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110TH CONGRESS
1ST SESSION

H. R. 2881

AN ACT

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 provide stable funding for the national aviation 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,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Reauthorization Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
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Sec. 102. Air navigation facilities and equipment.
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Sec. 1002. Extension and modification of taxes funding airport and airway trust fund.

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.

8 **SEC. 3. EFFECTIVE DATE.**

9 Except as otherwise expressly provided, this Act and
10 the amendments made by this Act shall apply only to fiscal
11 years beginning after September 30, 2007.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 2003'' and inserting ''September 30, 2007''; and

(2) by striking paragraphs (1) through (4) and inserting the following:

''(1) $3,800,000,000 for fiscal year 2008;

''(2) $3,900,000,000 fiscal year 2009;

''(3) $4,000,000,000 fiscal year 2010; and

''(4) $4,100,000,000 fiscal year 2011.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $3,120,000,000 for fiscal year 2008.

''(2) $3,246,000,000 for fiscal year 2009.

''(3) $3,259,000,000 for fiscal year 2010.

"(4) $3,353,000,000 for fiscal year 2011.".

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

"(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

"(d) WEATHER HAZARDS.—

"(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

"(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

"(A) ground-based icing threats such as ice pellets and freezing drizzle;

"(B) oceanic weather, including convective weather, and other hazards associated with oce-

anic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

"(C) en route turbulence prediction.

"(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used to advance the development and implementation of safety management systems.

"(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $8,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $12,000,000 for fiscal year 2011 may be used for the development and implementation of runway incursion reduction programs.

"(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $15,000,000 for fiscal year 2008, $27,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $20,000,000 for 2011 may be used for the acquisition and installation of runway status lights.

"(h) ADDITIONAL PROGRAMS IN FISCAL YEAR 2008.—Of amounts appropriated under subsection (a), $19,500,000 for fiscal year 2008 may be used for—

"(1) system capacity, planning, and improvement;

"(2) operations concept validation;

"(3) NAS weather requirements;

"(4) Airspace Management Lab;

"(5) Local Area Augmentation System (LAAS); and

"(6) wind profiling and weather research, Juneau.

"(i) ADDITIONAL PROGRAMS IN FISCAL YEARS 2009–2011.—Of amounts appropriated under subsection (a), $14,500,000 for each of fiscal years 2009, 2010, and 2011 may be used for—

"(1) system capacity, planning, and improvement;

"(2) operations concept validation;

"(3) NAS weather requirements; and

"(4) Airspace Management Lab.".

SEC. 103. FAA OPERATIONS.

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

"(A) $8,726,000,000 for fiscal year 2008;

"(B) $8,978,000,000 for fiscal year 2009;

"(C) $9,305,000,000 for fiscal year 2010; and

"(D) $9,590,000,000 for fiscal year 2011.".

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

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

(2) by redesignating subparagraphs (E) and (G) as subparagraphs (A) and (B), respectively; and

(3) in subparagraphs (A) and (B) (as so redesignated) by striking "2004 through 2007" and inserting "2008 through 2011".

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation—

(1) $4,000,000 for fiscal year 2008; and

(2) $6,000,000 for each of fiscal years 2009, 2010, and 2011.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)(L) by striking ''and'';

(2) in paragraph (12)(L) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(13) for fiscal year 2008, $335,191,000, including—

''(A) $7,350,000 for fire research and safety;

''(B) $4,086,000 for propulsion and fuel systems;

''(C) $2,713,000 for advanced materials and structural safety;

''(D) $3,574,000 for atmospheric hazards and digital system safety;

''(E) $14,931,000 for aging aircraft;

''(F) $2,202,000 for aircraft catastrophic failure prevention research;

''(G) $14,651,000 for flightdeck maintenance, system integration, and human factors;

''(H) $9,517,000 for aviation safety risk analysis;

"(I) $15,254,000 for air traffic control, technical operations, and human factors;

"(J) $6,780,000 for aeromedical research;

"(K) $19,888,000 for weather programs;

"(L) $6,310,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,755,000 for wake turbulence;

"(O) $20,469,000 for environment and energy;

"(P) $1,184,000 for system planning and resource management;

"(Q) $3,415,000 for the William J. Hughes Technical Center Laboratory Facility;

"(R) $74,200,000 for the Center for Advanced Aviation System Development;

"(S) $2,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,600,000 for GPS civil requirements;

"(W) $15,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety;

"(14) for fiscal year 2009, $481,554,000, including—

"(A) $8,457,000 for fire research and safety;

"(B) $4,050,000 for propulsion and fuel systems;

"(C) $2,686,000 for advanced materials and structural safety;

"(D) $3,568,000 for atmospheric hazards and digital system safety;

"(E) $14,683,000 for aging aircraft;

"(F) $2,158,000 for aircraft catastrophic failure prevention research;

"(G) $37,499,000 for flightdeck maintenance, system integration, and human factors;

"(H) $8,349,000 for aviation safety risk analysis;

"(I) $15,323,000 for air traffic control, technical operations, and human factors;

"(J) $6,932,000 for aeromedical research;

"(K) $22,336,000 for weather program;

"(L) $6,738,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,560,000 for wake turbulence;

"(O) $35,039,000 for environment and energy;

"(P) $1,847,000 for system planning and resource management;

"(Q) $3,548,000 for the William J. Hughes Technical Center Laboratory Facility;

"(R) $85,000,000 for Center for Advanced Aviation System Development;

"(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,469,000 for GPS civil requirements;

"(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety;

"(15) for fiscal year 2010, $486,502,000, including—

"(A) $8,546,000 for fire research and safety;

"(B) $4,075,000 for propulsion and fuel systems;

"(C) $2,700,000 for advanced materials and structural safety;

"(D) $3,608,000 for atmospheric hazards and digital system safety;

"(E) $14,688,000 for aging aircraft;

"(F) $2,153,000 for aircraft catastrophic failure prevention research;

"(G) $36,967,000 for flightdeck maintenance, system integration, and human factors;

"(H) $8,334,000 for aviation safety risk analysis;

"(I) $15,471,000 for air traffic control, technical operations, and human factors;

"(J) $7,149,000 for aeromedical research;

"(K) $23,286,000 for weather program;

"(L) $6,236,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,412,000 for wake turbulence;

"(O) $34,678,000 for environment and energy;

"(P) $1,827,000 for system planning and resource management;

"(Q) $3,644,000 for William J. Hughes Technical Center Laboratory Facility;

"(R) $90,000,000 for the Center for Advanced Aviation System Development;

"(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,416,000 for GPS civil requirements;

"(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety; and

"(16) for fiscal year 2011, $514,832,000, including—

"(A) $8,815,000 for fire research and safety;

"(B) $4,150,000 for propulsion and fuel systems;

"(C) $2,747,000 for advanced materials and structural safety;

"(D) $3,687,000 for atmospheric hazards and digital system safety;

"(E) $14,903,000 for aging aircraft;

"(F) $2,181,000 for aircraft catastrophic failure prevention research;

"(G) $39,245,000 for flightdeck maintenance, system integration and human factors;

"(H) $8,446,000 for aviation safety risk analysis;

"(I) $15,715,000 for air traffic control, technical operations, and human factors;

"(J) $7,390,000 for aeromedical research;

"(K) $23,638,000 for weather program;

"(L) $6,295,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,471,000 for wake turbulence;

"(O) $34,811,000 for environment and energy;

"(P) $1,836,000 for system planning and resource management;

"(Q) $3,758,000 for William J. Hughes Technical Center Laboratory Facility;

"(R) $114,000,000 for Center for Advanced Aviation System Development;

"(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,432,000 for GPS civil requirements;

"(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety.".

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

"(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2011 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

"(i) in each of fiscal years 2008 and 2009, be equal to 95 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

"(ii) in each of fiscal years 2010 and 2011, be equal to the sum of—

"(I) 95 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

"(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).".

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking "2007" and inserting "2011".

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking "LEVEL" and inserting "ESTIMATED LEVEL"; and

(2) by striking "level of receipts plus interest" and inserting "estimated level of receipts plus interest".

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking "2007" and inserting "2011".

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

"(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.".

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking "$4.00 or $4.50" and inserting "$4.00, $4.50, $5.00, $6.00, or $7.00".

(c) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking "**fees**" and inserting "**charges**";

(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';

(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and

(H) by striking ''fees'' each place it appears and inserting ''charges''.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:

(A) Section 47106(f)(1).

(B) Section 47110(e)(5).

(C) Section 47114(f).

(D) Section 47134(g)(1).

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

"(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.".

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. NOISE COMPATIBILITY PROJECTS.

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

"(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

"(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at

a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

"(i) the Secretary determines that the building is adversely affected by airport noise;

"(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

"(iii) the project is for a school identified in one of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

"(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

"(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

"(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.".

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

"(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

"(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

"(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

"(3) ELIGIBLE COSTS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

"(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

"(ii) the total number of the individuals projected to use the facility.

"(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

"(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

"(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).".

SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of pas-

senger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

"(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

"(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

"(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin

collections under the adjusted fees by October 1, 2008. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by June 1, 2008, and are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights.

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

"(4) COSTS DEFINED.—In this subsection, the term 'costs' includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

"(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which

public comment will be sought and a final rule issued.''.

(b) ADJUSTMENTS.—Section 45301 is amended by adding at the end the following:

''(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

''§ 45305. Registration, certification, and related fees

''(a) GENERAL AUTHORITY AND FEES.—The Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

''(1) $130 for registering an aircraft.

''(2) $45 for replacing an aircraft registration.

''(3) $130 for issuing an original dealer's aircraft certificate.

''(4) $105 for issuing an aircraft certificate (other than an original dealer's aircraft certificate).

''(5) $80 for issuing a special registration number.

''(6) $50 for issuing a renewal of a special registration number.

"(7) $130 for recording a security interest in an aircraft or aircraft part.

"(8) $50 for issuing an airman certificate.

"(9) $25 for issuing a replacement airman certificate.

"(10) $42 for issuing an airman medical certificate.

"(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

"(b) FEES CREDITED AS OFFSETTING COLLECTIONS.—

"(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall, subject to appropriation made in advance—

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

"(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(C) remain available until expended.

"(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any

period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

"(3) ADJUSTMENTS.—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

"45305. Registration, certification, and related fees.".

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

(1) by striking "A fee" and inserting the following:

"(1) IN GENERAL.—A fee"; and

(2) by adding at the end the following:

"(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.".

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

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

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9''; and

(2) by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: ''and developing an environmental management system''.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less that 2,500 passenger boardings each year.''.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support

facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

SEC. 132. AMENDMENTS TO GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)''.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

''(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

"(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.".

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking "the Fund" and inserting "the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)".

SEC. 133. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking "provided in subsection (b) or subsection (c) of this section" and inserting "otherwise specifically provided in this section"; and

(2) by adding at the end the following:

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

"(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

"(1) is receiving subsidized air service under subchapter II of chapter 417; and

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

SEC. 134. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

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

"(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

"(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative require-

ments that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

"(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

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

(b) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

"(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

"(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

"(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

"(3) the Secretary determines that the change is beyond the control of the airport sponsor.".

(c) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting "construction of" before "revenue producing"; and

(2) by striking ", including fuel farms and hangars,".

SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIRPORT CONCESSIONS UNDER DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

"(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Reauthorization Act of 2007, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a

small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

"(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.".

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure

of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (a).

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 1632)) owned and controlled by disabled veterans.''.

SEC. 137. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''18.5 percent'' and inserting ''10 percent''; and

(2) by striking paragraph (3) and inserting the following:

"(3) ADDITIONAL AMOUNT.—

"(A) IN GENERAL.—In addition to amounts apportioned under paragraph (2) and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

"(i) $150,000; or

"(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

"(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under para-

graph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 138. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''except as provided by subparagraph (C),'' before ''in the case''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.''.

SEC. 139. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking ''sum of—'' and all that follows through the period at the end of subparagraph (B) and inserting ''sum of $520,000,000.''.

SEC. 140. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2007'' and inserting ''fiscal years 2008 through 2011''.

SEC. 141. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking ''35 percent'' and inserting ''$300,000,000'';

(B) by striking ''and'' after ''47141,''; and

(C) by inserting before the period at the end the following: '', and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as approved in an environmental record of decision for an airport development project under this title''; and

(2) in the second sentence by striking ''such 35 percent requirement is'' and inserting ''the requirements of the preceding sentence are''.

SEC. 142. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

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

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

"(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

"(A) the sale is approved by the Secretary;

"(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

"(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

"(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.".

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

SEC. 143. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) APPROVAL REQUIREMENTS.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking ''65 percent'' each place it appears and inserting ''75 percent''.

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 47134.—Section 47134 is amended by adding at the end the following:

''(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.''.

(2) CONFORMING AMENDMENTS.—Section 47134(g) is amended—

(A) in the subsection heading by striking ''APPORTIONMENTS;'';

(B) in paragraph (1) by striking the semicolon at the end and inserting ''; or'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) FEDERAL SHARE OF PROJECT COSTS.—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 144. AIRPORT SECURITY PROGRAM.

Section 47137(g) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

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

SEC. 148. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by

striking "October 1, 2007" and inserting "October 1, 2011".

SEC. 149. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting "AND PUERTO RICO" after "ALASKA"; and

(2) by adding at the end the following:

"(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.".

SEC. 150. MISCELLANEOUS AMENDMENTS.

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

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

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

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and

(B) by adding at the end the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined by section 101 of title 38) in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the armed forces under honorable conditions.''; and

(2) in paragraph (2) by striking ''veterans and'' and inserting ''veterans, Afghanistan-Iraq war veterans, and''.

(c) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c) and (d) as subsections (b), (c), (d) and (e), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

"(1) IN GENERAL.—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

"(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

"(i) all the safety equipment required for certification of the airport under section 44706;

"(ii) all the security equipment required by regulation; and

"(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

"(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

"(C) under terms necessary to protect the interests of the Government.

"(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

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

"(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.";

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d)" and inserting "subsection (a)"; and

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking "subsection (b)(1) and (2)" and inserting "subsections (c)(1) and (c)(2)";

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(8) by adding at the end the following:

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

(d) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

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

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

"(2) a summary of individual grants issued;

"(3) an accounting of discretionary and apportioned funds allocated;

"(4) the allocation of appropriations; and".

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking "47102(3)(F),"; and

(2) in subsection (b)—

(A) by striking "47102(3)(F),"; and

(B) by striking "47103(3)(F),".

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting "46319," after "46318,".

(g) OTHER CONFORMING AMENDMENTS.—Sections 40117(a)(3)(B) and 47108(e)(3) are each amended by striking "section 47110(d)" each place it appears and inserting "section 47119(a)".

(h) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking "(other than real property" and all that follows through "(10 U.S.C. 2687 note))".

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking ''Airport Capacity Benchmark Report 2001'' and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration's most recent airport capacity benchmark report''.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 10,000,000 jobs in the United States and contributes approximately $900,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the ''NextGen System'') is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of De-

fense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

"(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.".

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

(A) in subparagraph (G) by striking "; and" and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

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

"(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

"(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

"(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.".

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

(A) by striking "(4)" and inserting "(4)(A)"; and

(B) by adding at the end the following:

"(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

"(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

"(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

"(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

"(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

"(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

"(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation.

"(D) The head of a Federal agency referred to in subparagraph (B) shall—

"(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

"(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

"(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall exe-

cute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

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

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

''(B) The Director, to the maximum extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

"(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

"(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

"(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.".

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "meets air" and inserting "meets anticipated future air"; and

(B) by striking "beyond those currently included in the Federal Aviation Administration's operational evolution plan";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

"(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

"(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

"(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agen-

cy or other entity that will be responsible for each component of any research, development, or implementation program;

"(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

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

"(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system; and

"(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I).".

(c) OPERATIONAL EVOLUTION PARTNERSHIP.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

"(d) OPERATIONAL EVOLUTION PARTNERSHIP.—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the 'Operational Evolution Partnership', or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking "2010" and inserting "2011".

(e) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the

period at the end the following ''and shall meet at least twice each year''.

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

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

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

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes

based on funding shortfalls and limitations set by the Office of Management and Budget;

"(C) a detailed description of—

"(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

"(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

"(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

"(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.".

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for inte-

grating automatic dependent surveillance-broadcast (in this section referred to as ''ADS-B'') technology into the national airspace system.

(2) CONTENTS.—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(C) a discussion of protections that the Administration will require as part of any contract or program in the event of a contractor's default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.—Any contract entered into by the Adminis-

trator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Ad-

ministrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how program risks are being managed;

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

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

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate a report on the results of the review conducted under this subsection.

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

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

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) REVIEW.—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and sys-

tems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the ''JPDO'') in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the

Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transpor-

tation System (in this section referred to as the ''NextGen System'').

(b) SPECIFIC SYSTEMS REVIEW.—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller

General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures for the national airspace system.

(b) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development

of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight of a third party; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enter-

prise architecture for the Next Generation Air Transportation System.

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

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

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

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

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

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2008 through 2011 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;

"(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

"(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;";

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking "another structure" and inserting "any structure, equipment,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) buildings, equipment, and systems dedicated to the national airspace system.".

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation" and inserting "compensation, and the amount received shall be credited as an offsetting collection to the

account from which the amount was expended and shall remain available until expended''.

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''public and private'' before ''foreign aviation authorities''; and

(B) by striking the period at the end of the first sentence and inserting ''or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy,

the Administrator may accept payments received under this subsection in arrears.''; and

(2) in paragraph (3) by striking ''credited'' and all that follows through the period at the end and inserting ''credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.''.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) COMPONENTS.—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Adminis-

trator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2008 through 2011 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation

System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

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

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2008–2012 and the document known as the ''Operational Evolution Partnership''.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2008 to 2011 will not provide estimated capacity benefits without additional funds.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $2,300,000 for fiscal year 2008, $14,500,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, and $20,000,000 for fiscal year 2011 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, $5,000,000 for fiscal year 2010, and $5,000,000 for fiscal year 2011 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. AGE STANDARDS FOR PILOTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44729. Age standards for pilots

''(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

''(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

''(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

''(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

''(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

''(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

1 ''(e) APPLICABILITY.—

2 ''(1) NONRETROACTIVITY.—No person who has
3 attained 60 years of age before the date of enact-
4 ment of this section may serve as a pilot for an air
5 carrier engaged in covered operations unless—

6 ''(A) such person is in the employment of
7 that air carrier in such operations on such date
8 of enactment as a required flight deck crew
9 member; or

10 ''(B) such person is newly hired by an air
11 carrier as a pilot on or after such date of enact-
12 ment without credit for prior seniority or prior
13 longevity for benefits or other terms related to
14 length of service prior to the date of rehire
15 under any labor agreement or employment poli-
16 cies of the air carrier.

17 ''(2) PROTECTION FOR COMPLIANCE.—An ac-
18 tion taken in conformance with this section, taken in
19 conformance with a regulation issued to carry out
20 this section, or taken prior to the date of enactment
21 of this section in conformance with section
22 121.383(c) of title 14, Code of Federal Regulations
23 (as in effect before such date of enactment), may
24 not serve as a basis for liability or relief in a pro-

ceeding before any court or agency of the United States or of any State or locality.

"(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

"(g) MEDICAL STANDARDS AND RECORDS.—

"(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

"(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of

age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

"(h) SAFETY.—

"(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

"(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second in command if the pilot has

undergone a regularly scheduled simulator evaluation during that period.

"(3) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"44729. Age standards for pilots.".

SEC. 302. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

"(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a

party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 303. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) RELEASE OF DATA.—Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years;

"(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

"(iii) making such data available will enhance aviation safety.

"(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.".

(b) DESIGN ORGANIZATION CERTIFICATES.—Section 44704(e)(1) is amended by striking "Beginning 7 years after the date of enactment of this subsection," and inserting "Beginning January 1, 2013,".

SEC. 304. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by section 301 of this Act) is further amended by adding at the end the following:

"§ 44730. Inspection of foreign repair stations

''Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall: (1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year; and (2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''44730. Inspection of foreign repair stations.''.

SEC. 305. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

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

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the in-

stallation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual Operational Evolution Partnership document of the Administration or any successor document.

SEC. 306. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal

whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2011, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 307. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2007, the Administrator of the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 308. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

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

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

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall initiate a process for the Civil Aerospace Medical Institute to carry out its recommendations for further study of the issue of flight attendant fatigue and to submit not later than March 31, 2009, to Congress a report on such process, including an analysis of the following:

(1) A survey of field operations of flight attendants.

(2) A study of incident reports regarding flight attendant fatigue.

(3) Field research on the effects of such fatigue.

(4) A validation of models for assessing flight attendant fatigue, international policies, and practices regarding flight limitations and rest of flight attendants, and the potential benefits of training flight attendants regarding such fatigue.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 309. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 304 of this Act) is further amended by adding at the end the following:

"§ 44731. Occupational safety and health standards for flight attendants on board aircraft

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

''(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

''(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

''(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

1 "(c) RULEMAKING.—In carrying out this section, the
2 Administrator shall conduct a rulemaking proceeding to
3 address, at a minimum, the following areas:
4 "(1) Record keeping.
5 "(2) Blood borne pathogens.
6 "(3) Noise.
7 "(4) Sanitation.
8 "(5) Hazard communication.
9 "(6) Anti-discrimination.
10 "(7) Access to employee exposure and medical
11 records.
12 "(8) Temperature standards for the aircraft
13 cabin.
14 "(d) REGULATIONS.—
15 "(1) DEADLINE.—Not later than 3 years after
16 the date of enactment of this section, the Adminis-
17 trator shall issue final regulations to carry out this
18 section.
19 "(2) CONTENTS.—Regulations issued under
20 this subsection shall address each of the issues iden-
21 tified in subsection (c) and others aspects of the en-
22 vironment of an aircraft cabin that may cause illness
23 or injury to a flight attendant working in the cabin.
24 "(3) EMPLOYER ACTIONS TO ADDRESS OCCUPA-
25 TIONAL SAFETY AND HEALTH HAZARDS.—Regula-

tions issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

"(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

"(f) OVERSIGHT.—

"(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

"(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

"(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health

Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

"(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

"(i) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' has the meaning given that term by section 44728.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44731. Occupational safety and health standards for flight attendants on board aircraft.".

SEC. 310. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be nec-

essary to carry out this section. Such sums shall remain available until expended.

SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

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

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

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

SEC. 312. NONCERTIFICATED MAINTENANCE PROVIDERS.

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

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

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

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is substantial, regularly-scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

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

(4) NONCERTIFICATED MAINTENANCE PROVIDER.—The term ''noncertificated maintenance provider'' means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 313. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (''ARFF'') under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) FINAL RULE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator or programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2012.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the

Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

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

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, oper-

ational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

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

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

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

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

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) DETECT, SENSE, AND AVOID CAPABILITY.—The term ''detect, sense, and avoid capability'' means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its

scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

"(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

"(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

"(A) For a diverted flight—

"(i) the flight number of the diverted flight;

"(ii) the scheduled destination of the flight;

"(iii) the date and time of the flight;

"(iv) the airport to which the flight was diverted;

"(v) wheels-on time at the diverted airport;

"(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

"(vii) if the flight arrives at the scheduled destination airport—

"(I) the gate-departure time at the diverted airport;

"(II) the wheels-off time at the diverted airport;

"(III) the wheels-on time at the scheduled arrival airport; and

"(IV) the gate arrival time at the scheduled arrival airport.

"(B) For flights cancelled after gate departure—

"(i) the flight number of the cancelled flight;

"(ii) the scheduled origin and destination airports of the cancelled flight;

"(iii) the date and time of the cancelled flight;

"(iv) the gate-departure time of the cancelled flight; and

"(v) the time the aircraft returned to the gate.

"(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly

report and publish such report on the Web site of the Department of Transportation.''.

(b) EFFECTIVE DATE.—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) SLOTS.—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00

p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.''.

SEC. 403. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) in subparagraph (C) by striking ''provided.'' and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air

service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals; and

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

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) is amended by striking "$77,000,000" and inserting "$83,000,000".

(b) DISTRIBUTION OF EXCESS FUNDS.—

(1) IN GENERAL.—Section 41742(a) is amended by adding at the end the following:

"(4) DISTRIBUTION OF EXCESS FUNDS.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under paragraph (1)—

"(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

"(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).".

(2) CONFORMING AMENDMENT.—Section 41742(b) is amended—

(A) in the first sentence by striking "moneys credited" and all that follows before "shall be used" and inserting "amounts made available under subsection (a)(4)(B)"; and

(B) in the second sentence by striking "any amounts from those fees" and inserting "any of such amounts".

SEC. 405. SMALL COMMUNITY AIR SERVICE.

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

(1) by striking "and" at the end of subparagraph (D);

(2) in subparagraph (E) by striking "fashion." and inserting "fashion; and"; and

(3) by adding at the end the following:

"(F) multiple communities cooperate to submit a regional or multistate application to improve air service.".

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking "2008" and inserting "2011".

SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

"CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

"Sec.
"42301. Emergency contingency plans.
"42302. Consumer complaints.
"42303. Use of insecticides in passenger aircraft.

"§ 42301. Emergency contingency plans

"(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

"(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 60 seats.

"(c) AIR CARRIER PLANS.—

"(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

"(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

"(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

"(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

"(A) provide food, water that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

"(B) allow passengers to deplane following excessive delays; and

"(C) share facilities and make gates available at the airport in an emergency.

"(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the airport operator,

to the maximum extent practicable, will provide for the deplanement of passengers following excessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency.

"(e) UPDATES.—

"(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

"(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

"(f) APPROVAL.—

"(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

"(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

"(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

"(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet Web site of the carrier or airport or by such other means as determined by the Secretary.

"§ 42302. Consumer complaints

"(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

"(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be

1 necessary to carry out this section. Such sums shall re-
2 main available until expended.

3 **"§ 42303. Use of insecticides in passenger aircraft**

4 "No air carrier, foreign air carrier, or ticket agent
5 may sell in the United States a ticket for air transpor-
6 tation for a flight on which a insecticide has been applied
7 in the aircraft within the last 60 days or on which an in-
8 secticide is planned to be used in the aircraft while pas-
9 sengers are on board the aircraft unless the air carrier,
10 foreign air carrier, or ticket agent selling the ticket first
11 informs the person purchasing the ticket of the applica-
12 tion, application, or planned use of the insecticide, includ-
13 ing the name of the insecticide.".

14 (b) CLERICAL AMENDMENT.—The analysis for sub-
15 title VII is amended by inserting after the item relating
16 to chapter 421 the following:

"423. Air Passenger Service Improvements ..... 42301".

17 (c) PENALTIES.—Section 46301 is amended in sub-
18 sections (a)(1)(A) and (c)(1)(A) by inserting "chapter
19 423," after "chapter 421,".

20 (d) APPLICABILITY OF REQUIREMENTS.—Except as
21 otherwise specifically provided, the requirements of chap-
22 ter 423 of title 49, United States Code, as added by this
23 section, shall begin to apply 60 days after the date of en-
24 actment of this Act.

SEC. 407. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '' , and airfare levels'' and all that follows before the period.

SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking ''2008'' and inserting ''2012''.

SEC. 409. CONTRACT TOWER PROGRAM.

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

(1) by striking ''(1) The Secretary'' and inserting the following:

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION AND EXTENSION.—The Secretary'';

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

''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that ex-

ceeds the benefit for a period of 18 months after such determination is made.

"(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3)."; and

(3) by striking "(2) The Secretary" and inserting the following:

"(2) GENERAL AUTHORITY.—The Secretary".

(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-SHARING PROGRAM.—

(1) FUNDING.—Section 47124(b)(3)(E) is amended—

(A) by striking "and"; and

(B) by inserting ", $8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011" after "2007".

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

"(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).".

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking "$1,500,000" and inserting "$2,000,000".

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

"(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.".

SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

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

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are

comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY ASSISTIVE DEVICES.

Not later than December 31, 2007, the Secretary of Transportation shall issue a final rule regarding the carriage and use of passenger-owned portable electronic respiratory assistive devices and carrier-supplied medical oxygen devices aboard commercial flights to improve accommodations in air travel for passengers with respiratory disabilities.

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747, and the item relating to such section in the analysis for chapter 417, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 413. GAO STUDY OF ESSENTIAL AIR SERVICE SUBSIDY CAP.

(a) IN GENERAL.—The Comptroller General shall examine how the $200 per passenger subsidy cap, initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) to restrict eligibility for funding under the essential air service program, has impacted that program and the access of small communities to air transportation.

(b) STUDY.—The study shall include an analysis of the following:

(1) The communities that have lost eligibility for subsidized air service under the essential air service program due to the $200 per passenger subsidy cap and the impact, if any, such loss of subsidy has had on the access of such communities to air transportation.

(2) The likely effect on the essential air service program if the $200 per passenger subsidy cap is indexed for inflation beginning in 2009.

(3) Whether the $200 per passenger subsidy cap has disproportionately impacted communities in certain geographic areas.

(4) Alternative methods of measuring the subsidy rate, including the subsidy per passenger per mile.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

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

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter not later than 45 days before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the maximum amount speci-

fied in section 332 of Public Law 106–69 (113 Stat. 1022).

"(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap established by section 332 of Public Law 106–69.

"(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

"(A) the procedures established pursuant to paragraph (2); and

"(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap established by section 332 of Public Law 106–69.".

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 414 of this Act) is further amended by adding at the end the following:

"(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

"(1) IN GENERAL.—If the Secretary ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the maximum amount specified in section 332 of Public Law 106–69 (113 Stat. 1022), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

"(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

"(A) the rate of subsidy per passenger under the proposal does not exceed the max-

imum amount specified in section 332 of Public Law 106–69; and

"(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).".

SEC. 416. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§ 41749. Office of Rural Aviation

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the 'Office of Rural Aviation' (in this section referred to as the 'Office').

"(b) FUNCTIONS.—The Office shall—

"(1) monitor the status of air service to small communities;

"(2) develop proposals to improve air service to small communities; and

"(3) carry out such other functions as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

"41749. Office of Rural Aviation.".

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED NONFUEL COSTS.—Section 41737(e) is amended—

(1) in the subsection heading by inserting "NONFUEL" before "COSTS"; and

(2) in paragraph (1) by inserting "other than fuel costs" before "in providing".

(b) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—Section 41737 is amended by adding at the end the following:

"(f) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—

"(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased aviation fuel costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary, subject to the availability of funds, shall increase the rates of compensation payable to air carriers under this subchapter without regard to any agreement or require-

ment relating to the renegotiation of contracts or any notice requirement under section 41734.

"(2) READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.—If an adjustment is made under paragraph (1) with respect to the rates of compensation payable to air carriers, and the Secretary subsequently determines that there is a significant decrease in aviation fuel costs, the Secretary shall reduce the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(3) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) AVIATION FUEL.—The term 'aviation fuel' means fuel used by an air carrier in aircraft providing air service or air transportation for which compensation is being paid under this subchapter.

"(B) SIGNIFICANT DECREASE IN AVIATION FUEL COSTS.—The term 'significant decrease in aviation fuel costs' means a decrease of 30 percent or more in the price per gallon of aviation fuel over a 6-month period, as determined by the Secretary, based on fuel price information

derived from a commodities exchange or exchanges.

"(C) SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—The term 'significantly increased aviation fuel costs' means an increase of 30 percent or more in the price per gallon of aviation fuel over a 6-month period, as determined by the Secretary, based on fuel price information derived from a commodities exchange or exchanges.".

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

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

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

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

(2) air carriers' scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation's busiest airports; and

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of pas-

sengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the ''advisory committee'') to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

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

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

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

(f) DUTIES.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue a final regulation to modify section 250 of title 14, Code of Federal Regulations, regarding denied boarding compensation, to appropriately adjust the amount of such compensation for an aircraft with 30 or more seats.

(b) EVALUATION.—Not later than 2 years after the date of issuance of the final regulation under this section and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation

and issue a regulation to adjust such compensation as necessary.

SEC. 422. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months

thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

SEC. 423. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park'';

(2) in subsection (a) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

"(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

"(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

"(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.";

(3) in subsection (b) by adding at the end the following:

"(7) VOLUNTARY AGREEMENTS.—

"(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

"(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

"(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

"(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

"(iii) provide for fees for such operations.

"(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

"(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until

an air tour management plan for the park is in effect.'';

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

''(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.'';

(5) in subsection (c)(3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without

further environmental process beyond that described in this paragraph if—

"(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

"(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

"(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment."; and

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

"(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

"(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air

tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the FAA Reauthorization Act of 2007, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) supplement such analysis, as necessary, to meet applicable Federal requirements.''.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

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

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.''.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

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

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

"(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

"(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

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

"(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

"(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

"(C) shall remain available until expended.".

SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

"§ 47511. CLEEN research, development, and implementation partnership

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

"(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

"(c) PERFORMANCE OBJECTIVE.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2015:

"(1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by increasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology.

"(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

"(3) Development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology.

"(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

"(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

"(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

"(1) $6,000,000 for fiscal year 2008.

"(2) $22,000,000 for fiscal year 2009.

"(3) $33,000,000 for fiscal year 2010.

"(4) $50,000,000 for fiscal year 2011.

"(e) REPORT.—Beginning in fiscal year 2009, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.".

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"47511. CLEEN research, development, and implementation partnership.".

SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

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

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2012, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate other than an experimental certificate has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a

maintenance facility located in the contiguous 48 States.

"(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

"(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

"(7) To provide transport of persons and goods in the relief of emergency situations.

"(8) To divert the aircraft to an alternative air port in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

"(d) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

(A) in the section heading by striking "**for violating sections 47528–47530**"; and

(B) by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by inserting "or 47534" after "47528–47531".

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

"47531. Penalties.";

and

(B) by inserting after the item relating to section 47533 the following:

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

SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to

measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation dem-

onstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

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

(1) ELIGIBLE CONSORTIUM.—The term ''eligible consortium'' means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ''environmental mitigation demonstration project'' means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the

Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $5,000,000 may be expended under the pilot program at any single public-use airport.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, ca-

pacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) AUTHORIZATION.—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

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

(1) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.

The Administrator of the Federal Aviation Administration shall complete the air quality studies and analysis started pursuant to section 815 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2592), including the collection of samples of the air onboard passenger aircraft by flight attendants and the testing and analyzation of such samples for contaminants.

SEC. 512. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proposed European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of

the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2007. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport and JFK Airport.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (2) and inserting the following:

"(2) DISPUTE RESOLUTION.—

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

"(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization Act of 2007); or

"(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

"(B) BINDING ARBITRATION.—

"(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not

lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select

a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

"(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

"(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

"(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

"(vi) COSTS.—The parties shall share costs of the arbitration equally.

"(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

"(4) ENFORCEMENT.—

"(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

"(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litiga-

tion costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.''.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title

1 49, United States Code (as amended by subsection (a) of
2 this section).

3 (c) SAVINGS CLAUSE.—All cost of living adjustments
4 and other pay increases, lump sum payments to employ-
5 ees, and leave and other benefit accruals implemented as
6 part of the changes referred to in subsection (b) may not
7 be reversed unless such reversal is part of the calculation
8 of back pay under subsection (d). The Administrator shall
9 waive any overpayment paid to, and not collect any funds
10 for such overpayment, from former employees of the Ad-
11 ministration who received lump sum payments prior to
12 their separation from the Administration.

13 (d) BACK PAY.—

14 (1) IN GENERAL.—Employees subject to
15 changes referred to in subsection (b) that are deter-
16 mined to be null and void under subsection (b) shall
17 be eligible for pay that the employees would have re-
18 ceived under the last mutual agreement between the
19 Administrator and the exclusive bargaining rep-
20 resentative of such employees before the date of en-
21 actment of this Act and any changes were imple-
22 mented without agreement of the bargaining rep-
23 resentative. The Administrator shall pay the employ-
24 ees such pay subject to the availability of amounts
25 appropriated to carry out this subsection. If the ap-

propriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOYEES.

Section 40122(g)(3) of title 49, United States Code, is amended by adding at the end the following: ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate

arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONTENTS.—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 604. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the

Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, ''Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs'' (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations; and

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards.

SEC. 605. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) IN GENERAL.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall fol-

low the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled ''Staffing Standards for Aviation Safety Inspectors'' and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. SAFETY CRITICAL STAFFING.

(a) AVIATION SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standard Service (as those terms are used in the Administration's fiscal year 2008 congressional budget justification) each fiscal year commensurate with the funding levels provided in subsection (b) for such fiscal year. Such increases shall be measured relative to the number of persons serving in positions of aviation safety inspectors and safety technical specialists and in operational support positions as of September 30, 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49,

United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) $58,000,000 for fiscal year 2008;

(2) $134,000,000 for fiscal year 2009;

(3) $170,000,000 for fiscal year 2010; and

(4) $208,000,000 for fiscal year 2011.

Such sums shall remain available until expended.

(c) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the ''FAA'')

to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) CONTENTS.—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) RECOMMENDATIONS AND ESTIMATES.—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

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

SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

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

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

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

SEC. 610. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions'' (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

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

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the

1 head of that department or agency shall furnish such in-
2 formation to the Task Force.
3 (f) DUTIES.—
4 (1) STUDY.—The Task Force shall undertake a
5 study of—
6 (A) the conditions of all air traffic control
7 facilities across the Nation, including towers,
8 centers, and terminal radar air control;
9 (B) reports from employees of the Admin-
10 istration relating to respiratory ailments and
11 other health conditions resulting from exposure
12 to mold, asbestos, poor air quality, radiation
13 and facility-related hazards in facilities of the
14 Administration;
15 (C) conditions of such facilities that could
16 interfere with such employees' ability to effec-
17 tively and safely perform their duties;
18 (D) the ability of managers and super-
19 visors of such employees to promptly document
20 and seek remediation for unsafe facility condi-
21 tions;
22 (E) whether employees of the Administra-
23 tion who report facility-related illnesses are
24 treated fairly;

(F) utilization of scientifically-approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indicies of the Administration (in this section referred to as the ''FCI'') for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking ''August 31, 2006'' and inserting ''September 30, 2011''; and

(2) by striking ''December 31, 2006'' and inserting ''December 31, 2017''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2017, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2017, and except as provided in clause (ii), premiums that are collected by the Sec-

retary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

"(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

"(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2017;

"(II) the amount of any claims pending under such policies as of December 31, 2017; and

"(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2017.".

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

Section 44303(b) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2012''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

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

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking ''March 30, 2008'' and inserting ''December 31, 2017''.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

''For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including

operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.''.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

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

''(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

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

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

"(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

"(2) RELEASE OF INFORMATION.— In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

"(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

"(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration

1 who shall carry out the authority described in subsection
2 (a). The designated employees may—
3 "(1) have access to and receive criminal history,
4 driver, vehicle, and other law enforcement informa-
5 tion contained in the law enforcement databases of
6 the Department of Justice, or any jurisdiction of a
7 State, in the same manner as a police officer em-
8 ployed by a State or local authority of that State
9 who is certified or commissioned under the laws of
10 that State;
11 "(2) use any radio, data link, or warning sys-
12 tem of the Federal Government, and of any jurisdic-
13 tion in a State, that provides information about
14 wanted persons, be-on-the-lookout notices, warrant
15 status, or other officer safety information to which
16 a police officer employed by a State or local author-
17 ity in that State who is certified or commission
18 under the laws of that State has access and in the
19 same manner as such police officer; or
20 "(3) receive Federal, State, or local government
21 communications with a police officer employed by a
22 State or local authority in that State in the same
23 manner as a police officer employed by a State or
24 local authority in that State who is commissioned
25 under the laws of that State.

"(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40130. FAA access to criminal history records or databases systems.".

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

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

(1) in the section heading by striking "**air carrier**" and inserting "**carrier**";

(2) in subsection (a) by striking "(as defined in section 40102 of this title)" and inserting "(as such terms are defined in section 40102)";

(3) in the heading for subsection (d) by striking "AIR CARRIER" and inserting "AIR CARRIER AND FOREIGN AIR CARRIER";

(4) in the heading for paragraph (2) of subsection (d) by striking "AIR CARRIER" and inserting "AIR CARRIER AND FOREIGN AIR CARRIER";

(5) by striking ''air carriers'' each place it appears and inserting ''air carriers or foreign air carriers'';

(6) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier''; and

(7) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's''.

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

''47129. Resolution of airport-carrier disputes concerning airport fees.''.

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

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

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

(2) The changes in airport capital needs between fiscal years 2001 and 2007, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

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

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

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

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking ''All'' and inserting ''(a) IN GENERAL.—All'';

(2) by inserting ''and every express carrier'' after ''common carrier by air''; and

(3) by adding at the end the following:

''(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

''(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

"(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

"(3) EXPRESS CARRIER DEFINED.—In this section, the term 'express carrier' means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.".

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking ", any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,,".

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the Federal Aviation Administration (in this section referred to as the "FAA") a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities

and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) MEMBERSHIP.—The working group shall be composed of, at a minimum—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or

realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.—The Administrator may

not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator has submitted the report under subsection (f).

(h) FAA DEFINED.—In this section, the term ''FAA'' means the Federal Aviation Administration.

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

''(i) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

''(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of

title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

"(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

"(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

"(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

"(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.".

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the "FAA") could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transpor-

tation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air

carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake

County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the ''airport''), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the

airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human

intervention and motivation study program for flight crewmembers involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2011. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, D.C., AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, D.C., Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, D.C., Air Defense Identification Zone that will decrease operational impacts and

improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying

under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. LABOR INTEGRATION.

(a) LABOR INTEGRATION.—With respect to any covered transaction involving a covered air carrier that results

in the combination of crafts or classes that are subject to the Railway Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 C.A.B. 45) shall apply to the integration of covered employees of the covered air carrier; except that—

(1) if the same collective bargaining agent represents the combining crafts or classes at the covered air carrier, that collective bargaining agent's internal policies regarding integration, if any, will not be affected by and will supercede the requirements of this section; and

(2) the requirements of any collective bargaining agreement that may be applicable to the terms of integration involving covered employees of the covered air carrier shall also not be affected by and will supersede the requirements of this section, so long as those provisions supply at least the protections afforded by sections 3 and 13 of the Allegheny-Mohawk provisions.

(b) ENFORCEMENT.—Any labor organization that represents individuals that are aggrieved as a result of a violation of the labor protective provisions applied under subsection (a) may bring an action to enforce this section,

or to enforce the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. An action under this subsection shall be brought in an appropriate United States district court determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

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

(1) AIR CARRIER.—The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term ''covered employee'' means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term ''covered transaction'' means—

(A) a transaction for the combination of multiple air carriers into a single air carrier; and which

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier.

(d) APPLICATION.—This section shall not apply to any covered transaction involving a covered air carrier that took place before the date of enactment of this Act.

SEC. 818. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made

available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1); and

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1);

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTION.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) UNITED STATES GOVERNMENT SHARE.—

(1) IN GENERAL.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) SPECIAL RULES FOR REPAID FUNDS.—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of

the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) USE OF PASSENGER FACILITY REVENUE.—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) SUNSET.—The Administrator may not make a grant under the pilot program after September 30, 2011.

(i) REPORT TO CONGRESS.—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

SEC. 819. HELICOPTER OPERATIONS OVER LONG ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 820. CABIN TEMPERATURE STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat onboard such aircraft during standard operations or during an excessive flight delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperatures of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and develop a system for the re-

porting of excessive temperature onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 821. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''; and

(3) in subsection (d)(2)—

(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)''; and

(B) by inserting after ''44909),'' the following: ''section 45107 or''.

SEC. 822. REALIGNMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

(a) PROHIBITION.—The Administrator of the Federal Aviation Administration may not carry out, or plan for, the consolidation, deconsolidation, colocation, execution of interfacility reorganization, or facility elimination of the terminal radar approach control (TRACON) at Palm Beach International Airport.

(b) REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—The Administrator shall take such action as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2007, to replace an air traffic control tower or facility placed into operation before September 30, 2007, includes an operating terminal radar approach control.

SEC. 823. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strat-

egies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 824. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 825. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasi-

bility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services and Committee on Science and Technology in the House of Representatives and the Committee on Commerce, Science and Transportation, Committee on Government Affairs and Homeland Security, and the Committee on Armed Services in the Senate.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2007''.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term ''NSF'' means the National Science Foundation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

"(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating

the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.''.

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

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''expiration of the program'' and inserting ''expiration of the pilot program''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the un-

manned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate stu-

dents on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2011, for research grants under this section.

SEC. 910. RESEARCH PROGRAM ON SPACE WEATHER AND AVIATION.

(a) ESTABLISHMENT.—The Administrator shall, in coordination with the National Science Foundation, National Aeronautics and Space Administration, National

Oceanic and Atmospheric Administration, and other relevant agencies, initiate a research program to—

(1) conduct or supervise research projects on impacts of space weather to aviation, including communication, navigation, avionic systems, and on airline passengers and personnel; and

(2) facilitate the transfer of technology from space weather research programs to Federal agencies with operational responsibilities and to the private sector.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $1,000,000 for each of the fiscal years 2008 through 2011 to carry out this section.

SEC. 911. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation

piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2008 through 2010 to carry out this section.

SEC. 912. RESEARCH REVIEWS AND ASSESSMENTS.

(a) REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(A) the programs have well-defined, prioritized, and appropriate research objectives;

(B) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(C) the programs have allocated appropriate resources to each of the research objectives; and

(D) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(2) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry,

and in particular, to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on at least the following areas: communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety;

(C) provide recommendations on how NASA, NOAA, and the NSF can most effectively carry out research and monitoring activities related to space weather and aviation; and

(D) provide recommendations on how to integrate space weather information into the Next Generation Air Transportation System.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(16) Safe Flight 21—Alaska Capstone.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2008 to carry out this section.

SEC. 914. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 915. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) ESTABLISHMENT.—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the ''Center'').

(b) APPLIED RESEARCH AND TRAINING.—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) DUTIES.—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a

broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the ''Taskforce on the Future of the Aerospace Workforce'' and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator

such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Airport and Airway Trust Fund Financing Act of 2007''.

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''24.1 cents''.

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

"(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.— In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.".

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions of such Code are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Section 4081(a)(4) of such Code is amended in the heading by striking ''KEROSENE'' and inserting ''AVIATION-GRADE KEROSENE''.

(E) Section 4081(d)(2) of such Code is amended by inserting '', (a)(2)(A)(iv),'' after ''subsections (a)(2)(A)(ii)''.

(b) EXTENSION.—

(1) FUELS TAXES.—Paragraph (2) of section 4081(d) of such Code is amended by striking ''gallon—'' and all that follows and inserting ''gallon after September 30, 2011''.

(2) TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.—

(A) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

(c) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(2) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(3) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(d) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) of such Code is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon

with respect to any sale or use for commercial aviation).''.

(e) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ul-

timate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.".

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

(ii) by striking '', (l)(4)(C)(ii), and'' and inserting ''and''.

(B) Section 4082(d)(2)(B) of such Code is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) in the matter preceding subparagraph (A) by striking ''October 1, 2007'' and inserting ''October 1, 2011'', and

(ii) in subparagraph (A) by inserting ''or the FAA Reauthorization Act of 2007'' before the semicolon at the end.

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(f) of

such Code is amended by striking ''October 1, 2007'' and inserting ''October 1, 2011''.

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(3) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) in paragraph (2) by striking ''(other than subsection (l)(4) thereof)'', and

(ii) in paragraph (3) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))''.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

"(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

"(F) section 4041(c).".

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking ", section 9503(c)(7),".

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

"(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.".

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

"(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

"(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

"(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

"(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

"(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b)

with respect to amounts described in this paragraph.''.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2007.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2008, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2008, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2008, and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2008, by any person if the

aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at

least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

Passed the House of Representatives September 20, 2007.

Attest:

Clerk.

110th CONGRESS
1st Session

H. R. 2881

AN ACT

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 provide stable funding for the national aviation system, and for other purposes.