Office and
18 with the other Departments and agencies par-
19 ticipating in the Next Generation Air Transpor-
20 tation System project that—

21 “(I) describes the respective respon-
22 sibilities of each such Department and
23 agency, including budgetary commitments;
24 and

1 “(II) the budgetary and staff re-
2 sources committed to the project.

3 “(ii) The memorandum shall be revised as
4 necessary to reflect any changes in such respon-
5 sibilities or commitments.”;

6 (3) adding at the end of subsection (a) the fol-
7 lowing:

8 “(5) The Director of the Office shall be a voting
9 member of the Federal Aviation Administration’s Joint
10 Resources Council and the Air Traffic Organization’s Ex-
11 ecutive Council.”;

12 (4) by striking “beyond those currently included
13 in the Federal Aviation Administration’s Operational
14 Evolution Plan” in subsection (b);

15 (5) by striking “research and development road-
16 map” in subsection (b)(3) and inserting “implemen-
17 tation plan”;

18 (6) by striking “and” after the semicolon in
19 subsection (b)(3)(B);

20 (7) by inserting after subsection (b)(3)(C) the
21 following:

22 “(D) a schedule of rulemakings required to
23 issue regulations and guidelines for implementa-
24 tion of the Next Generation Air Transportation

1 System within a timeframe consistent with the
2 integrated plan; and”;

3 (8) by inserting “and key technologies” after
4 “concepts” in subsection (b)(4);

5 (9) by striking “users” in subsection (b)(4) and
6 inserting “users, an implementation plan,”;

7 (10) by adding at the end of subsection (b) the
8 following:

9 “Within 6 months after the date of enactment of the Avia-
10 tion Investment and Modernization Act of 2007, the Ad-
11 ministrator shall develop the implementation plan de-
12 scribed in paragraph (3) of this subsection and shall up-
13 date it annually thereafter.”; and

14 (11) by striking “2010.” in subsection (e) and
15 inserting “2011.”.

16 (b) SENIOR POLICY COMMITTEE MEETINGS.—Sec-
17 tion 710 of such Act (49 U.S.C. 40101 note) is amended
18 by striking “Secretary.” and inserting “Secretary and
19 shall meet at least once each quarter.”.

20 **SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.**

21 Section 40102(a)(4) is amended—

22 (1) by striking subparagraph (B) and inserting
23 the following:

24 “(B) runway lighting and airport surface
25 visual and other navigation aids;”;

1 (2) by striking “weather information, signaling,
2 radio-directional finding, or radio or other electro-
3 magnetic communication; and” in subparagraph (C)
4 and inserting “aeronautical and meteorological infor-
5 mation to air traffic control facilities or aircraft,
6 supplying communication, navigation or surveillance
7 equipment for air-to-ground or air-to-air applica-
8 tions;”;

9 (3) by striking “another structure” in subpara-
10 graph (D) and inserting “any structure or equip-
11 ment”;

12 (4) by striking “aircraft.” in subparagraph (D)
13 and inserting “aircraft; and”; and

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

15 “(E) buildings, equipment and systems
16 dedicated to the National Airspace System.”.

17 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
18 **TORY.**

19 Section 40110(a)(2) is amended by striking “com-
20 pensation; and” and inserting “compensation, and the
21 amount received may be credited to the appropriation cur-
22 rent when the amount is received; and”.

23 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

24 The Administrator of the Federal Aviation Adminis-
25 tration shall make payments to the Department of De-

1 fense for the education of dependent children of those
 2 Federal Aviation Administration employees in Puerto Rico
 3 and Guam who are subject to transfer by policy and prac-
 4 tice and meet the eligibility requirements of section
 5 2164(c) of title 10, United States Code.

6 **SEC. 313. FEDERAL AVIATION ADMINISTRATION PER-**
 7 **SONNEL MANAGEMENT SYSTEM.**

8 Section 40122(a)(2) is amended to read as follows:

9 “(2) DISPUTE RESOLUTION.—

10 “(A) MEDIATION.—If the Administrator
 11 does not reach an agreement under paragraph
 12 (1) or subsection (g)(2)(C) with the exclusive
 13 bargaining representatives, the services of the
 14 Federal Mediation and Conciliation Service
 15 shall be used to attempt to reach such agree-
 16 ment in accordance with part 1425 of title 29,
 17 Code of Federal Regulations. The Adminis-
 18 trator and bargaining representatives may by
 19 mutual agreement adopt procedures for the res-
 20 olution of disputes or impasses arising in the
 21 negotiation of a collective-bargaining agree-
 22 ment.

23 “(B) BINDING ARBITRATION.—If the serv-
 24 ices of the Federal Mediation and Conciliation
 25 Service under subparagraph (A) does not lead

1 to an agreement, the Administrator and the
2 bargaining representatives shall submit their
3 issues in controversy to the Federal Service Im-
4 passes Panel in accordance with section 7119 of
5 title 5. The Panel shall assist the parties in re-
6 solving the impasse by asserting jurisdiction
7 and ordering binding arbitration by a private
8 arbitration board consisting of 3 members in
9 accordance with section 2471.6(a)(2)(ii) of title
10 5, Code of Federal Regulations. The executive
11 director of the Panel shall request a list of not
12 less than 15 names of arbitrators with Federal
13 sector experience from the director of the Fed-
14 eral Mediation and Conciliation Service to be
15 provided to the Administrator and the bar-
16 gaining representatives. Within 10 days after
17 receiving the list, the parties shall each select 1
18 person. The 2 arbitrators shall then select a
19 third person from the list within 7 days. If ei-
20 ther of the parties fails to select a person or if
21 the 2 arbitrators are unable to agree on the
22 third person within 3 days, the selection shall
23 be chosen randomly through a process agreed to
24 by the 2 parties. If the parties do not agree on
25 the framing of the issues to be submitted, the

1 arbitration board shall frame the issues. The
2 arbitration board shall give the parties a full
3 and fair hearing, including an opportunity to
4 present evidence in support of their claims, and
5 an opportunity to present their case in person,
6 by counsel, or by other representative as they
7 may elect. Decisions of the arbitration board
8 shall be conclusive and binding upon the par-
9 ties. The arbitration board shall render its deci-
10 sion within 90 days after its appointment. The
11 Administrator and the bargaining representa-
12 tive shall share costs of the arbitration equally.
13 The arbitration board shall take into consider-
14 ation the effect of its arbitration decisions on
15 the Federal Aviation Administration's ability to
16 attract and retain a qualified workforce and the
17 Federal Aviation Administration's budget.

18 “(C) EFFECT.—Upon reaching a voluntary
19 agreement or at the conclusion of the binding
20 arbitration under subparagraph (B) above, the
21 final agreement, except for those matters de-
22 cided by the arbitration board, shall be subject
23 to ratification by the exclusive representative, if
24 so requested by the exclusive representative,

1 and approval by the head of the agency in ac-
 2 cordance with subsection (g)(2)(C).

3 “(D) ENFORCEMENT.—Enforcement of the
 4 provisions of this paragraph, and any agree-
 5 ment hereunder, shall be in the United States
 6 District Court for the District of Columbia.”.

7 **TITLE IV—AIRLINE SERVICE**
 8 **AND SMALL COMMUNITY AIR**
 9 **SERVICE IMPROVEMENTS**

10 **SEC. 401. AIRLINE CONTINGENCY SERVICE REQUIRE-**
 11 **MENTS.**

12 (a) IN GENERAL.—Chapter 417 is amended by add-
 13 ing at the end the following:

14 “SUBCHAPTER IV—AIRLINE CUSTOMER
 15 SERVICE

16 “§ 41781. AIRLINE CONTINGENCY SERVICE RE-
 17 QUIREMENTS.

18 “(a) IN GENERAL.—Not later than 60 days after the
 19 date of the enactment of the Aviation Investment and
 20 Modernization Act of 2007, each air carrier shall institute
 21 the following practices:

22 “(1) PROVISION OF FOOD AND WATER.—In any
 23 case in which departure of a flight of an air carrier
 24 is substantially delayed, such air carrier shall pro-
 25 vide—

1 “(A) adequate food and potable water to
2 passengers on such flight during such delay;
3 and

4 “(B) adequate restroom facilities to pas-
5 sengers on such flight during such delay.

6 “(2) RIGHT TO DEPLANE.—

7 “(A) IN GENERAL.—An air carrier shall
8 develop a plan, that incorporates medical con-
9 siderations, to ensure that passengers are pro-
10 vided a clear timeframe under which they will
11 be permitted to deplane a delayed aircraft. The
12 air carrier shall provide a copy of the plan to
13 the Secretary of Transportation, who shall
14 make the plan available to the public. In the ab-
15 sence of such a plan, except as provided in sub-
16 paragraph (B), if more than 3 hours after pas-
17 sengers have boarded an air carrier and the air
18 carrier doors are closed, the air carrier has not
19 departed, the air carrier shall provide pas-
20 sengers with the option to deplane safely before
21 the departure of such air carrier. Such option
22 shall be provided to passengers not less often
23 than once during each 3-hour period that the
24 plane remains on the ground.

1 “(B) EXCEPTIONS.—Subparagraph (A)
2 shall not apply—

3 “(i) if the pilot of such flight reason-
4 ably determines that such flight will depart
5 not later than 30 minutes after the 3 hour
6 delay; or

7 “(ii) if the pilot of such flight reason-
8 ably determines that permitting a pas-
9 senger to deplane would jeopardize pas-
10 senger safety or security.

11 “(b) AIR CARRIER.—In this section the term ‘air car-
12 rier’ means an air carrier holding a certificate issued
13 under section 41102 that conducts scheduled passenger
14 air transportation.”.

15 (b) REGULATIONS.—Not later than 60 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall promulgate such regulations as the Secretary
18 determines necessary to carry out the amendment made
19 by subsection (a).

20 (c) CONFORMING AMENDMENT.—The chapter anal-
21 ysis for chapter 417 is amended by adding at the end the
22 following:

SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

“41781. Airline contingency service requirements.”.

1 **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**
2 **FLIGHT DELAY HISTORY.**

3 Section 41722 is amended by adding at the end the
4 following:

5 “(f) **CHRONICALLY DELAYED FLIGHTS.**—

6 “(1) **PUBLICATION OF LIST OF FLIGHTS.**—An
7 air carrier holding a certificate issued under section
8 41102 that conducts scheduled passenger air trans-
9 portation shall publish and update monthly on the
10 Internet website of the air carrier, or provide on re-
11 quest, a list of chronically delayed flights operated
12 by the air carrier.

13 “(2) **DISCLOSURE TO CUSTOMERS WHEN PUR-**
14 **CHASING TICKETS.**—An air carrier shall disclose the
15 following information prominently to an individual
16 before that individual books transportation on the
17 air carrier’s Internet website for any flight for which
18 data is reported to the Department of Transpor-
19 tation under part 234 of title 14, Code of Federal
20 Regulations, and for which the air carrier has pri-
21 mary responsibility for inventory control:

22 “(A) The on-time performance for the
23 flight if it is a chronically delayed flight.

24 “(B) The cancellation rate for the flight if
25 it is a chronically canceled flight.

1 “(3) CHRONICALLY DELAYED; CHRONICALLY
2 CANCELED.—The Secretary of Transportation shall
3 define the terms ‘chronically delayed flight’ and
4 ‘chronically canceled flight’ for purposes of this sub-
5 section.”.

6 **SEC. 403. EAS CONNECTIVITY PROGRAM.**

7 Section 406(a) of the Vision 100—Century of Avia-
8 tion Reauthorization Act (49 U.S.C. 40101 note) is
9 amended by striking “may” and inserting “shall”.

10 **SEC. 404. EXTENSION OF FINAL ORDER ESTABLISHING**
11 **MILEAGE ADJUSTMENT ELIGIBILITY.**

12 Section 409(d) of the Vision 100—Century of Avia-
13 tion Reauthorization Act (49 U.S.C. 40101 note) is
14 amended by striking “September 30, 2007.” and inserting
15 “September 30, 2011.”.

16 **SEC. 405. EAS CONTRACT GUIDELINES.**

17 Section 41737(a)(1) is amended—

18 (1) by striking “and” after the semicolon in
19 subparagraph (B);

20 (2) by striking “provided.” in subparagraph (C)
21 and inserting “provided;”; and

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

23 “(D) include provisions under which the Sec-
24 retary may encourage carriers to improve air service
25 to small and rural communities by incorporating fi-

1 nancial incentives in essential air service contracts
2 based on specified performance goals; and

3 “(E) include provisions under which the Sec-
4 retary may execute long-term essential air service
5 contracts to encourage carriers to provide air service
6 to small and rural communities where it would be in
7 the public interest to do so.”.

8 **SEC. 406. CONVERSION OF FORMER EAS AIRPORTS.**

9 (a) IN GENERAL.—Section 41745 is amended—

10 (1) by redesignating subsections (c) through (g)
11 as subsections (d) through (h), respectively; and

12 (2) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) CONVERSION OF LOST ELIGIBILITY AIR-
15 PORTS.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish a program to provide general aviation conversion
18 funding for airports serving eligible places that the
19 Secretary has determined no longer qualify as eligi-
20 ble places.

21 “(2) GRANTS.—A grant under this sub-
22 section—

23 “(A) may not exceed twice the compensa-
24 tion paid to provide essential air service to the
25 airport in the fiscal year preceding the fiscal

1 year in which the Secretary determines that the
2 place served by the airport is no longer an eligi-
3 ble place; and

4 “(B) may be used—

5 “(i) for airport development (as de-
6 fined in section 47102(3)) that will en-
7 hance general aviation capacity at the air-
8 port;

9 “(ii) to defray operating expenses, if
10 such use is approved by the Secretary; or

11 “(iii) to develop innovative air service
12 options, such as on-demand or air taxi op-
13 erations, if such use is approved by the
14 Secretary.

15 “(3) AIP REQUIREMENTS.—An airport sponsor
16 that uses funds provided under this subsection for
17 an airport development project shall comply with the
18 requirements of subchapter I of chapter 471 applica-
19 ble to airport development projects funded under
20 that subchapter with respect to the project funded
21 under this subsection.

22 “(4) LIMITATION.—The sponsor of an airport
23 receiving funding under this subsection is not eligi-
24 ble for funding under section 41736.”.

1 (b) CONFORMING AMENDMENT.—Section 41745(f),
2 as redesignated, is amended—

3 (1) by striking “An eligible place” and inserting
4 “Neither an eligible place, nor a place to which sub-
5 section (c) applies,”; and

6 (2) by striking “not”.

7 **SEC. 407. ESSENTIAL AIR SERVICE REFORM.**

8 Section 41742(a) is amended—

9 (1) by adding at the end of paragraph (1) “Any
10 amount in excess of \$50,000,000 credited for any
11 fiscal year to the account established under section
12 45303(c) shall be obligated for programs under sec-
13 tion 406 of the Vision 100—Century of Aviation Re-
14 authorization Act (49 U.S.C. 40101 note) and sec-
15 tion 41745 of this title. Amounts appropriated pur-
16 suant to this section shall remain available until ex-
17 pended.”; and

18 (2) by striking “\$77,000,000” in paragraph (2)
19 and inserting “\$83,000,000”.

20 **SEC. 408. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

22 (1) by striking the section heading and insert-
23 ing the following:

1 **“§ 47129. Resolution of airport-air carrier and foreign**
 2 **air carrier disputes concerning airport**
 3 **fees” ;**

4 (2) by inserting “AND FOREIGN AIR CARRIER”
 5 in the subsection caption for subsection (d);

6 (3) by inserting “AND FOREIGN AIR CARRIER”
 7 in the paragraph caption for subsection (d)(2);

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

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

14 (6) by striking “air carriers” each place it ap-
 15 pears and inserting “air carriers or foreign air car-
 16 riers”; and

17 (7) by striking “(as defined in section 40102 of
 18 this title)” in subsection (a) and inserting “(as those
 19 terms are defined in section 40102 of this title)”.

20 (b) CONFORMING AMENDMENT.—The chapter anal-
 21 ysis for chapter 471 is amended by striking the item relat-
 22 ing to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes con-
 cerning airport fees.”.

23 **SEC. 409. SMALL COMMUNITY AIR SERVICE.**

24 (a) PRIORITIES.—Section 41743(c)(5) is amended—

1 (1) by striking “and” after the semicolon in
2 subparagraph (D);

3 (2) by striking “fashion.” in subparagraph (E)
4 and inserting “fashion; and”; and

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

6 “(F) multiple communities cooperate to
7 submit a region or multistate application to im-
8 prove air service.”.

9 (b) **EXTENSION OF AUTHORIZATION.**—Section
10 41743(e)(2) is amended by striking “2008” and inserting
11 “2011”.

12 **SEC. 410. CONTRACT TOWER PROGRAM.**

13 (a) **COST-BENEFIT REQUIREMENT.**—Section
14 47124(b)(1) is amended—

15 (1) by inserting “(A)” after “(1)”; and

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

17 “(B) If the Secretary determines that a tower already
18 operating under this program has a benefit to cost ratio
19 of less than 1.0, the airport sponsor or State or local gov-
20 ernment having jurisdiction over the airport shall not be
21 required to pay the portion of the costs that exceeds the
22 benefit for a period of 18 months after such determination
23 is made.

24 “(C) If the Secretary finds that all or part of an
25 amount made available to carry out the program contin-

1 used under this paragraph is not required during a fiscal
2 year, the Secretary may use during such fiscal year the
3 amount not so required to carry out the program estab-
4 lished under paragraph (3) of this section.”.

5 (b) FUNDING.—Subparagraph (E) of section
6 47124(b)(3) is amended—

7 (1) by striking “and” after “2006,”; and

8 (2) by inserting “\$8,500,000 for fiscal year
9 2008, \$9,000,000 for fiscal year 2009, \$9,500,000
10 for fiscal year 2010, and \$10,000,000 for fiscal year
11 2011” after “2007,”; and

12 (3) by inserting after “paragraph.” the fol-
13 lowing: “If the Secretary finds that all or part of an
14 amount made available under this subparagraph is
15 not required during a fiscal year to carry out this
16 paragraph, the Secretary may use during such fiscal
17 year the amount not so required to carry out the
18 program continued under paragraph (b)(1) of this
19 section.”.

20 (c) FEDERAL SHARE.—Subparagraph (C) of section
21 47124(b)(4) is amended by striking “\$1,500,000.” and in-
22 serting “\$2,000,000.”.

23 (d) SAFETY AUDITS.—Section 41724 is amended by
24 adding at the end the following:

1 “(c) SAFETY AUDITS.—The Secretary shall establish
2 uniform standards and requirements for safety assess-
3 ments of air traffic control towers that receive funding
4 under this section in accordance with the Administration’s
5 safety management system.”.

6 **SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED**
7 **FORCES.**

8 (a) FINDINGS.—The Congress finds that—

9 (1) the Armed Forces is comprised of approxi-
10 mately 1,400,000 members who are stationed on ac-
11 tive duty at more than 6,000 military bases in 146
12 different countries;

13 (2) the United States is indebted to the mem-
14 bers of the Armed Forces, many of whom are in
15 grave danger due to their engagement in, or expo-
16 sure to, combat;

17 (3) military service, especially in the current
18 war against terrorism, often requires members of the
19 Armed Forces to be separated from their families on
20 short notice, for long periods of time, and under
21 very stressful conditions;

22 (4) the unique demands of military service often
23 preclude members of the Armed Forces from pur-
24 chasing discounted advance airline tickets in order
25 to visit their loved ones at home; and

1 (5) it is the patriotic duty of the people of the
2 United States to support the members of the Armed
3 Forces who are defending the Nation's interests
4 around the world at great personal sacrifice.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that each United States air carrier should—

7 (1) establish for all members of the Armed
8 Forces on active duty reduced air fares that are
9 comparable to the lowest airfare for ticketed flights;
10 and

11 (2) offer flexible terms that allow members of
12 the Armed Forces on active duty to purchase, mod-
13 ify, or cancel tickets without time restrictions, fees,
14 and penalties.

15 **TITLE V—AVIATION SAFETY**

16 **SEC. 501. RUNWAY INCURSION REDUCTION.**

17 Not later than December 31, 2008, the Administrator
18 of the Federal Aviation Administration shall issue a plan
19 to develop an installation and deployment schedule for sys-
20 tems the Administration is installing to alert controllers
21 and flight crews to potential runway incursions. The plan
22 shall be integrated into the annual Federal Aviation Ad-
23 ministration operational evolution plan.

1 **SEC. 502. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.**

2 Not later than December 31, 2007, the Federal Avia-
3 tion Administration shall issue a final rule regarding the
4 reduction of fuel tank flammability in transport category
5 aircraft.

6 **SEC. 503. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**
7 **TIFICATES.**

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

11 “(3) JUDICIAL REVIEW.—A person substantially af-
12 fected by an order of the Board under this subsection, or
13 the Administrator when the Administrator decides that an
14 order of the Board will have a significant adverse impact
15 on carrying out this part, may obtain judicial review of
16 the order under section 46110 of this title. The Adminis-
17 trator shall be made a party to the judicial review pro-
18 ceedings. The findings of fact of the Board in any such
19 case are conclusive if supported by substantial evidence.”.

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

1 **SEC. 504. RELEASE OF DATA RELATING TO ABANDONED**
2 **TYPE CERTIFICATES AND SUPPLEMENTAL**
3 **TYPE CERTIFICATES.**

4 Section 44704(a) is amended by adding at the end
5 the following:

6 “(5) RELEASE OF DATA.—

7 “(A) Notwithstanding any other provision of
8 law, the Administrator may designate, without the
9 consent of the owner of record, engineering data in
10 the agency’s possession related to a type certificate
11 or a supplemental type certificate for an aircraft, en-
12 gine, propeller or appliance as public data, and
13 therefore releasable, upon request, to a person seek-
14 ing to maintain the airworthiness of such product, if
15 the Administrator determines that—

16 “(i) the certificate containing the requested
17 data has been inactive for 3 years;

18 “(ii) the owner of record, or the owner of
19 record’s heir, of the type certificate or supple-
20 mental certificate has not been located despite
21 a search of due diligence by the agency; and

22 “(iii) the designation of such data as pub-
23 lic data will enhance aviation safety.

24 “(B) In this section, the term ‘engineering
25 data’ means type design drawings and specifications
26 for the entire product or change to the product, in-

1 including the original design data, and any associated
 2 supplier data for individual parts or components ap-
 3 proved as part of the particular aeronautical product
 4 certificate.”.

5 **SEC. 505. DESIGN ORGANIZATION CERTIFICATES.**

6 Section 44704(e) is amended—

7 (1) by striking “Beginning 7 years after the
 8 date of enactment of this subsection,” in paragraph
 9 (1) and inserting “Effective January 1, 2013,”;

10 (2) by striking “testing” in paragraph (2) and
 11 inserting “production”; and

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

14 “(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN
 15 ORGANIZATION CERTIFICATION.—The Administrator may
 16 rely on the Design Organization for certification of compli-
 17 ance under this section.”.

18 **SEC. 506. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**

19 **DATABASE SYSTEMS.**

20 (a) IN GENERAL.—Chapter 401 is amended by add-
 21 ing at the end thereof the following:

22 **“§ 40130. FAA access to criminal history records or**
 23 **databases systems**

24 “(a) ACCESS TO RECORDS OR DATABASES SYS-
 25 TEMS.—

1 “(1) Notwithstanding section 534 of title 28
2 and the implementing regulations for such section
3 (28 C.F.R. part 20), the Administrator of the Fed-
4 eral Aviation Administration is authorized to access
5 a system of documented criminal justice information
6 maintained by the Department of Justice or by a
7 State but may do so only for the purpose of carrying
8 out its civil and administrative responsibilities to
9 protect the safety and security of the National Air-
10 space System or to support the missions of the De-
11 partment of Justice, the Department of Homeland
12 Security and other law enforcement agencies. The
13 Administrator shall be subject to the same condi-
14 tions or procedures established by the Department
15 of Justice or State for access to such an information
16 system by other governmental agencies with access
17 to the system.

18 “(2) The Administrator may not use the access
19 authorized under paragraph (1) to conduct criminal
20 investigations.

21 “(b) DESIGNATED EMPLOYEES.—The Administrator
22 shall, by order, designate those employees of the Adminis-
23 tration who shall carry out the authority described in sub-
24 section (a). Such designated employees may—

1 “(1) have access to and receive criminal history,
2 driver, vehicle, and other law enforcement informa-
3 tion contained in the law enforcement databases of
4 the Department of Justice, or of any jurisdiction in
5 a State in the same manner as a police officer em-
6 ployed by a State or local authority of that State
7 who is certified or commissioned under the laws of
8 that State;

9 “(2) use any radio, data link, or warning sys-
10 tem of the Federal Government and of any jurisdic-
11 tion in a State that provides information about
12 wanted persons, be-on-the-lookout notices, or war-
13 rant status or other officer safety information to
14 which a police officer employed by a State or local
15 authority in that State who is certified or commis-
16 sion under the laws of that State has access and in
17 the same manner as such police officer; or

18 “(3) receive Federal, State, or local government
19 communications with a police officer employed by a
20 State or local authority in that State in the same
21 manner as a police officer employed by a State or
22 local authority in that State who is commissioned
23 under the laws of that State.

24 “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE
25 INFORMATION DEFINED.—In this section the term ‘sys-

1 tem of documented criminal justice information’ means
 2 any law enforcement databases, systems or communica-
 3 tions containing information concerning identification,
 4 criminal history, arrests, convictions, arrest warrants,
 5 wanted or missing persons, including the National Crime
 6 Information Center and its incorporated criminal history
 7 databases and the National Law Enforcement Tele-
 8 communications System.”.

9 (b) CONFORMING AMENDMENT.—The chapter anal-
 10 ysis for chapter 401 is amended by inserting after the item
 11 relating to section 40129 the following:

“§ 40130. FAA access to criminal history records or databases systems.”.

12 **SEC. 507. FLIGHT CREW FATIGUE.**

13 (a) IN GENERAL.—Within 3 months after the date
 14 of enactment of this Act the Administrator of the Federal
 15 Aviation Administration shall conclude arrangements with
 16 the National Academy of Sciences for a study of pilot fa-
 17 tigue.

18 (b) STUDY.—The study shall include consideration
 19 of—

20 (1) research on fatigue, sleep, and circadian
 21 rhythms;

22 (2) sleep and rest requirements recommended
 23 by the National Transportation Safety Board; and

24 (3) international standards.

1 (c) REPORT.—Within 18 months after initiating the
2 study, the National Academy shall submit a report to the
3 Administrator containing its findings and recommenda-
4 tions, including recommendations with respect to Federal
5 Aviation Regulations governing flight limitation and rest
6 requirements.

7 (d) RULEMAKING.—After the Administrator receives
8 the National Academy’s report, the Federal Aviation Ad-
9 ministration shall consider the findings of the National
10 Academy in its rulemaking proceeding on flight time limi-
11 tations and rest requirements.

12 (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-
13 TIGUE STUDY RECOMMENDATIONS.—Within 60 days
14 after the date of enactment of this Act, the Administrator
15 of the Federal Aviation Administration shall initiate a
16 process to carry out the recommendations of the CAMI
17 study on flight attendant fatigue.

18 **SEC. 508. INCREASING SAFETY FOR HELICOPTER EMER-**
19 **GENCY MEDICAL SERVICE OPERATORS.**

20 (a) COMPLIANCE WITH 14 CFR PART 135 REGULA-
21 TIONS.—No later than 18 months after the date of enact-
22 ment of this Act, all helicopter emergency medical service
23 operators shall comply with the regulations in part 135
24 of title 14, Code of Federal Regulations whenever there

1 is a medical crew on board, without regard to whether
2 there are patients on board the helicopter.

3 (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION
4 PROGRAM.—Within 60 days after the date of enactment
5 of this Act, the Federal Aviation Administration shall ini-
6 tiate, and complete within 18 months, a rulemaking—

7 (1) to create a standardized checklist of risk
8 evaluation factors based on its Notice 8000.301,
9 issued in August, 2005; and

10 (2) to require helicopter emergency medical
11 service operators to use the checklist to determine
12 whether a mission should be accepted.

13 (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-
14 PATCH PROCEDURES.—Within 60 days after the date of
15 enactment of this Act, the Federal Aviation Administra-
16 tion shall initiate, and complete within 18 months, a rule-
17 making—

18 (1) to create standardized flight dispatch proce-
19 dures for helicopter emergency medical service oper-
20 ators based on the regulations in part 121 of title
21 14, Code of Federal Regulations; and

22 (2) require such operators to use those proce-
23 dures for flights.

24 (d) IMPROVING SITUATIONAL AWARENESS.—Any
25 helicopter used for helicopter emergency medical service

1 operations that is ordered, purchased, or otherwise ob-
2 tained after the date of enactment of this Act shall have
3 on board an operational terrain awareness and warning
4 system that meets the technical specifications of section
5 135.154 of the Federal Aviation Regulations (14 C.F.R.
6 135.154).

7 (e) IMPROVING THE DATA AVAILABLE TO NTSB IN-
8 VESTIGATORS AT CRASH SITES.—

9 (1) STUDY.—Within 1 year after the date of
10 enactment of this Act, the Federal Aviation Admin-
11 istration shall complete a feasibility study of requir-
12 ing flight data and cockpit voice recorders on new
13 and existing helicopters used for emergency medical
14 service operations. The study shall address, at a
15 minimum, issues related to survivability, weight, and
16 financial considerations of such a requirement.

17 (2) RULEMAKING.—Within 2 years after the
18 date of enactment of this Act, the Federal Aviation
19 Administration shall complete a rulemaking to re-
20 quire flight data and cockpit voice recorders on
21 board such helicopters.

22 **SEC. 509. CABIN CREW COMMUNICATION REQUIREMENTS.**

23 (a) IN GENERAL.—Section 44728 is amended—

24 (1) by redesignating subsection (f) as sub-
25 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) MINIMUM ENGLISH LANGUAGE SKILLS.—

4 “(1) IN GENERAL.—No certificate holder may
5 use any person to serve, nor may any person serve,
6 as a flight attendant under this part, unless that
7 person has the ability (1) to read, speak, and write
8 English well enough to—

9 “(A) read material written in English and
10 comprehend the information;

11 “(B) speak and understand English suffi-
12 ciently to provide direction to, and understand
13 and answer questions from, English-speaking
14 individuals;

15 “(C) write incident reports and statements
16 and log entries and statements; and

17 “(D) carry out written and oral instruc-
18 tions regarding the proper performance of their
19 duties.

20 “(2) FOREIGN FLIGHTS.—The requirements of
21 paragraph (1) do not apply to service as a flight at-
22 tendant on a flight operated by a certificate holder
23 solely between points outside the United States.”.

24 (b) ADMINISTRATION.—The Administrator of the
25 Federal Aviation Administration shall work with certifi-

1 cate holders to which section 44728(f) of title 49, United
 2 States Code, applies to facilitate compliance with the re-
 3 quirements of section 44728(f)(1) of that title.

4 **TITLE VI—AVIATION RESEARCH**

5 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

6 Section 44511(f) is amended—

7 (1) by striking “establish a 4-year pilot” in
 8 paragraph (1) and inserting “maintain an”; and

9 (2) by inserting “pilot” in paragraph (4) before
 10 “program” the first time it appears; and

11 (3) by striking “program, including rec-
 12 ommendations as to the need for establishing a per-
 13 manent airport cooperative research program.” in
 14 paragraph (4) and inserting “program.”.

15 **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY** 16 **FROM CIVILIAN AIRCRAFT.**

17 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—

18 From amounts made available under section 48102(a) of
 19 title 49, United States Code, the Administrator of the
 20 Federal Aviation Administration shall establish a research
 21 program related to reducing civilian aircraft source noise
 22 and emissions through grants or other measures author-
 23 ized under section 106(l)(6) of such title, including reim-
 24 bursable agreements with other Federal agencies. The pro-
 25 gram shall include participation of educational and re-

1 search institutions or private sector entities that have ex-
2 isting facilities and experience for developing and testing
3 noise, emissions and energy reduction engine and aircraft
4 technology, and developing alternative fuels.

5 (b) ESTABLISHING A CONSORTIUM.—Within 6
6 months after the date of enactment of this Act, the Ad-
7 ministrator shall designate, using a competitive process,
8 an institution, entity, or consortium described in sub-
9 section (a) as a Consortium for Aviation Noise, Emissions,
10 and Energy Technology Research to perform research in
11 accordance with this section. The Consortium shall con-
12 duct the research program in coordination with the Na-
13 tional Aeronautics and Space Administration and other
14 relevant agencies.

15 (c) PERFORMANCE OBJECTIVES.—By January 1,
16 2015, the research program shall accomplish the following
17 objectives:

18 (1) Certifiable aircraft technology that increases
19 aircraft fuel efficiency by 25 percent relative to 1997
20 subsonic aircraft technology.

21 (2) Certifiable engine technology that reduces
22 landing and takeoff cycle nitrogen oxide emissions
23 by 50 percent, without increasing other gaseous or
24 particle emissions, over the International Civil Avia-
25 tion Organization standard adopted in 2004.

1 (3) Certifiable aircraft technology that reduces
2 noise levels by 10 dB (30 dB cumulative) relative to
3 1997 subsonic jet aircraft technology.

4 (4) Determination of the feasibility of use of al-
5 ternative fuels in aircraft systems, including success-
6 ful demonstration and quantification of benefits.

7 (5) Determination of the extent to which new
8 engine and aircraft technologies may be used to ret-
9 rofit or re-engine aircraft so as to increase the level
10 of penetration into the commercial fleet.

11 **SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECH-**
12 **NOLOGY FOR CIVILIAN AIRCRAFT.**

13 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—
14 From amounts made available under section 48102(a) of
15 title 49, United States Code, the Secretary of Transpor-
16 tation shall establish a research program related to devel-
17 oping jet fuel from clean coal through grants or other
18 measures authorized under section 106(l)(6) of such title,
19 including reimbursable agreements with other Federal
20 agencies. The program shall include participation by edu-
21 cational and research institutions that have existing facili-
22 ties and experience in the development and deployment of
23 technology that processes coal to aviation fuel.

24 (b) DESIGNATION OF INSTITUTE AS A CENTER OF
25 EXCELLENCE.—Within 6 months after the date of enact-

1 ment of this Act, the Administrator of the Federal Avia-
2 tion Administration shall designate an institution de-
3 scribed in subsection (a) as a Center of Excellence for Coal
4 to Jet Fuel Research.

5 **SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERO-**
6 **NAUTICS.**

7 (a) ESTABLISHMENT.—There is established an advi-
8 sory committee to be know as the “Advisory Committee
9 on the Future of Aeronautics”.

10 (b) MEMBERSHIP.—The Advisory Committee shall
11 consist of 7 members appointed by the President from a
12 list of 15 candidates proposed by the Director of the Na-
13 tional Academy of Sciences.

14 (c) CHAIRPERSON.—The Advisory Committee mem-
15 bers shall elect 1 member to serve as chairperson of the
16 Advisory Committee.

17 (d) FUNCTIONS.—The Advisory Committee shall ex-
18 amine the best governmental and organizational struc-
19 tures for the conduct of civil aeronautics research and de-
20 velopment, including options and recommendations for
21 consolidating such research to ensure continued United
22 States leadership in civil aeronautics. The Committee shall
23 consider transferring responsibility for civil aeronautics re-
24 search and development from the National Aeronautics
25 and Space Administration to other existing departments

1 or agencies of the Federal government or to a non-govern-
2 mental organization such as academic consortia or not-
3 for-profit organizations. In developing its recommenda-
4 tions, the Advisory Committee shall consider, as appro-
5 priate, the aeronautics research policies developed pursu-
6 ant to section 101(d) of Public Law 109–155 and the re-
7 quirements and priorities for aeronautics research estab-
8 lished by title IV of Public Law 109–155.

9 (e) REPORT.—Not later than 12 months after the
10 date on which the full membership of the Advisory Com-
11 mittee is appointed, the Advisory Committee shall submit
12 a report to the Senate Committee on Commerce, Science,
13 and Transportation and the House Committees on Science
14 and Technology and on Transportation and Infrastructure
15 on its findings and recommendations. The report may rec-
16 ommend a rank ordered list of acceptable solutions.

17 (f) TERMINATION.—The Advisory Committee shall
18 terminate 60 days after the date on which it submits the
19 report to the Congress.

20 **TITLE VII—MISCELLANEOUS**

21 **SEC. 701. GENERAL AUTHORITY.**

22 (a) GENERAL AUTHORITY.—Paragraph (1) of section
23 44302(e), as redesignated by subsection (a)(1)(B), is
24 amended by striking “December 31, 2006,” and inserting
25 “December 31, 2008,”.

1 (b) THIRD PARTY LIABILITY.—Section 44303(b) is
2 amended by striking “December 31, 2006,” and inserting
3 “December 31, 2012,”.

4 (c) EXTENSION OF PROGRAM AUTHORITY.—Section
5 44310 is amended by striking “March 30, 2008.” and in-
6 serting “March 30, 2013.”.

7 **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

8 Within 6 months after the date of enactment of this
9 Act, the Administrator of the Federal Aviation Adminis-
10 tration shall develop a Human Intervention Management
11 Study program for cabin crews employed by commercial
12 air carriers in the United States.

13 **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

14 The Administrator of the Federal Aviation Adminis-
15 tration—

16 (1) shall establish a formal, structured certifi-
17 cation training program for the airport concessions
18 disadvantaged business enterprise program; and

19 (2) may appoint 3 additional staff to implement
20 the programs of the airport concessions disadvan-
21 taged business enterprise initiative.

22 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

23 (a) EXTENSION OF METROPOLITAN WASHINGTON
24 AIRPORTS AUTHORITY.—Section 49108 is amended by
25 striking “2008,” and inserting “2011,”.

1 (b) MARSHALL ISLANDS, FEDERATED STATES OF
2 MICRONESIA, AND PALAU.—Section 47115(j) is amended
3 by striking “2007,” and inserting “2011,”.

4 (c) MIDWAY ISLAND AIRPORT.—Section 186(d) of
5 the Vision 100—Century of Aviation Reauthorization Act
6 (17 Stat. 2518) is amended by striking “October 1,
7 2007,” and inserting “October 1, 2011,”.

8 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

9 Section 47107(s) is amended by striking paragraph
10 (3).

11 **SEC. 706. MODIFICATION OF FAA’S AGE-60 STANDARD.**

12 (a) IN GENERAL.—A pilot who has attained 60 years
13 of age may serve as a pilot of an aircraft operated by an
14 air carrier engaged in operations under part 121 of title
15 14, Code of Federal Regulations, until attaining 65 years
16 of age only if the pilot serves—

17 (1) as a required pilot in multi-crew aircraft op-
18 erations; and

19 (2) with another pilot serving as a required
20 pilot in such multi-crew aircraft operations who has
21 not yet attained 60 years of age.

22 (b) SUNSET OF AGE-60 RULE.—

23 (1) IN GENERAL.—On and after the effective
24 date described in subsection (e), section 121.383(c)

1 of title 14, Code of Federal Regulations shall have
2 no further force or effect.

3 (2) REGULATIONS.—Not later than 30 days
4 after the effective date described in subsection (e),
5 the Secretary of Transportation shall take such ac-
6 tion as may be necessary to implement paragraph
7 (1) and to modify the regulations relating to pilot
8 privileges by reason of age.

9 (c) APPLICABILITY.—The provisions of subsection (a)
10 shall not provide a basis for a claim of seniority under
11 any labor agreement in effect between a recognized bar-
12 gaining unit for pilots and an air carrier engaged in oper-
13 ations under part 121 of title 14, Code of Federal Regula-
14 tions, that is made by a person who was a pilot and who
15 attained 60 years of age before the effective date described
16 in subsection (e) and is seeking a position as a pilot with
17 such air carrier following that person's termination or ces-
18 sation of employment or promotion or transfer to another
19 position with such air carrier pursuant to section
20 121.383(c) of title 14, Code of Federal Regulations, as
21 in effect on the day before the effective date described in
22 subsection (e).

23 (d) GAO REPORT AFTER MODIFICATION OF AGE-60
24 STANDARD.—Not later than 24 months after the effective
25 date described in subsection (e), the Comptroller General

1 of the United States shall report to the Committee on
2 Commerce, Science, and Transportation of the Senate and
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives concerning the effect on
5 aviation safety, if any, of the modification of the age
6 standard contained in subsection (a).

7 (e) EFFECTIVE DATE.—This section shall take effect
8 on the date that is 30 days after the date of the enactment
9 of this Act.

10 **SEC. 707. UPDATE ON OVERFLIGHTS.**

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

12 “(b) LIMITATIONS.—

13 “(1) IN GENERAL.—In establishing fees under
14 subsection (a), the Administrator shall ensure that
15 the fees required by subsection (a) are reasonably
16 related to the Administration’s costs, as determined
17 by the Administrator, of providing the services ren-
18 dered. Services for which costs may be recovered in-
19 clude the costs of air traffic control, navigation,
20 weather services, training, and emergency services
21 which are available to facilitate safe transportation
22 over the United States, and other services provided
23 by the Administrator or by programs financed by
24 the Administrator to flights that neither take off nor
25 land in the United States. The determination of

1 such costs by the Administrator is not subject to ju-
2 dicial review.

3 “(2) ADJUSTMENT OF FEES.—The Adminis-
4 trator shall adjust the overflight fees established by
5 subsection (a)(1) by expedited rulemaking and begin
6 collections under the adjusted fees by October 1,
7 2008. In developing the adjusted overflight fees, the
8 Administrator shall seek and consider the rec-
9 ommendations offered by the Aviation Rulemaking
10 Committee for Overflight Fees that are intended to
11 ensure that overflight fees are reasonably related to
12 the Administrator’s costs of providing air traffic
13 control and related services to overflights. In addi-
14 tion, the Administrator may periodically modify the
15 fees established under this section either on the Ad-
16 ministrator’s own initiative or on a recommendation
17 from the Air Traffic Control Modernization Board.

18 “(3) COST DATA.—The adjustment of overflight
19 fees under paragraph (2) shall be based on the costs
20 to the Administration of providing the air traffic
21 control and related activities, services, facilities, and
22 equipment using the available data derived from the
23 Administration’s cost accounting system and cost al-
24 location system to users, as well as budget and oper-
25 ational data.

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

5 “(5) ADMINISTRATIVE PROVISIONS.—Section
6 48515(c) shall apply to the imposition and collection
7 of overflight fees established under this section. For
8 the purpose of applying that section to such fees,
9 any reference in section 48515(c) to ‘surcharge’ or
10 ‘surcharges’ is deemed to refer to ‘overflight fee’ or
11 ‘overflight fees’, respectively.

12 “(6) COSTS DEFINED.—In this subsection, the
13 term ‘costs’ means those costs associated with the
14 operation, maintenance, debt service, and overhead
15 expenses of the services provided and the facilities
16 and equipment used in such services, including the
17 projected costs for the period during which the serv-
18 ices will be provided.

19 “(7) PUBLICATION; COMMENT.—The Adminis-
20 trator shall publish in the Federal Register any fee
21 schedule under this section, including any adjusted
22 overflight fee schedule, and the associated collection
23 process as an interim final rule, pursuant to which
24 public comment will be sought and a final rule
25 issued.”.

1 **SEC. 708. TECHNICAL CORRECTIONS.**

2 Section 41022(g) is amended—

3 (1) by striking “2302(b), relating to whistle-
4 blower protection,” in paragraph (2)(A) and insert-
5 ing “2302,”; and

6 (2) by adding at the end of paragraph (3)
7 “Notwithstanding any other provision of law, retro-
8 active to April 1, 1996, the Board shall have the
9 same remedial authority over such employee appeals
10 that it had as of March 31, 1996.”.

11 **SEC. 709. FAA TECHNICAL TRAINING AND STAFFING.**

12 (a) STUDY.—

13 (1) IN GENERAL.—The Comptroller General
14 shall conduct a study of the training of airway
15 transportation systems specialists of the Federal
16 Aviation Administration that includes—

17 (A) an analysis of the type of training pro-
18 vided to such specialists;

19 (B) an analysis of the type of training that
20 such specialists need to be proficient in the
21 maintenance of the latest technologies;

22 (C) actions that the Administration has
23 undertaken to ensure that such specialists re-
24 ceive up-to-date training on such technologies;

25 (D) the amount and cost of training pro-
26 vided by vendors for such specialists;

1 (E) the amount and cost of training pro-
2 vided by the Administration after developing in-
3 house training courses for such specialists;

4 (F) the amount and cost of travel required
5 of such specialists in receiving training; and

6 (G) a recommendation regarding the most
7 cost-effective approach to providing such train-
8 ing.

9 (2) REPORT.—Within 1 year after the date of
10 enactment of this Act, the Comptroller General shall
11 transmit a report on the study containing the Comp-
12 troller General’s findings and recommendations to
13 the Senate Committee on Commerce, Science, and
14 Transportation and the House of Representatives
15 Committee on Transportation and Infrastructure.

16 (b) SAFETY STAFFING MODEL.—Within 18 months
17 after the date of enactment of this Act, the Administrator
18 of the Federal Aviation Administration shall develop a
19 staffing model for aviation safety inspectors. In developing
20 the model, the Administrator shall consult with represent-
21 atives of the aviation safety inspectors and other inter-
22 ested parties.

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