The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1676, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 11, not voting 25, as follows:

[Roll No. 287]

YEAS—397

Abercrombie	Costello	Holt
Ackerman	Courtney	Honda
Aderholt	Crenshaw	Hoyer
Adler (NJ)	Crowley	Hunter
Akin	Cuellar	Inglis
Alexander	Culberson	Inslee
Altmire	Cummings	Israel
Andrews	Dahlkemper	Issa
Arcuri	Davis (AL)	Jackson (IL)
Austria	Davis (CA)	Jackson-Lee (TX)
Baca	Davis (IL)	Jenkins
Bachus	Davis (KY)	Johnson (GA)
Baird	Davis (TN)	Johnson (IL)
Baldwin	DeFazio	Johnson, E. B.
Barrow	DeGette	Johnson, Sam
Bartlett	Delahunt	Jones
Barton (TX)	DeLauro	Jordan (OH)
Bean	Dent	Kagen
Becerra	Diaz-Balart, L.	Kanjorski
Berkley	Diaz-Balart, M.	Kennedy
Berman	Dicks	Kildee
Berry	Dingell	Kilpatrick (MI)
Biggert	Doggett	Kilroy
Bilbray	Donnelly (IN)	Kind
Bilirakis	Dreier	King (IA)
Bishop (GA)	Duncan	King (NY)
Bishop (NY)	Edwards (MD)	Kirk
Bishop (UT)	Edwards (TX)	Kirkpatrick (AZ)
Blumenauer	Ehlers	Kissell
Blunt	Ellison	Klein (FL)
Boccieri	Emerson	Kline (MN)
Bonner	Engel	Kosmas
Bono Mack	Eshoo	Kratovil
Boozman	Etheridge	Kucinich
Boren	Fallin	Lamborn
Boswell	Farr	Lance
Boucher	Fattah	Langevin
Boustany	Filner	Larsen (WA)
Boyd	Fleming	Larson (CT)
Brady (PA)	Forbes	Latham
Brady (TX)	Fortenberry	LaTourette
Braley (IA)	Foster	Latta
Brown (SC)	Foxx	Lee (CA)
Brown, Corrine	Frank (MA)	Lee (NY)
Brown-Waite, Ginny	Franks (AZ)	Levin
Buchanan	Frelinghuysen	Lewis (CA)
Burgess	Fudge	Lewis (GA)
Burton (IN)	Gallegly	Linder
Butterfield	Garrett (NJ)	Lipinski
Buyer	Gerlach	LoBiondo
Calvert	Giffords	Loebsack
Camp	Gingrey (GA)	Lofgren, Zoe
Cantor	Gohmert	Lowey
Cao	Gonzalez	Lucas
Capito	Goodlatte	Luetkemeyer
Capps	Gordon (TN)	Luján
Capuano	Granger	Lummis
Cardoza	Graves	Lungren, Daniel E.
Carnahan	Grayson	Lynch
Carney	Green, Al	Mack
Carson (IN)	Green, Gene	Maffei
Carter	Griffith	Maloney
Cassidy	Grijalva	Manzullo
Castle	Guthrie	Markey (MA)
Castor (FL)	Hall (NY)	Marshall
Chaffetz	Hall (TX)	Massa
Chandler	Harman	Matheson
Childers	Harper	Matsui
Clarke	Hastings (FL)	McCarthy (CA)
Clay	Hastings (WA)	McCarthy (NY)
Cleaver	Heinrich	McCaul
Clyburn	Heller	McCollum
Coble	Herger	McCotter
Coffman (CO)	Herseth Sandlin	McDermott
Cohen	Higgins	McGovern
Cole	Himes	McHenry
Conaway	Hinchey	McHugh
Connolly (VA)	Hinojosa	McIntyre
Conyers	Hirono	McKeon
Cooper	Hodes	McMahon
Costa	Hoekstra	McMorris Rodgers
Holden	Posey	Slaughter
McNerney	Price (GA)	Smith (NE)
Meek (FL)	Price (NC)	Smith (NJ)
Meeks (NY)	Putnam	Smith (TX)
Melancon	Quigley	Smith (WA)
Mica	Radanovich	Snyder
Michaud	Rahall	Souder
Miller (FL)	Rangel	Space
Miller (MI)	Rehberg	Spratt
Miller (NC)	Reichert	Stearns
Miller, Gary	Reyes	Stupak
Miller, George	Richardson	Sullivan
Minnick	Roe (TN)	Sutton
Mitchell	Rogers (AL)	Tanner
Mollohan	Rogers (KY)	Tauscher
Moore (KS)	Rogers (MI)	Taylor
Moore (WI)	Ros-Lehtinen	Teague
Moran (KS)	Roskam	Terry
Moran (VA)	Ross	Thompson (CA)
Murphy (CT)	Rothman (NJ)	Thompson (MS)
Murphy (NY)	Roybal-Allard	Thornberry
Murphy, Patrick	Royce	Tiahrt
Murtha	Ruppersberger	Tiberi
Myrick	Rush	Tierney
Nadler (NY)	Ryan (OH)	Titus
Napolitano	Ryan (WI)	Tonko
Neal (MA)	Salazar	Towns
Neugebauer	Sanchez, Loretta	Tsongas
Nunes	Sarbanes	Turner
Nye	Scalise	Upton
Oberstar	Schakowsky	Van Hollen
Olson	Schauer	Velázquez
Olver	Schiff	Visclosky
Ortiz	Schmidt	Walden
Pallone	Schock	Walz
Pascrell	Schrader	Wamp
Pastor (AZ)	Schwartz	Wasserman Schultz
Paulsen	Scott (GA)	Waters
Payne	Scott (VA)	Watson
Pence	Sensenbrenner	Watt
Perlmutter	Serrano	Waxman
Perriello	Sessions	Weiner
Peters	Sestak	Welch
Peterson	Shadegg	Wexler
Petri	Shea-Porter	Wilson (SC)
Pingree (ME)	Sherman	Wittman
Pitts	Shimkus	Wolf
Platts	Shuler	Wu
Poe (TX)	Shuster	Yarmuth
Polis (CO)	Simpson	Young (AK)
Pomeroy	Sires	Young (FL)
	Skelton	

NAYS—11

Blackburn	Halvorson	Paul
Broun (GA)	Kingston	Rohrabacher
Campbell	Marchant	Westmoreland
Ellsworth	McClintock	

NOT VOTING—25

Bachmann	Hare	Sánchez, Linda T.
Barrett (SC)	Hensarling	Speier
Boehner	Hill	Stark
Bright	Kaptur	Thompson (PA)
Deal (GA)	Markey (CO)	Whitfield
Doyle	Murphy, Tim	Wilson (OH)
Driehaus	Obey	Woolsey
Flake	Rodriguez	
Gutierrez	Rooney	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRIGHT. Mr. Speaker, on rollcall No. 287, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ROONEY. Mr. Speaker, had I been present I would have voted on rollcall No. 284—"nay"; 285—"nay"; 286—"yea"; 287—"yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1346

Mr. GERLACH. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1346. My name was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 915 and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FAA REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 464 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 915.

□ 1354

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself as much time as I may consume.

We bring to the House, once again, to the Committee of the Whole, the authorization for FAA for the next 4 years. We're getting very good at this. We did it 2 years ago. It passed the House overwhelmingly. Unfortunately, the other body did not act on it. So we held further hearings and reshaped the bill. Essentially we have 95 percent of what we had in 2007 in this bill. It was worked out then in cooperation with the Republican members of the committee and with the ranking Republican, Mr. MICA, and again this year with Mr. MICA, Mr. PETRI and the Aviation Subcommittee under the extraordinarily gifted leadership of Mr.

COSTELLO, who held numerous hearings to air the various aspects of this bill and other aviation issues.

So that we bring a bill for which there is broad bipartisan support except perhaps for four areas in which there are differences and on which my good friend, Mr. MICA, will elaborate in his own good time. We bring a bill of $70 billion investment in aviation over the next 4 years; $16.2 billion for the Airport Improvement Program to build runways, taxiways, air traffic on the aviation hard side, as I call it, of airports; $13.4 billion for facilities and equipment account over 4 years. That's for the continuing modernization of the air traffic control system. Air traffic control is not a snapshot in time. It's a continuously evolving technology that keeps pace with the growth of aviation and with the need for greater safety at altitude, on approach, on departure, on the ground, in the airport runway safety areas. We provide substantial funding not only for the present but for the future investment and modernization of the air traffic control system going on to the next-generation technology that will be satellite-based. Higher reliability, greater accuracy, shorten the flight time, shorten fuel burned in the air and vastly improve safety.

On the capacity side, we provide authority for airport authorities, at their choice, at their decision, to increase the passenger facility charge that was initiated in 1990, at the time when I chaired the Aviation Subcommittee and the first Bush administration, with then-Secretary Sam Skinner advocating for this increase and this authority for airports, to increase this charge on the grounds that they are accountable directly to the people who use their airports. It is a local decision, and we're allowing them to do it. It's not required. Airport authorities can impose or not impose a passenger facility charge. But it's used for all the authority airports are granted under the Airport Improvement Program, to expand capacity, improve the terminals, improve movement of passengers on the airport grounds to and from their parking area, from the drop-off area onto the aircraft itself.

□ 1400

It has been a very well-used and useful tool.

As part of the increase or the authority to use passenger facility charges in 1990 and with concurrence of the administration, we require that every airport that imposes a PFC will lose 50 cents on each dollar of their AIP entitlement account, and that goes into a special account in the Aviation Trust Fund for the use of small airports that don't have the capacity to level a passenger facility charge. That has resulted in some $800 million a year available for general aviation airports, regional airports, and smaller nonhub airports, and has enabled them to participate in the Nation's aviation system.

There is a provision in this bill that we had in the 2007 bill that requires the Federal Aviation Administration to negotiate a new contract with its air traffic controllers. And if they do not reach an agreement 45 days after enactment, the issue will be sent to binding arbitration. The Republican administration objected to that provision. The ranking Republican on our committee, Mr. MICA, stoutly defended his administration's position, and his own view, that we should not have binding arbitration apply to this circumstance. I think it is fair to say he would accept that going forward.

Well, the bill never made its way through the Senate of 2007 or 2008. And we are an equal opportunity committee. So what we didn't trust the previous administration to do, we don't trust this administration to do. And we are keeping that language in this bill to keep the heat on them to negotiate this contract, renegotiate in due fairness to the air traffic controllers.

Then there is the matter of the foreign repair stations. There are 145 foreign repair stations certificated by the U.S. FAA in other countries where U.S. aircraft are maintained, supposedly to U.S. standards, to the standards of the airline as approved by FAA and to standards that we set for certification of aircraft maintenance personnel and certification of the facility in which the maintenance work is performed.

Over time, questions have arisen about the adequacy of standards in other countries. This legislation takes those concerns and wraps them into this language we have in the bill, saying they must meet our standards for criminal background checks, for drug and alcohol testing, for certification of the facility, and certification of the aircraft maintenance specialists. That is in the interests of every American who flies on an aircraft in our country or outside of our country that is maintained in a non-U.S. maintenance facility. And in the time since we passed that bill in 2007, the U.S. and the EU have negotiated an aviation agreement that moves toward harmonization of the aviation maintenance standards of our two countries.

That agreement provides, in Article 15, ''nothing in this agreement shall be construed to limit the authority of a party to (A) determine through its legislative, regulatory and administrative procedures the level of protection it considers appropriate for civil aviation safety and environmental testing and approvals, and (B) take all appropriate and immediate measures necessary to eliminate or minimize any derogation of safety.'' That is what we are doing, simply put, in this legislation using our legislative authority, require twice-a-year onsite inspections of facilities in which U.S. aircraft are maintained in facilities overseas.

If the Europeans want reciprocity under this agreement, they have that authority. They can inspect U.S. maintenance facilities which are doing work on foreign aircraft, European aircraft, in the United States. Basically, that is what it is. It is comity, fairness, equity, and safety in the best interests of our citizens.

There may be other issues. But I will reserve my time. And Mr. COSTELLO will address more details of this legislation subsequently.

Mr. Chairman, I submit for the RECORD an exchange of letters on this particular piece of legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 7, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009''.

I appreciate your willingness to waive rights to further consideration of H.R. 915, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 7, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 915, the FAA Reauthorization Act of 2009. This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

H.R. 915 was marked up by the Committee on Transportation and Infrastructure on March 5, 2009. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 915.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 915 and the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 15, 2009.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009''.

I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on the Judiciary I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in RR 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, May 14, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: As you know, the Judiciary Committee requested referral of H.R. 915, the FAA Authorization Act of 2009, due in part to the addition in markup of the text of H.R. 831, which directs a study on the use of a provision in current law to confer antitrust immunity on international airline alliances, and sunsets all such antitrust immunity in three years—on which the Judiciary Committee had received a referral as falling within our Rule X jurisdiction.

We understand that, although the report, for H.R. 915 has not yet been filed, there is a desire to bring this bill to the floor for consideration next week. While we have concerns about how the antitrust provision is written, from the standpoint of sound antitrust policy, and we would prefer to take referral to give appropriate consideration to that provision and other matters within our jurisdiction, we are willing to waive referral in order that the bill may proceed to the House floor.

The Judiciary Committee takes this action with our mutual understanding that by forgoing further consideration of H.R. 915 at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. We appreciate your continued willingness to consult with us on these provisions, and on any refinements or clarifications to them, as the legislation moves forward. Finally, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, May 18, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009''.

I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 915.

This exchange of letters will be inserted in the Committee Report on H.R. 915 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 19, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn Bldg., House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009.''

H.R. 915 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 915 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Thank you again for the opportunity to rise today and speak about a very important piece of legislation, and that is reauthorization of our Federal Aviation Administration operations.

Americans take for granted sometimes the ability to have the best, the largest, and the most accessible air transportation system in the world. But it is our job in Congress to make certain that that system is safe and that we also pass laws from time to time authorizing the policy, the projects, the funding, and other safety measures that are important for that system.

I want to speak in favor of enacting good reauthorization. At the end of the day, I will not vote in support of this particular measure because I do have some concerns that I will briefly outline.

First, let me say that I have enjoyed my working relationship with Mr. OBERSTAR. He chairs the committee, and I try to work with him in a bipartisan manner to make certain that our key responsibilities, like this important safety air industry legislation, passes Congress, and I will continue to do that.

I do have some concerns about some specifics. The bill does have some very good provisions. And Mr. OBERSTAR, Mr. COSTELLO, and Mr. PETRI, our ranking member, have all worked hard to do the best they can in looking out for our current system, making certain that it is sound, making certain that there is funding in place and making certain that we have what we call ''NextGen,'' next generational air traffic control, in the system for the future, and that bill does take us a long way towards those positive efforts.

Unfortunately, there are a couple of provisions that we haven't reached agreement on. And I have been married 37 years. Almost every other day my wife and I have a disagreement on something. So it is not a big deal to have disagreement. Hopefully we can work some of these problems out.

What concerns me are, first of all, the labor provisions that were included in this bill. Now, as we know, we had a difficult situation with the air traffic controllers' contract. It expired. It was being negotiated. They couldn't reach an agreement some years ago. They sent it to Congress. We don't want it in Congress. It caused a great deal of conflict and problems. We shouldn't be the arbiters of these labor negotiations. And I will say that President Obama has stepped forward. He has set in motion a mechanism to resolve this pending impasse. I support his efforts.

By I believe June 5, if we don't reach negotiations, this issue will go to binding arbitration. I support binding arbitration. I support taking this out of the realm of Congress. But I think it was wrong to include that provision here when we are in the middle of negotiations that our new President is trying to get going and get this issue behind us and resolve. So this sets a horrible precedent for Congress to be dictating here, at this point, with this new President, these terms which do have a $1 billion-plus price tag and do set a standard of unfairness. Not only are there 15,000 air traffic controllers who should be treated fairly, but then we have 20,000 other FAA employees who should be treated fairly and hundreds of thousands of hard-working Federal employees who should be treated fairly, not Congress dictating a special level of compensation or some deal for a smaller group. So this does have consequences. And I'm disappointed that

that remains. I'm supportive of taking this away from Congress in the future and sending it to compulsory arbitration.

Unfortunately, there are two job killers in this bill. At a time when there isn't a Member of Congress that isn't getting a heartfelt request that someone is losing their job, they are losing their home, or they are not able to live the American Dream, unfortunately, this bill has two job-killer provisions.

First is a very controversial, and I know that Mr. OBERSTAR tried to explain this in his particular provision that he has put in here, requirement that the FAA make biennial inspections of all foreign repair stations. It sounds good. The only problem is that we already have existing agreements in place that that provision would supersede. We are negotiating now a treaty which also, the provisions the way they are written, would impose sanctions on us and cost us jobs.

Now, that is not what JOHN MICA is saying. The U.S. Chamber of Commerce says that, as written, the bill jeopardizes 129,000 jobs. And we will put that in the RECORD a little bit later.

The National Association of Manufacturers, not JOHN MICA, says retaliation threat from the EU is real and we must work together to maintain our working partnerships and preserve jobs. Again, they say it is a job killer.

Then I have a whole list of companies. They are in everybody's district, I could go on and on, Rockwell Collins, Boeing, Gulfstream, GE. Here is just one. GE sent a letter to Mr. OBERSTAR and me regarding how much this will cost in each of these stations. Now I don't mind spending money for safety. I don't mind imposing regulations or laws for safety. But this is a step backward, and it is a step away from what we should be doing, rather than saying on every Tuesday in the sixth month that we should be in Amsterdam inspecting, or we should be in London inspecting, or we should be in Ireland inspecting, or in Berlin inspecting, as this bill requires, twice-year annual inspections even to countries that we have already got agreements that we would have the same high standards and some of the countries have even higher standards imposed, their own higher than the U.S.

So we take our limited resources and we do these mandated inspections whether or not we need them. And our whole system in this country we changed some years ago for our large aircraft was to get away from that. We are risk based, and that is why we are the safest aviation industry in the United States. Yes, we have problems with commuters. And we should be using some of our resources to enhance the training, the requirements, and the inspections of the commuters where we are having crashes. We can't let up in any area. But we are diverting resources by this and going back to a system that did not work.

So not only does this I think impair safety, it also is a job killer.

The second and last thing that I am concerned about is 95 percent of this bill, we said in the Rules Committee, is pretty much the same bill we had last time. Added to this bill, and again I don't know why, is a provision that would sunset airline antitrust immunity. Unfortunately, this bill, and it is not what MICA says again, here is the Air Transport Association. This bill could cost as many as 15,000 airline jobs. Again, this is what is said by those who are in the industry. And this is a second job killer provision. This was not in the original bill. It has been added here.

And more troubling is that this provision would also automatically invalidate all antitrust immunity grants to airline alliances 3 years after the enactment of this bill. It is not necessary. It shouldn't have been added in this bill.

There are several other provisions that are controversial. We can work through this, and we need to work through this. This is the longest period that I can remember in the history of my service, and maybe Congress, that we have not had an FAA reauthorization. Hopefully we will also have in the next few days the President's designee for FAA Administrator. We haven't had one there. The other side of the Congress has not acted the way it should in promptly confirming an FAA Administrator. We all know how difficult it is when we have an Administrator in an agency to deal with him, and when you have no one in place for a long time we see some of the unfortunate results.

□ 1415

Those are some of my concerns and, again, I pledge to work with Mr. OBERSTAR, Mr. COSTELLO and others, and Mr. PETRI, our ranking member. We're all committed to work. They all do a great job. We all have the interests and safety of the American public at heart.

I reserve the balance of my time.

Mr. OBERSTAR. I yield myself 1 minute.

I thank the gentleman for his comments and, again, it's been a great pleasure working through this legislation over the past 2 years, trying to bring a bill through the House and to conference and to conclusion, and I want to commend Mr. MICA, our ranking member, for participating in various discussions that we had and negotiations with the Secretary of Transportation, the representative from the Office of Management and Budget, the air traffic controllers, and members of our committee, Mr. COSTELLO in particular, several such negotiations with the previous administration that unfortunately resulted in no agreement. And the gentleman really made a serious effort, and I greatly respect and appreciate his participation, but I just want to point out, Mr. Chairman, to the gentleman that the language we have on the arbitration is not unique.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself another 1 minute. Several times, over many years, this committee and its predecessor committee with authority over railroad issues has approved and the House has voted on Presidential Emergency Board to settle railroad labor disputes.

And in 1989, we moved legislation to establish an arbitration process to resolve the management labor dispute involving Eastern Airlines. Mr. Gingrich was the ranking member on the Aviation Subcommittee, and he voted in favor of it. Unfortunately, even though it passed the Senate, President Bush, the First, vetoed it. We are simply acting on precedent that has been the case in the House to attempt to resolve matters of this kind.

I yield such time as he may consume to the distinguished chair of the subcommittee, Mr. COSTELLO.

Mr. COSTELLO. Mr. Chairman, I thank Chairman OBERSTAR for recognizing me and thank you for all of your leadership and your support. No one knows more about aviation or transportation issues in this country than Chairman OBERSTAR, and I think everyone acknowledges that and respects not only his valuable input but the work that he does for this committee and on behalf of the American people.

To Mr. MICA and Mr. PETRI, as Mr. MICA has indicated, we have worked closely together on this legislation. As Chairman OBERSTAR stated, about 95 percent of what is in this bill was contained in the bill when the House passed it in September of 2007 by a vote of 267 Members passing the legislation. It truly was a bipartisan piece of legislation.

The bill provides increased funding levels, as Chairman OBERSTAR indicated, for the Airport Improvement Program, for the facilities and equipment program, and for the FAA operations. The funds will help improve our airports, upgrade our facilities, and modernize our air traffic control system.

In addition, we provide a consumer protection provision in this bill that forces airports and airlines to come up with an emergency contingency plan, and we install a consumer hotline for consumers to call the FAA for any complaints that they may have and any violations of the emergency contingency plans filed by the airports and airlines. For any violations, there are civil penalties.

It does establish a process to settle a labor dispute between the FAA and the controllers, and it takes steps to move us forward in upgrading our ground-based radar system to the next generation ATC.

The United States, I think we have to continue to point out, has the safest aviation system in the world; but in order to maintain that system and improve it, we need to pass this reauthorization bill. Let me make just a few comments regarding a few items that Mr. MICA mentioned.

Number one, the NATCA issue with the air traffic controllers. There is a process that is moving forward now with this administration. We hope that negotiations are successful, and we hope that there is a voluntary agreement. However, this bill does not contain provisions dealing with compensation. Congress is not dictating to either the administration or to anyone what wages should be, nor do we address that in our bill at all. It has everything to do with the process, and nothing to do with salaries and benefits.

Number two, it deals with in fact two fundamental principles: the rights of workers and the right to collectively bargain. So if, in fact, you believe in collective bargaining, you will support the provisions in this bill, as we did through committee and we did in 2007.

Secondly, as far as two issues concerning the foreign repair stations, I think Chairman OBERSTAR addressed that issue, but let me just comment that I probably have more workers in my district that work in repair stations, domestic repair stations, than any other district in the country. If I thought for a moment that this was a job killer, the fact that we insist that we have two inspections per year, on ground, in person, inspections on foreign repair stations, if I thought that would jeopardize the jobs that I have in my district or any place in this country, I certainly would not be supporting the provision in the bill. It is not a job killer. We have the right in the Congress and this legislative body under the agreements that we have with the European Union and others to move forward and insist that we have inspections of these foreign repair stations so that we can protect the American people. It is a safety issue.

And with that, let me just conclude by saying this is a good bill. We are 2 years behind in passing this legislation. We appreciate the support and the bipartisan relationship in working together on this bill. We look forward to passing this bill today and then working with our colleagues in the other body to get an agreement so we can get a bill on the President's desk.

Mr. Chair, today is an important day for the future of our aviation system. We are considering H.R. 915, the ''FAA Reauthorization Act of 2009''. This comprehensive bill would provide approximately $70 billion to modernize our air traffic control system, fund airport development, research programs, small community service and Federal Aviation Administration, FAA, operating expenses. H.R. 915 was produced after many hearings, in-depth analysis, and a continued dialogue with the FAA, our colleagues, and stakeholders.

Mr. Chair, this legislation is now almost two years behind schedule. In September 2007, the House approved a similar bill with a few additions, H.R. 2881, by a vote of 267 to 151. However, the reauthorization process has been bogged down because of inaction by the other body. Since that time we have been acting under short-term funding extensions and continuing resolutions that are delaying key Next Generation Air Transportation System, NextGen, and airport capital development projects.

Although there are a few contentious issues that have marked this reauthorization process, virtually the entire aviation community—airlines, airports, general aviation, state aviation officials—have communicated to us in a unified voice the need to get a multi-year reauthorization bill done as soon as possible.

The FAA forecasts that the airlines are expected to carry more than 1 billion passengers in 2021, up from almost 760 million in 2008. To deal with this growth, strengthen our economy, and create jobs, the FAA Reauthorization Act of 2009 provides historic funding levels for FAA's capital programs. This includes $16.2 billion for the Airport Improvement Program, nearly $13.4 billion for FAA Facilities & Equipment, and $1 billion for Research, Engineering, and Development. The bill also provides $39.3 billion for FAA Operations over the next four years.

These funding levels will accelerate the implementation of NextGen, enable the FAA to replace and repair existing facilities and equipment, improve airport development, and provide for the implementation of high-priority safety-related systems.

H.R. 915 also changes the organizational structure of the FAA's Joint Planning and Development Office, JPDO, the body charged with planning NextGen. To increase the authority and visibility of the JPDO, H.R. 915 elevates the Director of the JPDO to the status of Associate Administrator for NextGen within the FAA, to be appointed by, and reporting directly to, the FAA Administrator. To increase accountability and coordination of NextGen planning and implementation, H.R. 915 requires the JPDO to develop a work plan that details, on a year-by-year basis, specific NextGen-related deliverables and milestones required by the FAA and its partner agencies.

Like the 2007 bill, we increase the passenger facility charge cap from $4.50 to $7.00 to help airports that choose to participate in the PFC program meet their capital needs. According to the FAA, if every airport currently collecting a $4.00 or $4.50 PFC raised its PFC to $7.00, it would generate approximately $1.3 billion in additional revenue for airport development each year which strengthens our economy and creates additional jobs at a time when both are critically needed. H.R. 915 provides significant increases in AIP funding for smaller airports that rely on AIP for capital financing. The ability to raise the PFC and the increase in AIP funding provides financing for airport capital development that will help reduce delays.

The bill also dramatically increases funding for and improves the Essential Air Service program and reauthorizes the Small Community Air Service Development program through 2012.

To prevent another ''meltdown'' of the aviation system like what we saw during the summer of 2007, when the system was fraught with congestion, delays and poor customer service, H.R. 915 mandates that air carriers and airports create emergency contingency plans that are approved and enforced by the Department of Transportation, DOT. This legislation also requires the DOT to publicize and maintain a hotline for consumer complaints; expand consumer complaints investigated; require air carriers to report diverted and canceled flight information monthly; and create an Aviation Consumer Protection Advisory Committee. H.R. 915 also requires DOT to conduct schedule reduction meetings if aircraft operations exceed hourly capacity and are adversely affecting national or regional airspace. Finally, H.R. 915 also provides civil penalties for violations.

Here at home and across the globe, more is being done to reduce energy consumption and emissions. The aviation community continues to be a leader in greening its operations. We further those efforts by establishing the CLEEN Engine and Airframe Technology Partnership and the Green Towers Program, which was modeled after what is currently being done at O'Hare International Airport.

The United States has the safest air transportation system in the world; however, we must not become complacent about our past success. To keep proper oversight on safety at FAA, H.R. 915 directs the FAA to increase the number of aviation safety inspectors, initiates studies on fatigue, and requires the FAA to inspect part 145 certified foreign repair stations at least twice a year. We also provide $46 million over four years for runway incursion reduction programs; $325 million over four years for runway status lights; and require the FAA to submit a strategic runway safety plan to Congress.

Combined with the tax title from Ways & Means, H.R. 915 does not impose new fees on airspace users. This concept has generated tremendous controversy and, frankly, has helped to seriously delay the reauthorization process. Instead, H.R. 915 would adjust the general aviation, GA, jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon, and the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon.

We believe that Airport and Airway Trust Fund revenues, coupled with additional revenue from the recommended GA fuel tax rate increases, and a reasonable General Fund contribution, will be sufficient to provide for the historic capital funding levels required to modernize the air traffic control system.

There are two provisions in the H.R. 915 that I believe are necessary for improving morale at the FAA; providing fair bargaining rights to employees of the FAA and at all express carriers; and helping to maintain safety in our aviation system.

The first provision requires that if the FAA and one of its bargaining units do not reach agreement during contract negotiations, the Federal Mediation and Conciliation Services are used or another agreed to alternative dispute resolution process; this process applies to the ongoing dispute between the National Air Traffic Controllers Association, NATCA, and the FAA. This legislation sends the FAA and NATCA back to the bargaining table where the FAA declared an impasse. It calls for $20 million in backpay and calls for binding arbitration if the FAA and NATCA cannot reach an agreement. These are the same provisions that were in H.R. 2881 that passed the House during the 110th Congress.

I have spent many hours trying to bring both sides together to work out their differences. Chairman OBERSTAR and I have convened countless meetings between the FAA and NATCA in hopes of reaching a voluntary agreement. I know Mr. MICA and Mr. PETRI have also spent time on this issue.

Unfortunately, an agreement could not be reached and that left us with only one clear course of action—binding arbitration.

I strongly believe in collective bargaining and bargaining in good faith with a fair dispute resolution process for both sides. Unfortunately, that did not happen in 2006 and we corrected that wrong in the T&I Committee by adopting the Costello amendment with a strong bipartisan vote of 53–16. This amendment is included in H.R. 915 and will ensure fair treatment of FAA employees.

I am pleased Transportation Secretary Ray LaHood has appointed former Federal Aviation Administrator Jane Garvey to oversee a team of mediators to immediately address the contract dispute between the Federal Aviation Administration and National Air Traffic Controllers Association. President Obama has shown great leadership that will guide a positive way forward in which aviation safety professionals will be included as valued stakeholders.

The second provision provides consistency in collective bargaining rights throughout the express carrier industry by allowing ground handling and trucking workers to organize under the National Labor Relations Act, which allows for organization at the local level. Those workers who are directly involved with the aircraft operation portion of those companies, like pilots and mechanics, would continue to be under the jurisdiction of the Railway Labor Act. This is consistent with how UPS is structured today and is identical to the provision in H.R. 2881.

With that Mr. Chair, I again want to thank you for working with me on this legislation. The bottom line is we need to get the FAA reauthorized and we need to do it now.

I urge my colleagues to support the bill.

Mr. MICA. Mr. Chairman, I yield myself 1 minute, and then I yield 5 minutes to our ranking member, Mr. PETRI.

Just for the record, I want to call to the attention of Members—and we will try to get this distributed today—this bill, the way it is written, voids the 2006 contract with the FAA and air traffic controllers, and it reinstates the generous terms and pay raises of the 1998 contract which had about a 70 percent pay increase. Today, at noon the Government Accountability Office released this report on the effects of pay and compensation, particularly for air traffic controllers and FAA employees, and this substantiates what I've said and also substantiates the very generous compensation that was provided under the terms of the 1998 contract. This bill interferes, again, with pending negotiations that the President has started, and we're hoping to resolve this matter.

I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI), our distinguished ranking member.

Mr. PETRI. I thank my colleague from Florida, the senior member of the Transportation and Infrastructure Committee, for yielding me this time.

In September of 2007, we passed a bill very similar to the one that we are considering today. Unfortunately, the Senate never acted so we find ourselves once again trying to enact a much-needed authorization bill. In the meantime, the program continues to operate under a series of extensions, the most recent one expiring September 30 this year.

While the current economic downturn has alleviated some of the delays in congestion and complaints of the flying public, we know that once the economy recovers the system will again feel overwhelming strain. So the urgency for this legislation remains.

The American Society of Civil Engineers issues an infrastructure report every so often, and the most recent 2009 report card gives aviation a grade of only a D. This is actually a lower grade than the D-plus earned in the 2005 report card. So the condition of our aviation infrastructure is getting worse here in the United States, not better.

The bill before us increases Federal investment in aviation infrastructure, with funding for the Airport Improvement Program, which provides grants from the Aviation Trust Fund for airport improvements, increased to a total of $16.2 billion over 4 years. The Facilities and Equipment Program is increased to $13.4 billion.

It also increases the cap on the level of passenger facility charges that an airport can impose for capacity and safety projects. The cap was last raised 9 years ago, and the $4.50 maximum charge is now worth far less due to high construction costs and inflation.

One of the most important initiatives under way at the FAA is something known as NextGen to modernize the air traffic control system. We need to move away from a 50-year-old ground-based system to one that is modern, satellite-based, and which will increase the capacity of the system, lower costs, and increase safety. The bill before us will move that modernization process forward.

Mr. Chairman, there are a variety of other provisions, too numerous to enumerate, in this bill that will improve the aviation system in this country and which I strongly support.

However, as occurred last Congress, I am in the rather odd position of voting ''no'' on final passage for my subcommittee's bill. Back in the last Congress, the committee leadership worked together on a bipartisan basis to craft and introduce a good bill. But since that time, and continuing in this new bill, various provisions have been added which make it impossible for me at this time to support the bill.

One provision is regarding air traffic controllers. Part of the provision putting changes in future impasse procedures I do not object to, but it also reopens the currently imposed contract and includes back pay under terms of the 1998 contract, which was estimated to cost the taxpayers some $1 billion over the life of the bill.

The second provision provides that we would move express carriers from being covered by the Railway Labor Act of the National Labor Relations Act, which is really directed at just one company, and that is Federal Express; and, really, I don't think that should be included in this legislation. I think we'll hear more about that from other Members.

Other provisions raise concerns, such as the foreign repair station language which could have unintended consequences as far as trade relations with Europe are concerned, and another that would automatically sunset airline alliance antitrust immunity agreements 3 years after the enactment of this legislation, which again could set in train consequences we cannot understand at this time.

In conclusion, I'd like to thank Chairman OBERSTAR; my chairman, JERRY COSTELLO; Ranking Member MICA, and certainly the staff on the committee for their dedicated work on this bill. And in conclusion, while I support the general goal and the overwhelming majority of this bill, I do not support it at this particular time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds to thank the distinguished gentleman from Wisconsin for his comments, for his contribution and for his ever-present Norwegian wisdom that he has brought to the shaping of this legislation. He's been a splendid partner.

□ 1430

Now I yield 3 minutes to the distinguished chair of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I want to talk a moment about the safety of our skies and the frightening gap in training and oversight surrounding the commuter airline business.

One of the worst plane accidents in recent history occurred earlier this year on the night of February 12, just outside of Buffalo, New York. We lost 49 lives that snowy and icy night, and my thoughts are with the families and the victims.

Last week the National Transportation Safety Board conducted hearings, and we were shocked and saddened by the testimony and the revelations. I'm not here to revisit the sad last moments of the crew or the 45 passengers who were lost that day. We still have many questions that must be answered and a lot of work to be done to ensure it never happens again. That is our responsibility and our mission.

I want to address the shocking conditions that many of these pilots are facing each and every day because of the lack of rigor and training and certification programs of commercial airline pilots. I hope we can shine a light on the appalling job that the FAA has done in recent years in regulating that industry. That's why I've joined with my friends from New York, Mr. LEE and Mr. HIGGINS, to introduce an amendment mandating a detailed investigation by the General Accounting Office into this gap in training.

We need to look at the number of training hours required for new pilots,

how the carriers update and train the pilots, and what kind of remedial action is taken when pilots rate unsatisfactorily, among other things.

It is my belief that a thorough, top-to-bottom review of this issue is absolutely essential if we are to understand the troubled reality of today's regional airline industry.

Most importantly, if we don't get all the facts out and into the open, we are unlikely to be able to take meaningful steps toward reform. My intention is to work with colleagues on this issue and explore legislative remedies that we can take.

As I look around the Chamber, I'm reminded that many Members of Congress also take flights to get home to their districts that are the regional airlines. And I take two of them every week. And in the gallery I'm sure there are visitors who have flown to Washington from their hometowns. Every day people from coast to coast in small cities and major hubs catch a plane from work to see a loved one, or simply to get away. All deserve the confidence that the pilots in the front of the plane are trained and ready for work when that aircraft pushes back from the tarmac.

It's my understanding that the salary of one of the pilots on that plane was $16,000 a year. I can only imagine how little the attendants were paid. These young pilots earn far less than pilots at major carriers and struggle to make ends meet. My guess is it would surprise many of the passengers on a typical commuter flight to know the captain was paid less than a bus driver.

Worse still, we learned during the hearing that many of the pilots fly when they are sick and when they have not been able to have food. Imagine that. A pilot responsible for a plane full of men, women and children, who is sick but can't take the day off; hungry and can't stop and get lunch.

We have discovered the training is stunningly inadequate.

We have also discovered that the training for some of these pilots is stunningly inadequate.

For example, the pilot in the Buffalo crash had apparently failed a hands-on proficiency exam not once but three times. He covered that up on his job application and the fact was not discovered until after the accident, according to the testimony we heard last week.

And even after that pilot was hired by Colgan, he actually failed two additional check rides but still was certified to fly. That's five failed tests—five too many if you ask me.

Passengers on a typical flight would be horrified to learn that the pilot flying their plane was a repeat failure on such a basic skill test.

And finally the way that these pilots are assigned routes—which in many cases are hundreds if not thousands of miles from their homes—appears to me to be a recipe for disaster. In the case of the Buffalo crash, both pilots had flown from across the country just to arrive at their route—one from Florida and one from Seattle. Both had apparently slept in a lounge—if they slept at all. Trying to rest in a lounge or an airplane is not safe and we should not tolerate pilots being treated that way.

We need to reform this system so airlines and pilots can escape from this insane business of criss-crossing the country to work in different time zones for meager pay and the hope that one day they'll work for a major airline.

It's my intention to buckle down on this issue so we can put the focus less on the glamorous lifestyle of pilots and more on the quality of their training and certification and safety.

I encourage all of my colleagues to support this common-sense amendment and get some answers on the regional airline industry.

Mr. OBERSTAR. May I inquire of the Chair how much time remains on both sides.

The CHAIR. The gentleman from Minnesota has 10¾ minutes and the gentleman from Florida has 14.

Mr. MICA. Mr. Chairman, I yield myself 15 seconds, and then I would like to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Just 15 seconds to add in the RECORD that the repair station provision I will cite for different Members, in Mr. COSTELLO's district, according to Midcoast Aviation, will cost us and kill 1,339 jobs.

GE,
Washington, DC, March 3, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, House Transportation and Infrastructure Committee

Hon. JOHN MICA,
Ranking Member, House Transportation and Infrastructure Committee

CHAIRMAN OBERSTAR AND REPRESENTATIVE MICA: This is to express great concern over the foreign repair station language contained in Sections 303 and 310 of H.R. 915 the FM Reauthorization Act of 2009. On behalf of GE Aviation, a world-leading producer of commercial and military jet engines and components as well as integrated digital, electric power, and mechanical systems for aircraft, we are very concerned that these provisions will significantly compromise the U.S. competition in position. GE Aviation also has a global service network to support these offerings, including 29 repair stations in the United States and 20 in foreign countries. Our U.S. repair stations employ over 3280 high-wage, highly skilled employees. If enacted as written, these sections could lead to retaliatory actions by the European Community, raise repair station initial certification and renewal costs twenty-fold, place U.S. repair stations at a competitive disadvantage in a very difficult economy, and put many thousands of American jobs at risk.

In recent conversations with the FAA, European officials have made it clear that, should these provisions be enacted, the European Aviation Safety Agency (EASA) would reciprocate and require the same twice-annual inspections of its U.S.-based certificated facilities. Based on EASA's own estimates, certification costs for repair stations would rise from an average of $960 to $32,100 per station, if they conducted only one annual inspection per facility. Such a drastic increase in certification costs would pose significant hardships on repair facilities throughout the U.S.

There are approximately 2,000 FAA-certificated repair stations worldwide—over 1200 of them are in the U.S. On the other side of the globe, the aerospace industry has experienced substantial growth in the emerging Asian and Pacific Rim markets. While reciprocal agreements are not yet in place to the same degree as with the EU, this legislation as currently proposed will negatively impact any attempt at amicable agreements there in the future. We believe that the proposed language would do irreparable harm to the hundreds of small businesses that make up the U.S. aviation maintenance industry and the thousands of Americans they employ. In addition to the cost of certification, a greater concern is the fact that EASA does not have sufficient staff to conduct twice annual inspections of its 1,237 certificated U.S.-based repair facilities (as compared to only 425 FAA certificated repair locations in Europe). Stations unable to be reviewed by EASA personnel at such a rate would no longer be able to work on European-registered aircraft and components, thus damaging stations whose customers require both U.S. and EASA certification, and place tens of thousands of U.S. jobs at risk.

Finally, if enacted as written, Section 310 would prevent a manufacturer from either rebuilding a part under its current authority or repairing a part it manufactured as a subcontractor to a repair station or air carrier. To remedy this unintended consequence, we recommend adding employees of manufacturers to the list of persons authorized to perform work for part 121 air carriers, either directly or as a subcontractor to a repair station.

Gentlemen, in order to protect the tens of thousands of U.S.-based aviation maintenance professionals, we respectfully request that you amend Sections 303 and 310 to ensure it will be applied in a manner consistent with United States obligations under international agreements. As always, GE stands committed to working with Congress to stimulate the economy while protecting U.S. manufacturing jobs.

Sincerely,

SEAN O'KEEFE,
Vice President.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 20, 2009.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports the intent of H.R. 915, ''The Federal Aviation Research and Development Reauthorization Act of 2009,'' which would accelerate implementation of the Next Generation Air Transportation System (NextGen) initiative, support vital investments in aviation infrastructure, and provide for day-to-day operations, maintenance and research. However, the Chamber has significant concerns with three provisions in H.R. 915 relating to foreign repair stations, antitrust immunity, and roll-back of the contract between the National Air Traffic Controllers Association (NATCA) and the FAA. The Chamber urges Congress to address these concerns as the legislative process continues.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. Congress must act to transform the U.S. aviation system to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. The FAA needs to move forward with the NextGen initiative by deploying available state-of-the-art ground, air, and satellite-

based technologies as soon as possible. The Chamber believes that H.R. 915 would support this priority.

The Chamber supports the robust General Fund contribution to aviation programs contained in H.R. 915. Historically, General Fund revenues have been used to pay for a significant portion of the FAA's costs and reflect the public's interest in a safe and efficient air transportation system. Throughout the FAA reauthorization discussions and development of the bill, the Chamber has consistently stated that a robust General Fund contribution is key. Specifically, this contribution meets several vital national interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national air transportation system. According to the Congressional Budget Office estimates, the average General Fund contribution to aviation programs from 2009–2012 will be 32%. With this General Fund commitment, the FAA will be in a position to work with industry to meet the public interest and manage the impending increase in passengers and the systems developed to provide for them.

However, the Chamber is concerned with three provisions in this legislation.

The Chamber opposes Section 303 of the legislation unless amended to address serious international trade concerns. As written, the bill jeopardizes many of the 129,000 jobs at more than 1,200 European Aviation Safety Agency (EASA)-certified aviation repair stations in 46 states. Section 303 calls for biannual FAA inspections of its certificated repair stations overseas.

This provision violates the 2008 bilateral aviation safety agreement with the European Union (EU), which calls for reciprocity of both aircraft certification and inspection of repair stations. If this inspection requirement is applied to Europe, the E.U. would be forced to impose reciprocal requirements for European aviation personnel to inspect U.S.-based, E.U.-certified aviation repair facilities. This requirement would result in a major increase in the associated fees charged to those U.S. facilities and could threaten thousands of American jobs by making international aircraft repairs in the U.S. more costly and less competitive. Preventing these job losses and protecting American businesses is simple and straightforward: Section 303 should be amended to be consistent with U.S. international obligations like the U.S.-E.U. bilateral aviation safety agreement.

The Chamber also opposes Section 424, which would automatically sunset existing grants of antitrust immunity and prohibit renewal unless the Secretary of Transportation determines whether to adopt new standards for authorizing international airline alliances and granting antitrust immunity. Alliances provide a way for U.S. airlines to serve their customers globally, strengthen air carriers' financial performance and competitive position, and serve passengers through more frequent and convenient services and connecting options. Based on data from the Air Transport Association's member airlines, this bill could cost as many as 15,000 U.S. airline jobs alone, not to mention the indirect effect on employment at other U.S. and international companies.

Finally, the Chamber strongly opposes Section 601 of the legislation, which would require application of a new dispute resolution process to the ongoing dispute between the NATCA and the FAA. Although the Chamber strongly supports and appreciates the work the air traffic controllers undertake every day to make the America's airways safe, rolling back a lawfully implemented contract and requiring binding arbitration to resolve contract disputes would not serve the best interests of the system, its users, or the taxpayers. Overturning this contract could cause controller hiring to be significantly reduced or even terminated, and technician hiring to be slowed or eliminated. Undoing the current contract would be costly—CBO estimates the cost at $1 billion—and would divert more of the FAA's budget away from modernizing the U.S. air traffic control system. Such efforts would ultimately undermine the FAA's ability to modernize the air traffic control system.

Maintaining, modernizing and expanding the infrastructure and capacity of the U.S. aviation system are, and will continue to be, top priorities for the business community. The Chamber looks forward to working with Congress to improve this legislation as the legislative process continues.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, April 20, 2009.

Hon. NANCY PELOSI,
The Speaker of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: The six month Federal Aviation Administration (FAA) authorization extension recently signed by President Obama provides additional time to resolve outstanding issues as Congress, the Administration and stakeholders work to achieve a consensus to reauthorize the FAA and its critical programs. We believe that a robust FAA reauthorization is critical to rebuilding and supporting a modern transportation infrastructure that meets today's demands for moving people and goods. However, the National Association of Manufacturers (NAM) would like to note two issues of national competitiveness that Congress must appropriately address as H.R. 915, the FAA Reauthorization Act, is further contemplated.

While we enjoy the safest aviation system in the world and continue to maintain our high levels of safety, the United States must seize the opportunity to transition from an antiquated air traffic system designed in the 1950s to a fully modern, digitally integrated 21st century Next Generation Air Transportation System (NextGen). The NAM fully supports the goals of NextGen contained in H.R. 915 and appreciates the designation of NextGen as a national infrastructure priority. However. the legislation must also call for an accelerated deployment effort that is focused on achieving critical outcomes over the next two to five years. The President's identification and $800 million commitment to NextGen in the FY2010 budget request is a commendable first step hut that funding level will not adequately accelerate NextGen efforts. Providing reasonable incentives for airlines and operators to invest in the necessary technology must he a priority. NextGen is not a typical federal procurement and a program of this magnitude and complexity requires a steady, reliable, and robust funding stream in order to be successful.

The benefits of NextGen are real and the opportunity to reduce greenhouse gas emissions, reduce travel times, and provide greater system-wide throughput will reap rewards for years to come and help keep the United States on competitive footing as the nation emerges from an unprecedented economic recession. As the Europeans introduce their version of NextGen, other nations with growing air traffic, like China and India, will look to the U.S. and European Union to guide the evolution of their air transportation systems. If the U.S. is not perceived as the leader in deploying this technology, then opportunities for U.S. manufacturers and workers will he lost forever.

In addition to the acceleration of NextGen, I would like to bring to your attention an issue of great concern to our members who manufacture for the aviation sector and operate aircraft repair stations both here in the United States and overseas. The bilateral air safety agreement between the U.S. and E.U. signed in June 2008 will be compromised if language contained in Section 303 of H.R. 915 is enacted as written. The legislation calls for semi-annual FAA inspections of its certified repair stations overseas. Such FAA inspections in Europe will directly violate this agreement which calls for reciprocity of both aircraft certification and inspections of repair stations.

If H.R. 915 becomes law, the E.U. has stated that it will retaliate by imposing a requirement for European aviation personnel to inspect U.S.-based E.U.-certified aircraft repair facilities twice a year—entailing a dramatic increase in associated fees charged to those U.S. facilities. Such a development would threaten businesses and thousands of American jobs by making international aircraft repairs in the United States costly and uncompetitive. Preventing job losses and maintaining a manufacturing and a skilled labor workforce in the current economic climate must he paramount. Additionally, if the current agreement breaks down to a point where it is unworkable between the U.S. and E.U., then American access to European markets will be further challenged by the re-introduction of a redundant and inconsistent regulatory structure that will jeopardize exports of American aircraft, engines; and other components. The retaliation threat from the E.U. is real and we must work together to maintain the integrity of our existing a agreements with our key trading partners.

The United States remains the leader in international aviation in terms of safety and competitiveness, but our rivals in Europe and Asia are not far behind and seek opportunities to get ahead of the iconic American aviation industry. The NAM is concerned that H.R. 915 unwittingly provides the opportunity for our competitors to gain an advantage that will translate to fewer high-skill and high-wage jobs in the U.S., less exports, and a further weakened aviation industry that is already challenged by the current economic environment.

Sincerely,

JOHN ENGLER,
President and CEO.

I yield now to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, Ranking Member MICA, Chairman OBERSTAR, today I rise reluctantly in opposition to the FAA Reauthorization Act of 2009.

I have several concerns about the bill that I believe undermine the international competitiveness of the American airline industry.

Section 425(e) of this bill would sunset in 3 years the antitrust immunity for U.S. air carriers that participate in international alliances. This provision could threaten the viability of our U.S. airline industry and hurt customers.

At a time when the economy is struggling and people are traveling less, it's not wise to further impair American carriers' ability to deliver the best possible service. Unfortunately, that's exactly what this provision does, and I

hope it is removed before the bill is presented to the President.

Alliances help better serve Americans traveling both at home and abroad, and allow airlines to pool resources to better deliver customer service. When airlines partner together, consumers have improved booking and connecting options, industry competition is increased, and lower fares are more accessible.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman another 30 seconds.

Mr. BRADY of Texas. If U.S. carriers lose these benefits because of a shortsighted sunsetting of immunity, American jobs will be at stake. The Air Transport Association estimates that we may lose as many as 15,000 U.S. airline jobs if this sunsetting occurs. With the economy as it is today, we cannot afford losing these good American jobs.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. MICA, let me just say that when you state that Midcoast Aviation will lose 1,300-and-something jobs, you're supposing a lot of things will happen here. There is no evidence at all that any repair station in this country will lose one job. You suppose that there will be retaliation. You suppose that it will break an agreement that we have with the European Union, and, in fact, it does not, and I think Chairman OBERSTAR made that clear.

So I think we could stand here tonight or today and say that if this airline went bankrupt or if this business went bankrupt, so many jobs would be lost, or certain action was taken toward a company, that these jobs would be lost. But there's a lot of things that have to happen before one job is lost.

And as I said earlier, and I will repeat again, if I thought for a minute that either the repair station in my district, and there is more than one, or the repair stations in any district in the country would suffer as a result of this, I would not be supporting the provision.

Mr. MICA. Mr. Chairman, I would like to yield myself 15 seconds.

So for 15 seconds, I see Ms. Johnson in the Chamber, and her district, I have the list of aviation centers in her district that will lose a total, or could lose a total of 1,735 job. Again, job-killer provisions in this legislation.

I yield 3 minutes to the gentleman from Illinois (Mr. SCHOCK) a member of our committee.

Mr. SCHOCK. I, too, rise with concerns about section 303. As the author of an amendment that would have worked to rectify this job-killing portion of the bill, I went before the Rules Committee yesterday and heard from our distinguished chairman, Mr. OBERSTAR, our ranking member, Mr. MICA, Mr. COSTELLO and Mr. PETRI, all who spoke to the issues of these FAA inspections.

I find yet today on the House floor much of the time today is being spent talking about this very issue. And I first might say that perhaps the other 430 Members of this body too deserve the opportunity to weigh in on whether or not this provision is good or bad for America, and specifically, good or bad for their district.

I'm not going to suggest to another Member that it's going to be bad for their district. I can only speak for myself, and I will tell you, it will be. One company in my district, it may be small, Standard Aero in Springfield, Illinois, does $5 million of business, even given the economic downturn, working on aircraft from other countries. This provision that will require FAA inspections of foreign service stations, there's no question what the result will be. The European Union, with whom we have an agreement now, will reciprocate, will retaliate. It's not a question; they've been very clear. They've said it in public. They've gone so far as to write a letter to this administration and this body stating that.

When that happens, they've also been very clear what will happen. They don't have the inspectors to come over here to service our stations, to inspect our service stations. And as a result, our service stations who currently work on foreign aircraft will no longer be able to. There are over 1,200 of these stations, one of them in my town of Springfield, Illinois. So this question about what will happen is bogus. It's been very clear.

The argument of safety has yet to be justified. The idea that additional inspections and duplicative inspections somehow makes us safer has been yet to be justified. And since this agreement between the European Union and our country, which has made our inspections process more efficient, has been in effect for a number of years now, there's been little evidence to suggest that we're any less safe.

And at a time when we have a crisis on our hands with commuter aircraft and an inability within the FAA to provide adequate inspections and safety for the American citizens who travel on that aircraft, I would suggest that is where our money, our attention and the FAA's time and talent ought to be focused.

I, too, agree there's much good in this bill. But I'm, unfortunately, going to have to oppose it because of these provisions which will cost jobs in my district.

Mr. OBERSTAR. I yield 2 minutes to the distinguished chair of our Water Resources Subcommittee, Ms. JOHNSON of Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise to have a colloquy with the chairman.

The Dallas Area Rapid Transit, DART, has been a leader in promoting intermodalism throughout the North Texas area region. And the City of Dallas plans to construct an intermodal connector that will provide passengers with an easy connection with the Dallas Love Field Airport. And I respectfully ask the distinguished chairman to work with me to ensure that Dallas Love Field Airport receives priority consideration for the program outlined in section 114 of this bill.

I want to thank you, Aviation Subcommittee Chairman COSTELLO and Ranking Member PETRI for your work on this bill, particularly in the area of intermodalism as outlined in Section 114 of the bill.

Expansion of passenger facility charge (PFC) eligibility to include Intermodal Ground Access Projects at Airports is of utmost importance to my congressional district.

This Committee cares deeply about intermodalism and I care deeply about intermodalism.

Mr. OBERSTAR. If the gentlewoman will yield.

Ms. EDDIE BERNICE JOHNSON of Texas. I will yield.

Mr. OBERSTAR. The provision in section 114 establishes a pilot program envisioning four to five pilot projects to be determined by the Secretary of Transportation. I will gradually join with the gentlewoman and appeal to the Secretary on behalf of the Dallas project. I think it makes good sense. I think it would be a splendid candidate and would be happy to support her in advocating for selection of the Dallas Love Field project.

Mr. MICA. Mr. Chairman, I yield myself 15 seconds.

I see in the Chamber, Mr. Chairman, Congressman COHEN. And while he has some provisions in this that will do much damage to his district, the repair station job-killer provision will kill, could kill 218, I have a list of the companies, high-paying jobs.

I yield 2 minutes to the gentlelady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, I rise today to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Chairman, section 311 of the bill directs the FAA to complete its analysis and recommendations for updating the aircraft, rescue and firefighting standards at our Nation's airports. I agree that the FAA should complete an update on firefighting standards, and commend the chairman for his dedication to improved safety at our airports. However, I am concerned that the prescriptive language in section 311 would unnecessarily create a significant financial burden on small rural airports least capable of absorbing cost increases.

Will the chairman confirm that it is not the intent of H.R. 915 to saddle small airports and rural communities with unnecessary unfunded mandates?

Further, can the chairman assure me that he will work with me and other Members from rural districts to ensure that there is adequate flexibility in aircraft rescue and firefighting standards to account for the unique needs of small rural airports?

I yield to the chairman.

□ 1445

Mr. OBERSTAR. I thank the gentlewoman for raising this issue and for yielding.

I, too, represent a district with a large rural area and many small airports. The standards for firefighting on board aircraft have not been updated for years, and it is time to do that. It is not our intent that this updating should impose exceptional, unusual, or heavy burdens on small airports. In fact, the language in section 311(d) states that, during the rulemaking proceeding, the FAA shall assess the potential impact of any revisions to the firefighting standards on airports and on air transportation service.

We are going to be very clear that they take into account the unique circumstances. Many small communities can share firefighting services with local firefighting organizations.

The CHAIR. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield the distinguished gentlewoman another 30 seconds.

There are airports where that doesn't exist, where that capability does not exist. So we will be watching the rulemaking process very carefully. I will be glad to work with the gentlewoman to ensure that in the process small airports are heard and that in the end their concerns are reflected.

Mrs. LUMMIS. I thank the chairman for his willingness to work together. I would also like to thank the gentleman from Nebraska, Mr. ADRIAN SMITH, for his valuable assurance on this important issue.

Mr. OBERSTAR. I now yield 1½ minutes to the distinguished gentleman from Georgia (Mr. JOHNSON), the chair of a subcommittee of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of the FAA Authorization Act of 2009, which deals with international airline alliances, which under current law, are eligible for antitrust immunity.

I want to focus on section 425 in my limited time. It directs a study on the procedure by which these airline alliances are approved and given antitrust immunity. It would also sunset all such antitrust immunity in 3 years. After that time, the airlines would have to reapply under whatever new standards the Secretary of Transportation adopts as a result of the study.

Mr. Chairman, sound antitrust policy is a critical part of ensuring that customers receive the full benefits of a competitive marketplace. As chairman of the Judiciary Committee's Courts and Competition Policy Subcommittee, I'm committed to ensuring that international air transportation policy is properly reconciled with sound antitrust policy.

I appreciate the Transportation Committee's commitment to this, and I also appreciate the Judiciary Committee for allowing us to share in this. I thank you very much.

Mr. MICA. I would like to yield myself 30 seconds to respond. Then I would like to yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. Chairman, I had my staff compile the number of jobs that would be killed in the Transportation and Infrastructure Committee members' districts. The previous speaker from Georgia represents probably one of the busiest airports and activities in the United States, and he has expressed concerns. I don't know how many jobs will be killed in his district. In Ms. RICHARDSON's district in California, which is suffering from a downturn in the economy, they could lose 1,015 jobs.

I will yield now 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I want to thank Mr. MICA for yielding to me.

I want to commend the chairman of the full committee, Mr. OBERSTAR; the chairman of the subcommittee, Mr. COSTELLO; the ranking member of the full committee, Mr. MICA; and the subcommittee ranking member, Mr. PETRI, for bringing us, again, this well-crafted bill. It looks a lot like the bill that was successfully passed by a big margin here in the House during the last Congress. Sadly, the Senate couldn't see its way clear to pass it.

I want to speak specifically on one issue. My time on the Transportation and Infrastructure Committee has come to an end, sadly, but I'd like to consider myself an ex officio member as we talk about this one issue. That is the issue of the air traffic controllers. I'm a Republican, and I'm proud to be a Republican but I have to tell you that one of my great disappointments during the last administration is that I do believe President Bush was ill-served by his advisers who told him to declare an impasse in the negotiations between the administration and the air traffic controllers and to basically impose a contract on them.

I think everybody on this floor now engaged in the debate has been inside an air traffic control center and has seen these dedicated men and women who are peering in the dark at screens, controlling 10, 12, 15 jetliners filled with 138 or 150 Americans and travelers to our country, making sure that they get there safely.

Now, it's not my belief that everybody who works in this country is entitled to have a contract that they're happy with. It is my belief, however, that everybody who works under a contract, a labor-negotiated contract, has the right to be happy about the process in which it was reached. This contract imposed by the last administration was not fair. I give credit to the Obama administration for appointing Jane Garvey to move that process forward.

These people do an important job. Some people say they make too much money, but I'll tell you what, that's what you work out in negotiations. So they're entitled to have a contract where their representatives sit down and, eyeball to eyeball, talk to folks in the administration and get this done.

Mr. OBERSTAR. I yield 1½ minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise today to engage in a colloquy with the chairman, Mr. OBERSTAR. First, I want to thank you for recognizing the importance of the St. George Airport to my constituents in Utah.

As you know, on October 17, 2008, the City of St. George, Utah and the Federal Aviation Administration broke ground on the construction of a new replacement airport that will provide air service to the over 300,000 residents of southern Utah. This is one of the few new airports being built in the country. The total project will cost $168 million, and airport operations are scheduled to begin on January 1, 2011.

The project is being funded largely through Federal grants, covered by a letter of intent from the FAA, in the amount of $119 million. Unfortunately, St. George still needs funding for navigation aids, including an instrument landing system. These are critical of the safety of operations at the airport.

I appreciate the committee's recognition of Secretary LaHood's commitment to fully fund the navigation aids component of the airport. I remain committed, as I hope the committee will, to ensuring that the FAA funds these important safety enhancements by 2010.

With that, I would yield to the chairman.

Mr. OBERSTAR. I want to compliment the gentleman for his vigorous and persistent advocacy for the St. George Airport. I'm delighted that Secretary LaHood has committed to fund the navigation aids for the St. George Airport. We encourage him to stay on track, and we'll continue to work with the gentleman in pursuit of that objective. Congratulations on your advocacy.

Mr. MATHESON. Well, I thank the chairman always for his support.

Mr. MICA. Mr. Chairman, I yield myself 30 seconds.

Again, the figures that I'm using about the job-killing provisions, particularly on the repair station provision, are not my guesstimates. These are provided by industry.

I don't see Ms. BROWN on the floor, but my colleague Ms. BROWN and I share a district in Florida, its boundaries, and it's estimated that 935 jobs could be lost. This is when our area is suffering from 10 to 15 percent unemployment, and these are high-paying jobs.

Mr. OBERSTAR. I yield now 2 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, today I rise to enter into a colloquy with the distinguished chairman of the Transportation Committee.

First of all, Mr. Chairman, I would like to thank you and Mr. COSTELLO for your strong leadership and for improving the safety of air ambulance operations. I want to thank you for working with us on this issue over the last

couple of years. I've had an opportunity to discuss my legislation with you.

Mr. Chairman, I rise today to support your amendment, which includes a section that will enhance the safety of helicopters to the air medical safety community. As you know, there have been far too many fatal accidents over the years, and I thank the chairman for working on this issue over the past 4 years.

We have seen three fatal air ambulance crashes in my district. A flight crew from Steamboat Springs crashed on January 11, 2005. A few months later, on June 30, 2005, an EMS helicopter crashed in Mancos, Colorado. On October 4, 2007, we lost three lives near Pagosa Springs. Two of those involved fixed-wing aircraft, and that is why it's so critical to improve the safety standards on all aircraft that provide air ambulance services.

Mr. LUNGREN and I introduced legislation to increase the safety of all aircraft, not only of helicopters, and of pilots providing air ambulance services. Our legislation includes both helicopters and fixed wings.

I would like to ask if you would be willing to work with us to include all aircraft that provide air medical services in the future.

I yield to the chairman.

Mr. OBERSTAR. Mr. Chairman, the distinguished gentleman from Colorado has been most persistent and vigilant on this issue of aviation safety. As the gentleman rightly noted, there have been a number of air ambulance crashes in his district, two of which were fixed-wing aircraft.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield the gentleman an additional 30 seconds.

We intend to concentrate the attention of the FAA on helicopters because the preponderance of the problem has been helicopter services, but the FAA can and should take action also on fixed-wing aero medical service safety. Mr. COSTELLO and I will work with the gentleman not only to ensure that helicopter ambulance service is held to the highest standard but also that of fixed-wing aircraft.

I appreciate the gentleman's persistence on this subject and his knowledge on the issue.

Mr. SALAZAR. I appreciate the chairman's commitment, and I look forward to continuing to work together.

Mr. MICA. Mr. Chairman, I would like to yield myself 30 seconds.

Well again, I've talked about the job-killing provisions of the repair station mandate in this bill. On our small Aviation Subcommittee, it has the potential for killing 7,100 high-paying jobs in Democrat districts. This is an equal opportunity job killer because in Mr. PETRI's district, a gentleman who is here in a Republican district, it could do away with 850 jobs. I also know Wisconsin needs those high-paying aviation industry jobs.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I would ask you, Mr. MICA: In the figures that you were using from Midcoast Aviation and all of the other figures you just said, 7,000 and something jobs in Democrat districts on the Aviation Subcommittee, are you assuming that all of those facilities will close, that they will completely shut down and that every job will be lost?

I yield to the gentleman.

Mr. MICA. Well, first of all, we got the information both from the FAA and from industry.

Mr. COSTELLO. I understand.

Mr. MICA. We may lose that many jobs if there is retaliation.

Mr. COSTELLO. Reclaiming my time.

Meaning, for every single person employed at Midcoast Aviation and for every facility on the list, if our European friends retaliate, all of those facilities are going to shut down, and everybody is going to lose their jobs? Is that what you're saying?

Mr. MICA. Well, we're not certain, but again I'm telling you what the industry says. We have countless groups that have said that this is a job killer to the industry.

Mr. COSTELLO. You're listing the number of people who work at those facilities?

Mr. MICA. I don't know how many jobs will be lost.

□ 1500

Mr. MICA. I would like to yield 1 minute, if I may to Mr. COHEN.

(Mr. COHEN asked and was given permission to revise and extend his remarks.)

Mr. COHEN. This is an excellent bill, and Mr. OBERSTAR and Mr. COSTELLO have done a great job. But there is a provision which affects the number one industry in my district, Federal Express, in a way that could be very adverse to my community and to that corporation. It lifts them out of the Railway Labor Act where they've been in their entire history and changes 80 years of case and court law. The Railway Labor Act was created to keep our labor moving and have labor and management in express carrier airline and railroad services work in a very special way to protect interstate commerce and keep it flowing. This could jeopardize that particular situation.

If we want to repeal the Railway Labor Act, that's one thing, but to lift a company out of it specifically is not fair when there has not been a hearing. My airport authority, my Chamber of Commerce, and most of the business leaders in my community are against the bill for this reason, and for that reason, I will have to vote ''no.'' But there is so much good in it, it's a regrettable vote.

Mr. OBERSTAR. We reserve the balance of our time.

Mr. MICA. Can I inquire as to the balance of time on both sides, please.

The CHAIR. The gentleman from Florida has 2½ minutes. The gentleman from Minnesota has 1½ minutes.

Mr. MICA. Mr. Chairman, I will conclude and yield myself the balance of my time.

Again, we've worked hard. We have a common goal here. Mr. OBERSTAR cares deeply about the safety and viability of our American aviation industry.

Mr. COSTELLO shares that concern, our chair of the Aviation Subcommittee. Mr. PETRI, our ranking Republican. We have the leaders of aviation. When I came to Congress, Mr. OBERSTAR was the chairman at the Aviation Subcommittee. I had the opportunity for 6 years during a very difficult time in the history of the country from 2001 for 6 years to lead that committee.

Our interest is safety. Now, there are very good provisions in this bill, and we've worked together to put them there. There are some hiccups here and some things we wish were not in the bill. I have great concern about this repair station provision and the jobs that it may kill. I don't know how many. All I have is the information. We took the information from the districts of just the members on the subcommittee, and it's 11,000. This is a bipartisan job-killing provision—11,442 just on our small subcommittee in Congress. We can't take that chance now.

Now, you heard Mr. JOHNSON, I believe, from Georgia talk about the antitrust provisions. And we're told by the Air Transport Association the job-killing potential of that antitrust provision that was not in the bill that was voted on by Congress last time, it's a new provision and a job-killing provision.

Our interest here is putting people to work and making this system safe, not doing away with jobs. So we've got to ensure that the provisions of this are sound for safety, sound for the current operations of our Federal Aviation Administration system, and sound, also, for the future.

With that, I pledge to work with my colleagues because this bill will probably pass today. I wouldn't want to go back during Memorial Day and say I voted, however, for a measure—and we just heard Mr. COHEN from Tennessee make a plea because this has job-killing provisions for him—and say this may kill high-paying jobs in your district.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the minute and a half remaining.

I would not want to come back on this floor at some future date and have to respond to an air tragedy because an aircraft wasn't properly inspected in a foreign repair station that was not properly crewed or supervised by U.S. personnel. We have the personnel in Europe to do the inspections. If the European community says—and they're

crying wolf, they're screaming inanities here that they don't have the personnel to inspect mutually in the U.S., then that's their problem. It's not ours.

But I want to say that the Congressional Antitrust Modernization Commission recently made this recommendation: ''Statutory immunities from the antitrust laws should be disfavored. They should be granted rarely and only where, and for so long as, a clear case has been made that the conduct in question would subject the actors to antitrust liability and is necessary to satisfy a specific societal goal that trumps the benefit of the free market to consumers and to the U.S. economy in general.''

We are not terminating alliances. The language in this bill says that the antitrust authority shall expire at the end of 3 years. The alliance can continue. There is nothing wrong with alliances, but no one in this society deserves permanent immunity from the antitrust laws of this country, and that is what Bob Crandall, one of the greatest innovators in aviation history said that the antitrust immunity should not be allowed.

Mr. COHEN. Mr. Chair, I rise to express my concern with the FAA reauthorization bill in its current form.

The FAA Reauthorization bill contains many good improvements that will benefit aviation and the nation as a whole. However, the bill includes a provision that is completely unrelated to the FAA and could have the most damaging effect on the constituents in my district of Memphis.

I am very concerned about the inclusion of language that seeks to change the laws with respect to only one company, FedEx Express, which is the largest employer in my district. The Federal Express Corporation, which includes FedEx Express, employs approximately 30,000 hard working Memphians.

The FAA reauthorization bill, as currently drafted, includes a provision that would shift the employees of one company, FedEx, from coverage under the Railway Labor Act (RLA) to governance under the National Labor Relations Act (NLRA).

FedEx Express and FedEx Corporation have been governed under the Railway Labor Act (RLA) since their inception. Some have said this change will put FedEx Express on an even playing field with competitor United Parcel Service (UPS). However, this is not accurate. Unlike UPS, which started as a walking/bike messenger system, FedEx Express has always been an air cargo carrier. I can understand why UPS would want their top competitor to be under the same labor laws. However, the two companies have different origination histories.

There are over two decades of findings by the Federal courts, the National Labor Relations Board and the National Mediation Board that reaffirm Federal Express is an ''express carrier'' under the Railway Labor Act. The Ninth Circuit United States District Court in California has also reemphasized this and it is the law of the land.

If it is the intent of Congress to do away with the Railway Labor Act that is one thing, but it's another to simply pick out one term because of one company. There is a long history with respect to our nation's labor laws, and the inclusion of three types of entities under the Railway Labor Act: railroads, airlines and express carriers.

This is a very complex issue that could have drastic consequences, which could negatively impact our interstate commerce. A hearing should have been held in order to have an adequate public exploration of the policy surrounding the issue or the effect on private industry and the nation, or in this case, one company.

Mr. Chair, through my long legislative career, I have always been a strong supporter of collective bargaining and I have been a longtime friend to labor. I have stood with them on important issues, like minimum wage, Davis Bacon, and trade agreements to protect American jobs and support American standards.

However, this is not about denying workers an opportunity for collective bargaining, this provision is about switching the jurisdiction of a technical term in our labor laws in order to affect one company. Because this provision was included in the FAA reauthorization bill, I was asked by the Memphis Chamber of Commerce and the Memphis Airport Authority to oppose it.

The question is one of fairness. Laws should not single out a person or a company, particularly when the law does not properly fit the circumstances. In this instance, making this so-called technical change will have a devastating effect upon the biggest employer in my District. In this already tough economic climate, the effects will be felt beyond Tennessee's Ninth Congressional District because FedEx is a great economic presence in our country and our world. Now more than ever, we need a steady stream of interstate commerce, which could very well be disrupted by this legislation. Such a disruption could cripple our economy.

Mr. KLEIN of Florida. Mr. Chair, I rise today in strong support of H.R. 915, the FAA Reauthorization Act of 2009, and to commend Chairman OBERSTAR and Aviation Subcommittee Chairman COSTELLO for their leadership in bringing this bill to the floor today. This ambitious legislation will address the complex challenges facing our nation's aviation system, from the way we track our planes to the way we treat our passengers.

I was proud to author a provision in this legislation that would add an important layer of protection for consumers who endure unacceptable travel conditions. It came as a response to the alarming rate of complaints our constituents had over the past few years.

Clearly, there are problems with our airline system. An aging infrastructure, outdated technology, unrealistic flight schedules, an overstretched workforce, and poor weather have all been cited as problems.

It's true that despite these challenges, lots of passengers reach their destination without difficulty, and it's a great compliment to the men and women who work at the airlines to keep the system moving as scheduled. But one can't deny that many Americans are frustrated. One of my constituents sat on the tarmac for three hours before her flight was canceled and couldn't board another flight until the next day.

Mr. Chair, the American people deserve better. They've paid their hard-earned money to fly on a plane, so they should get to their destination without serious problems.

My provision in H.R. 915 will add an important layer of protection by requiring the Department of Transportation to investigate consumer complaints for a broad range of issues, including flight cancellations, overbooking, lost baggage, ticket refund problems, and incorrect or incomplete fare information.

My provision won't try to reinvent the wheel. The Department of Transportation already operates a division that handles airline consumer complaints with authority to issue warnings and fines.

What I am proposing is a simple expansion of the division so that they have the authority and resources to investigate a wide range of legitimate consumer grievances. I think that's a fair and reasonable response to the overwhelming problems the American people have endured.

As we move forward to conference with the Senate, I also want to emphasize the important safety measures in this legislation.

Proper safety begins with having enough inspectors on the ground. This is a continuing concern at a general aviation airport in my district, where inspectors are not based at the airport, and random and scheduled inspections don't seem to meet the airport's needs.

Fortunately, H.R. 915 will provide a much needed boost in the number of safety inspectors to ensure that every plane in the sky has been thoroughly cleared for takeoff.

This legislation will also hold the FAA accountable to the highest safety standards possible. Over the last several years, the FAA unfortunately had wavered from their core mission by treating the airlines, and not the American public, as its customers. The results were serious safety lapses. In the worst case, Southwest was allowed to fly 117 of its planes in violation of mandatory safety checks.

H.R. 915 will create an independent whistleblower investigation office to help serve as a watchdog, and it will close the revolving door between FAA officials and the airline industry. Make no mistake: the buddy system between FAA and the airlines must end.

Finally, I am pleased that both Congress and the Obama Administration are reaffirming our commitment to the dedicated men and women who operate our air traffic control towers. Staffing shortages at many towers are at a critical mass, forcing controllers to work longer hours and potentially exposing them to dangerous levels of fatigue.

We must turn the page on the old way of treating our air traffic controllers and end the standoff between them and the FAA. Central to this will be a collective bargaining agreement that's fair and worthy of the men and women who keep our skies safe.

I am hopeful that the current negotiations ordered by Secretary LaHood will be fruitful. But if not, the binding arbitration process set up in this bill will be important. I participated in numerous arbitration hearings as an attorney, and I believe this strategy will be a smart way forward to a new collective bargaining agreement.

For these reasons, I urge my colleagues to support H.R. 915.

Mrs. BLACKBURN. Mr. Chairman, I rise in opposition to H.R. 915. The legislation before the House today detrimentally impacts American job creation, and will further exacerbate the federal deficit during an economic downturn. Both effects of the legislation are inexcusable while Americans strive to cope with

difficult economic times, and I urge my colleagues to defeat the bill when it is considered later this afternoon.

The legislation includes two provisions that if adopted, will almost certainly lead to job loss and the prevention of economic expansion for successful American corporations. Primarily, H.R. 915 rewrites modern aviation labor law by requiring FedEx Express employees to organize under the National Labor Relations Act (NLRA) rather than the Railway Labor Act (RLA). Organization under the RLA allows for a symbiotic and prosperous relationship between FedEx Express management and its employees, and has been a successful organizing tool for both since 1971.

Amending current law to force FedEx Express employees under the auspices of the RLA will almost certainly disrupt the company's plans for economic expansion. According to FedEx, the change in law would threaten ''FedEx's ability to provide competitively priced shipping options and ready access to global markets.'' Both of these elements are critical to the company's growth over the past 38 years, and would be detrimentally altered by the legislation before the House today.

Furthermore, H.R. 915 would terminate airline code-share alliance agreements between airlines and the U.S. Government after three years. In so doing the legislation will disrupt antitrust protection that is considered critical by the airline industry, and threaten at least 15,000 domestic airline jobs.

Finally, the legislation authorizes an $84 billion outlay from a federal budget already stretched thin by trillions of dollars in deficit spending. This massive spending increase impacts both mandatory and discretionary spending, and will only add to the credit card tab mounting at an astonishing pace in only five months of unified Democrat leadership.

I urge my colleagues to oppose H.R. 915.

Ms. JACKSON-LEE of Texas, Mr. Chair, I rise today in support of H.R. 915, the Federal Aviation Administration (FAA) Reauthorization Act of 2009. I also want to thank Chairman OBERSTAR and the Committee on Transportation and Infrastructure as they continue to mire in the details of our national transportation projects. They face not only the reauthorization of the FAA but also reauthorization of SAFETEA–LU and other major legislation in the areas of transportation—I look forward to working with them on the many projects going on in Texas and my district of Houston.

Mr. Chairman, as the Subcommittee chair for Transportation Security and Infrastructure protection, with jurisdiction over TSA; I am pleased to see that this Act authorizes $70 Action for the FAA through FY 2012.

FUNDING 'GUARANTEES'

Mr. Chair, this legislation amends current law that ''guarantees'' the availability of funding in the Airport and Airway Trust Fund by requiring that the total budget resources available from the trust fund are equal to the level of estimated receipts, plus interest. The uncommitted cash balance in the trust fund has declined substantially in recent years due to over-optimistic revenue projections. This allows not only the committee but the Agency to ensure committed projects get the funding they need. This legislation also:

Provides for the robust capital funding required to modernize the Air Traffic Control system, as well as to stabilize and strengthen the Airport and Airway Trust Fund. It includes $16.2 Action for the Airport Improvement Program, and $39.3 Action for FAA Operations. It also provides significant increases in funding for smaller airports.

Provides $13.4 Action for air traffic control including for accelerating the implementation of the Next Generation Air Transportation System, enabling FAA to repair and replace existing facilities and equipment, and implementing high-priority safety-related systems.

Includes a fiscally responsible increase in the general aviation jet fuel tax rate in order to modernize air traffic control.

Increases the maximum Passenger Facility Charge to $7.00 from $4.50 to combat inflation and to help airports meet increased capital needs. Based on the needs of the airport, local governments and airport authorities decide on these fees, which could raise an additional $1.1 Action for airport modernization to help fill the gap left by the federal program.

Creates an independent Aviation Safety Whistleblower Investigation Office within the FAA; also mandates a two-year ''post-service'' cooling off period after FAA inspectors leave FAA, during which they cannot go work for the airline that they were previously responsible for overseeing.

Requires the FAA to submit a strategic runway safety plan to Congress.

Requires the FAA to contract with the National Academy of Sciences to conduct a study on pilot fatigue, and update, where appropriate, its regulations regarding flight and duty time requirements for pilots.

Requires airlines and airports to have emergency contingency plans to take care of passengers who are involved in long onboard tarmac delays, including plans on deplaning after a lengthy delay. These plans must account for the provision of food, water, clean restrooms and medical care for passengers. DOT can fine those who fail to develop or comply with these plans.

This bill will not impede ongoing alliances such as United Airlines and Continental Airlines by any Antitrust provisions in the bill. This is an important alliance to keep U.S. Airlines competitive.

Directs the FAA to meet with air carriers, if flights exceed FAA's maximum arrival/departure rates and are adversely impacting the airspace, to ensure flight schedule reductions.

In 2005 the FAA, Texas Airports Development Office selected the Houston Airport System (HAS) as Airport of the Year. The Texas Airports Development Office makes a selection of the outstanding primary-commercial service airport each year. There are twenty-six primary-commercial service airports in the state of Texas—each enplaning in excess of 10,000 passengers annually. I believe the Houston Airport System can achieve this again next year.

As Members of Congress, we are continually flying back and forth from our District offices to Washington, DC. As a subcommittee Chair responsible for TSA and Transportation Security I pay particular attention to the safety of the employees and the public in our airports. I believe this Act will improve both of these issues. Mr. Chair, I proudly support this reauthorization Act for what it does to support transportation and aviation safety goals for our nation.

Mr. GORDON of Tennessee. Mr. Chair, I rise today in support of the ''FAA Reauthorization Act of 2009''. The bill that is before us represents Congress working together on a bipartisan basis across committee boundaries to meet the needs of the American people. I am pleased that the base text of H.R. 915 includes the updated set of provisions of H.R. 2698, the ''Federal Aviation Research and Development Reauthorization Act of 2007'', which was passed unanimously by the Science and Technology Committee in the 110th Congress.

I appreciate the leadership of Transportation and Infrastructure Committee Chairman JIM OBERSTAR and Aviation Subcommittee Chairman JERRY COSTELLO and their willingness to work with my committee to ensure that our provisions were included so that we can present this House with a comprehensive piece of legislation. I also want to express my appreciation to Transportation and Infrastructure Committee Ranking Member JOHN MICA and Aviation Subcommittee Ranking Member TOM PETRI. In addition, none of this would have been possible without the support and cooperation of Ranking Member RALPH HALL. I feel that our work together across party lines and across committee jurIsdictions is in many ways a model of how committees should cooperate to move important legislation.

Mr. Chair, in view of the limited time, I will not dwell on the many good provisions included in this bill. I would simply assure my colleagues that this legislation authorizes funding in sections 102 and 104 for a number of important R&D programs related to improving safety, reducing noise and other environmental impacts, and increasing the efficiency of the air transportation system. In addition, the bill establishes important new research initiatives on the impact of aviation on the climate, research on runway materials and engineered materials restraining systems, and aviation gas, as well as calling for independent assessments of FAA's safety R&D programs and its energy and environmental R&D programs.

This legislation also incorporates provisions intended to ensure that the Next Generation Air Transportation System [NextGen] initiative succeeds. Everyone recognizes that changes are needed to our air transportation system. Thus this bill includes measures to address the needs of the NextGen system, including strengthening both the authority and the accountability of the NextGen Joint Planning and Development Office—JPDO—because the success or failure of NextGen is going to determine in large measure whether or not the nation will have a safe and efficient air traffic management system in the future.

However, it is clear that FAA cannot ensure the successful development of the nation's future air transportation system on its own. As the establishment of the interagency JPDO by Congress in the Vision 100 Act indicates, it is going to take the combined efforts of multiple federal agencies, working in partnership with industry and the academic community, to make the NextGen initiative a success. NASA, in particular, has an important R&D role to play, and that is something that the Science and Technology Committee will devote attention to as we work on reauthorizing NASA in this Congress.

For now, however, our focus is on the FAA, and I think that H.R. 915 is a good bill that will

help ensure that America's aviation system remains safe and preeminent in the world. I support the bill, as well as the manager's amendment that will be offered by Chairman OBERSTAR that contains several provisions in the jurisdiction of the Science and Technology Committee.

I urge my colleagues to support H.R. 915.

Mr. TIBERI. Mr. Chair, I rise today to express my support for the provisions in this bill that would establish a fair process for addressing contract disputes between the FAA and our country's air traffic controllers.

Air traffic controllers ensure the safety of air passengers every day. I thank the air traffic controllers in my Central Ohio district, across Ohio and across the country for their hard work and dedication to keeping our skies safe.

In 2006, I cosponsored legislation that would have required the contract dispute between the FAA and the Air Traffic Controllers Association to be submitted to binding arbitration if the two parties did not reach an agreement. Unfortunately, this did not happen.

The provisions in H.R. 915 are a good start and I rise in support of them today.

Ms. HARMAN. Mr. Chair, I rise in support of Chairman OBERSTAR and this important legislation—and to address provisions that relate to staffing air traffic control towers.

Safety is the most crucial and fundamental feature of America's aviation system. Experience is a huge component of safety. This was demonstrated by the heroic landing by Captain Sullenberger on the Hudson River this past January. It was also demonstrated by air traffic controllers on 9/11, when the national aviation system was shut down and they landed all planes across the country safely.

In this decade, we have seen a significant increase in the number of air traffic controllers retiring. As a result, there has been a need to hire and train new air traffic controllers. Our aviation system has been forced to hire a very large number of new controllers very quickly—no small feat, given the high level of skill and training necessary to do the job. But we can't cut corners with filling crucial positions. I have concerns because the FAA counts controllers who are still training and not fully certified as staff when determining if an air traffic facility is fully staffed.

According to the FAA's ''A Plan for the Future 10-year Strategy for the Air Traffic Control Workforce 2009–2018,'' Appendix A states ''These (staffing) ranges include the number of controllers needed to perform the work. While most of the work is accomplished by CPCs, work is also being performed in facilities by CPC–ITs and position-qualified developments who are proficient, or ''checked out'', in specific sectors or positions and handles workload independently.'' For the clarification, CPCs are certified professional controllers and CPC–ITs are certified professional controllers in training, those that transferred from other facilities, and developmentals are new hires.

Trainees are used in the airport in my district, Los Angeles International Airport (LAX)—the fourth busiest airport tower in the United States. According to an April 2009 Department of Transportation Inspector General report: ''As of December 2008 . . . 20 percent of LAX's controller workforce was in training.'' Trainees lack the same amount of experience as certified controllers, and these skills should not be learned on the job. We need to ensure that safety is not compromised at LAX and at other towers across the country.

That is why I support sections, 607, ''FAA Air Traffic Controller Staffing'' and 608, ''Assessment of Training Programs for Air Traffic Controllers.''

Section 607 authorizes a National Academy of Sciences study on FAA's assumptions and methods to determine staffing needs for air traffic controllers. Section 608 authorizes a study by the FAA to assess the adequacy of training programs for air traffic controllers.

These studies will provide us with information to determine if we have enough experienced air controllers staffing our aviation system. If we don't, we must ensure that only those with the training and experience necessary keep the flying public safe and fill these positions. I want to thank Chairman OBERSTAR for his leadership on this legislation and for including these important provisions in the bill.

Mr. ORTIZ. Mr. Chair, I rise to support my colleague from Texas.

With the continuing emphasis on renewable energy programs as part of our national energy policy, it is unavoidable that we will have situations where FAA radars and renewable energy facilities, especially wind turbines, will compete for prime locations.

This amendment gives the FAA the executive direction necessary to address these situations.

Under our amendment, the FAA is directed to study their radar facilities and review conflicts with renewable energy facilities. To mitigate these situations, the Administrator is directed to develop an administrative process for relocating radar facilities when it is appropriate and necessary.

I ask my colleagues to support this amendment.

Mr. LIPINSKI. Mr. Chair, I rise in strong support of H.R. 915, the FAA Reauthorization Act of 2009. I would like to commend Chairman OBERSTAR and Chairman COSTELLO for their excellent leadership on this bill and for their continued dedicated service on transportation issues.

H.R. 915 contains a number of critical provisions that will not only upgrade and modernize our nation's air transportation system, but will significantly enhance and expand protections for consumers and the environment.

As a member of the Transportation Subcommittee on Aviation, I was especially pleased to work with the Chairmen and others to write a number of these pro-consumer/pro-environment provisions, which include: holding airlines more accountable for delayed passenger bags, requiring airports to consider implementing recycling programs, establishing a federal research center to develop alternative jet fuels, funding research to eliminate the use of lead in aviation gas, and requiring an open, competitive process for airport projects with the use of QBS.

Additionally, I am pleased the bill will take a close look at the impact of airline antitrust immunity on competition and then require DOT to adjust its existing policies accordingly.

Mr. Chair, this long overdue bill will ensure that America's air transportation system remains the finest and safest in the world. And I am proud to have been able to work on and include provisions that will protect passengers, taxpayers, and the environment.

I would again like to thank Chairman OBERSTAR and Chairman COSTELLO for their hard work on this legislation and urge my colleagues to join me in voting for its passage.

Mr. CARNAHAN. Mr. Chair, as a Congressman from St. Louis a major aviation hub and a member of the Aviation Subcommittee, I rise today in strong support of the FAA Reauthorization.

Thanks to Chairmen OBERSTAR and COSTELLO for their leadership and dedication to bring this bill to the floor again.

A long term reauthorization of the FAA is long overdue. We need a four year reauthorization to provide stability to airport development projects and modernizing the aging air traffic control system.

This legislation authorizes nearly $70 billion in needed investments in FAA programs over the next four years to help meet the growing demand on our system. The Federal Aviation Administration estimates over the next seven to twelve years our airlines will carry more than one billion passengers. Without expanded capacity airports will not be able to serve the increases in passengers.

Airport capital investment is critical to accommodate growth and improve service. As you all know passenger facility charges are critical to funding these projects. Additionally, this legislation will increase the cap on passenger facility charges from $4.50 to $7.00. This increase would generate $1.1 billion in additional revenue for airport development annually.

I am pleased to see a significant increase in the Airport Improvement Program. Over the four year life of the bill's authorization this amounts to an additional $1 billion in authorized funds for AIP. This increase in funding will be especially helpful to airports, like Lambert St. Louis International Airport, that are especially reliant on AIP funding. Also, critical to handling the expected increases in the number of passengers is modernizing our air transportation system.

The FAA Reauthorization includes $13.4 billion for FAA Facilities and Equipment to accelerate the implementation of Next Generation Air Transportation System to modernize our air transportation system.

Again, thank you for the time and I urge my colleagues to support this transformational FAA Reauthorization.

Mr. GARRETT of New Jersey. Mr. Chair, I rise today to express my disappointment with this legislation, the FAA Reauthorization Act of 2009. For many years now, I have fought the FAA on their so-called New York/New Jersey/Philadelphia airspace redesign plan. This plan would redirect thousands of flights per year over the houses of many of my constituents. This increased aircraft noise affects people's daily lives in many ways. It is more than a nuisance. Aircraft noise can adversely affect children in schools; the elderly in nursing facilities; and families in their homes. Additionally, these homes may decrease in value as a result of this aircraft noise.

Proponents of the airspace redesign have long maintained that it is necessary to redesign the airspace because a significant portion of the delays in our national airspace derive from the tri-state area. We have long maintained that redesigning the airspace would have very little effect on delays but would adversely affect the lives of thousands of people.

Yesterday, I, along with Congressmen JIM HIMES and RODNEY FRELINGHUYSEN submitted an amendment to the Rules Committee. This amendment would have prohibited the FAA from continuing with its implementation of the

airspace redesign until it conducted a study on alternatives to reduce delays at the four airports considered in the redesign; including studying whether reducing overscheduling and the use of smaller aircraft by air carriers would have a greater effect on reducing delays than the redesign. In 2007, the Port Authority of New York and New Jersey, who operate 3 of the major airports included in the redesign submitted a proposal to the FAA with many of these suggestions, but the FAA largely ignored it. This was a sensible amendment, but unfortunately it will not be considered today. Furthermore, an amendment offered by Congressman JOE SESTAK, which would have stopped the redesign's implementation until the FAA conducted a cost-benefit analysis—something recommended by the GAO, mind you—will also not be considered today.

Mr. Chair, it is imperative that the FAA take seriously the concerns of those people on the ground who are affected by their actions. I urge a ''no'' vote.

Mr. BOCCIERI. Mr. Chair, I rise today in support of this bill, HR 915. I specifically support provisions in the bill which will require FAA inspectors to monitor overseas stations that repair U.S. aircraft.

Over the years, U.S. airlines have steadily increased outsourcing of maintenance work performed at facilities here and abroad. According to the Department of Transportation IG, major air carriers outsourced an average of 64 percent of their maintenance expenses in 2007 compared to 37 percent in 1996.

In order to uphold the highest safety standards at all FAA-certified facilities, FAA inspectors must be permitted to physically inspect foreign repair stations every two years. The FAA must hold foreign repair stations and their workers to the same safety standards as those imposed on domestic repair stations. There is simply no substitute for direct FAA oversight of work performed on U.S. aircraft. Our government should not be outsourcing safety inspections to foreign governments.

Opponents of Section 303 also claim that requiring two FAA inspections per year will cause the EU to retaliate by conducting reciprocal twice-a-year inspections of EASA-certified U.S. stations. But this is a matter of public safety.

The U.S. has an obligation to ensure that FAA-certified repair stations meet U.S. standards, and we cannot abrogate this responsibility based on threats of retaliation from foreign governments looking to protect their own economic interests.

Mr. MACK. Mr. Chair, I rise today to speak about the FAA Reauthorization bill. First, I want to thank Chairman OBERSTAR and Ranking Member MICA for their leadership and continued work on this legislation. While we need to pass a long-term FAA reauthorization bill, I am opposed to this bill in its current form.

I have significant concerns with the tax hikes, new government regulations, and massive giveaways to Big Labor included in the bill. This legislation will significantly raise the cost of air travel, through a proposed Passenger Facility Charge or ''PFC'' tax increase. The increase, from $4.50 to $7 per passenger, is a 56 percent tax hike and will result in all of our constituents paying an additional two billion dollars annually. In addition to the PFC tax hike, this legislation would also raise taxes on general aviation gasoline and jet fuel. Mr. Chair, I can't reiterate it enough: we cannot keep raising taxes on the American people!

In addition to raising taxes and fees, this bill overturns the Air Traffic Control Agreement, which will cost tax payers more than a billion dollars and forces the FAA into a more expensive union contract.

Mr. Chair, we are at a critical juncture in revamping our air traffic control system. This bill does not go far enough to expedite investment in NextGen technology. We must create an environment that modernizes and updates our air traffic control system, increases efficiencies, and ensures safety in our nation's skies. But hiking taxes on hard working Americans and more union giveaways does nothing to promote these goals. Mr. Chair, I urge my colleagues to vote against this legislation.

Mr. SALAZAR. Mr. Chair, I thank the Gentleman from New York for yielding and I would like to recognize Chairman OBERSTAR and Chairman COSTELLO for their exceptional leadership on this very important bill.

Mr. Chair, I rise today in strong support of H.R. 915, the FAA Reauthorization Act of 2009, and urge its passage.

There are many good and important issues addressed in this bill: safety, nextgen, consumer protections, and increased funding to the Airport Improvement Program.

But I'd like to especially thank the leadership on the committee for working with me on several issues that are particularly important to my constituents back home.

H.R. 915 provides increased funding to local governments throughout the country to maintain and develop their airports, which serve as cornerstones for economic growth.

As many of us come from and represent small, rural communities, we appreciate the need to preserve and improve rural aviation programs, such as Essential Air Service.

EAS serves rural communities across the country that otherwise would not receive any scheduled air service.

There are more than 140 rural communities nationwide, including Cortez, Alamosa and Pueblo in my state of Colorado, that rely on this program and will benefit from this legislation.

And I again want to thank the Chairman for working with me to ensure our EMS flights meet the highest safety standards.

Overall, I'm pleased to see the improvements made in this bill and I hope the Senate will follow our lead and move this important piece of legislation.

I believe H.R. 915 ensures that we remain the world's safest aviation system, and I urge my colleagues to support this bill.

Mr. WAXMAN. Mr. Chair, I would like to thank the Chairman for accepting an amendment I have offered regarding the need for the FAA to take meaningful action to address safety concerns at Santa Monica Airport. I appreciate the Committee's ongoing interest in addressing this serious issue.

Santa Monica Airport is a unique General Aviation facility located in my congressional district. Built in 1922, the airport has no runway safety areas, which are now required by the FAA to reduce damage and loss of life in the event that an aircraft overshoots the runway or fails to lift off. The airport's single runway is bordered by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet from the runway. As flight traffic at the airport has increased, particularly among larger jets, so have concerns that any plane overshooting the runway would be at great risk of landing in the neighborhood.

For nearly a decade, I have joined the community, the City of Santa Monica and the Airport Administration to push the FAA to address this serious safety gap. While the FAA has had discussions with the City, its response has at times been marked by delay and unfortunate acts of bad faith. Its proposals have simply fallen short of addressing the safety needs of the airport. Some proposed changes could seriously undermine emergency response capability at the airport, while others would be insufficient to stop a larger jet from an overrun into the surrounding streets and homes.

My constituents and the crews and passengers that use Santa Monica Airport deserve to have the confidence that airport operations meet FAA safety guidelines and go beyond the barest minimum enhancements previously offered by the FAA. The amendment expresses the sense of Congress that the incoming Administrator of the FAA should take a fresh look at this issue. I urge the new Administrator, once confirmed, to swiftly enter into good faith discussions with the City of Santa Monica to achieve runway safety area solutions consistent with FAA design guidelines to address the safety concerns at Santa Monica Airport. When safety is at stake, time is always of the essence.

Mr. LARSEN of Washington. Mr. Chair, I rise today to speak in support of H.R. 915, the Federal Aviation Administration Reauthorization Act. This bill provides historic levels of funding for FAA's critical work to improve safety, invest in our nation's airports, and modernize our air transportation system.

H.R. 915 will help accelerate the implementation of FAA's Air Traffic Control Modernization and Next Generation Air Transportation System. NextGen will increase the capacity and efficiency of our national air transportation system, which will help accommodate expected increases in air traffic. H.R. 915 also increases oversight of NextGen and mandates that FAA develop a detailed plan for how they will deliver results for the airline industry and the flying public.

This legislation invests in our nation's airports by providing $16.2 billion for the Airport Improvement Program. This historic funding level also includes a significant increase in AIP funding for smaller airports, like many in my district. H.R. 915 also makes critical improvements in aviation safety, including strong air carrier safety oversight provisions and an increase in the number of aviation safety inspectors.

I commend Chairmen OBERSTAR and COSTELLO for addressing the ongoing dispute between the National Air Traffic Controllers Association and the FAA over failed contract negotiations by establishing a binding dispute resolution process and requiring the parties to go back to the negotiating table.

The bill also fixes a long-standing disparity in the way employees of express delivery companies are treated under our nation's labor laws. This provision will help restore collective bargaining rights to this critical workforce.

This legislation is not perfect, but it makes critical improvements to our nation's air transportation system to create jobs and strengthen our economy. I urge my colleagues to support this bill.

Mr. TANNER. Mr. Chair, I rise today to thank Chairman OBERSTAR and Ranking Member MICA for bringing the FAA Reauthorization bill to the floor today. For the most part I am supportive of their efforts; however, I must express concern with a provision in this bill that would change the labor status of the employees of FedEx, a company based in Memphis, Tennessee, and important to our regional economy.

FedEx has been covered by provisions of the Railroad Labor Act for decades. I am disappointed that this legislation attempts to overturn these years of legislative and legal precedent by now putting FedEx under the National Labor Relations Act. FedEx was founded in 1973, and every court and agency to address the issue since then has found FedEx to be subject to the RLA, because national labor and transportation policy mandates that integrated, multi-modal transportation networks be subject to the processes of the RLA.

I do hope the Committee will consider my views and the views of those I represent in Tennessee, who depend on FedEx staying competitive. Because of the adverse effects this provision would have, I urge House conferees to eliminate this provision during its conference with the Senate. These provisions, which I oppose, should stand alone in separate legislation so all parties can come to the table and offer their ideas and concerns.

Mr Chair, the complexity of this issue requires further debate from all parties affected.

The CHAIR. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Transportation and Infrastructure, printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 111–126, modified by the amendment printed in part B of that report, shall be considered as adopted and shall be considered as an original bill for purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Reauthorization Act of 2009''.

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

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

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

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2008.

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, 2008''; and

(2) by striking paragraphs (1) through (6) and inserting the following:

''(1) $3,900,000,000 for fiscal year 2009;

''(2) $4,000,000,000 for fiscal year 2010;

''(3) $4,100,000,000 for fiscal year 2011; and

''(4) $4,200,000,000 for fiscal year 2012.''.

(b) ALLOCATIONS OF FUNDS.—Section 48103 is amended—

(1) by striking ''The total amounts'' and inserting ''(a) AVAILABILITY OF AMOUNTS.—The total amounts''; and

(2) by adding at the end the following:

''(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Of the amounts made available under subsection (a), $15,000,000 for each of fiscal years 2009 through 2012 may be used for carrying out the Airport Cooperative Research Program.

''(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the amounts made available under subsection (a), $19,348,000 for each of fiscal years 2009 through 2012 may be used for carrying out airports technology research.''.

(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''March 31, 2009'' and inserting ''September 30, 2012''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,246,000,000 for fiscal year 2009.

''(2) $3,259,000,000 for fiscal year 2010.

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

''(4) $3,506,000,000 for fiscal year 2012.''.

(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 2009 through 2012 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 2009 through 2012 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 oceanic 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 2009 through 2012 may be used to advance the development and implementation of safety management systems.

''(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $10,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, $12,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

''(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $50,000,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $100,000,000 for 2011, and $50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

''(h) NEXTGEN SYSTEMS DEVELOPMENT PROGRAMS.—Of amounts appropriated under subsection (a), $41,400,000 for fiscal year 2009, $102,900,000 for fiscal year 2010, $104,000,000 for fiscal year 2011, and $105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

''(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of amounts appropriated under subsection (a), $28,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $30,000,000 for fiscal year 2011, and $30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

''(j) CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT.—Of amounts appropriated under subsection (a), $76,000,000 for fiscal year 2009, $79,000,000 for fiscal year 2010, $79,000,000 for fiscal year 2011, and $80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

''(k) ADDITIONAL PROGRAMS.—Of amounts appropriated under subsection (a), $21,900,000 for fiscal year 2009, $22,500,000 for fiscal year 2010, $22,500,000 for fiscal year 2011, and $22,500,000 for fiscal year 2012 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 (E) and inserting the following:

''(A) $8,998,462,000 for fiscal year 2009;

''(B) $9,531,272,000 for fiscal year 2010;

''(C) $9,936,259,000 for fiscal year 2011; and

''(D) $10,350,155,000 for fiscal year 2012.''.

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

(1) by striking subparagraph (A) and inserting the following:

''(A) Such sums as may be necessary for fiscal years 2009 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.'';

(2) by striking subparagraphs (B), (C), and (D);

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2009 through 2012''.

(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 $6,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting ''and'' at the end; and

(B) in subparagraph (L) by striking ''and'' at the end;

(2) in paragraph (12)(L) by striking ''and'' at the end; and

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

''(13) for fiscal year 2009, $212,929,000, including—

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

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

''(C) $2,920,000 for advanced materials and structural safety;

''(D) $4,838,000 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) $11,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,488,000 for aviation safety risk analysis;

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

''(J) $8,395,000 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) $10,425,000 for NextGen—Air ground integration;

''(P) $8,025,000 for NextGen—Self separation;

''(Q) $8,049,000 for NextGen—Weather technology in the cockpit;

''(R) $22,939,000 for environment and energy;

''(S) $16,050,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,847,000 for system planning and resource management; and

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

''(14) for fiscal year 2010, $214,587,000, including—

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

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

''(C) $2,965,000 for advanced materials and structural safety;

''(D) $4,921,000 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) $11,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,589,000 for aviation safety risk analysis;

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

''(J) $8,699,000 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) $10,400,000 for NextGen—Air ground integration;

''(P) $8,000,000 for NextGen—Self separation;

''(Q) $7,567,000 for NextGen—Weather technology in the cockpit;

''(R) $20,278,000 for environment and energy;

''(S) $19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,827,000 for system planning and resource management; and

''(U) $3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

''(15) for fiscal year 2011, $225,993,000, including—

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

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

''(C) $2,975,000 for advanced materials and structural safety;

''(D) $4,949,000 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) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,497,000 for aviation safety risk analysis;

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

''(J) $8,976,000 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) $10,600,000 for NextGen—Air ground integration;

''(P) $8,300,000 for NextGen—Self separation;

''(Q) $8,345,000 for NextGen—Weather technology in the cockpit;

''(R) $27,075,000 for environment and energy;

''(S) $20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,836,000 for system planning and resource management; and

''(U) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

''(16) for fiscal year 2012, $244,860,000, including—

''(A) $8,957,000 for fire research and safety;

''(B) $4,201,000 for propulsion and fuel systems;

''(C) $2,986,000 for advanced materials and structural safety;

''(D) $4,979,000 for atmospheric hazards and digital system safety;

''(E) $15,013,000 for aging aircraft;

''(F) $2,192,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,401,000 for aviation safety risk analysis;

''(I) $16,000,000 for air traffic control, technical operations, and human factors;

''(J) $9,267,000 for aeromedical research;

''(K) $23,800,000 for weather program;

''(L) $6,400,000 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) $10,800,000 for NextGen—Air ground integration;

''(P) $8,500,000 for NextGen—Self separation;

''(Q) $8,569,000 for NextGen—Weather technology in the cockpit;

''(R) $44,409,000 for environment and energy;

''(S) $20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,840,000 for system planning and resource management; and

''(U) $3,941,000 for the William J. Hughes Technical Center Laboratory Facility.''.

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 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in each of fiscal years 2009 and 2010, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in each of fiscal years 2011 and 2012, be equal to the sum of—

''(I) 90 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 ''2012''.

(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 ''2012''.

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. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS FOR AIRSIDE PROJECTS.

(a) IN GENERAL.—Section 40117(d) is amended—

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

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an application submitted to the Secretary of Transportation by an eligible agency under section 40117 of title 49, United States Code, after the date of enactment of this Act.

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 passenger 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 May 1, 2010. 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 May 1, 2009, 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.—Subject to subsection (b), 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) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

''(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: '', 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. SOLID WASTE RECYCLING PLANS.

(a) AIRPORT PLANNING.—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the following: '', and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid waste at the airport.''.

SEC. 133. 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. 134. 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. 135. AMENDMENTS TO ALLOWABLE COSTS.

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

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

''(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 requirements 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. 136. 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 2009, 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. 137. 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. 138. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.''.

SEC. 139. 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) ⅕ 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 paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 140. 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. 141. 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. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting, ''fiscal years 2008 through 2012,''.

SEC. 143. 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. 144. 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. 145. 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. 146. AIRPORT SECURITY PROGRAM.

(a) GENERAL AUTHORITY.—Section 47137(a) is amended by inserting '', in consultation with the Secretary of Homeland Security,'' after ''Transportation''.

(b) IMPLEMENTATION.—Section 47137(b) is amended to read as follows:

''(b) IMPLEMENTATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

''(A) is composed of public and private persons, including an airport sponsor; and

''(B) has at least 10 years of demonstrated experience in testing and evaluating antiterrorist technologies at airports.

''(2) PROJECT SELECTION.—The Secretary shall select projects under this subsection that—

''(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.''.

(c) MATCHING SHARE.—Section 47137(c) is amended by inserting after ''section 47109'' the following: ''or any other provision of law''.

(d) ADMINISTRATION.—Section 47137(e) is amended by adding at the end the following: ''The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.''.

(e) ELIGIBLE SPONSOR.—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 47137(f) (as so redesignated) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 147. 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, 2008.''.

SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''March 31, 2009'' and inserting ''September 30, 2012''.

SEC. 149. 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. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''for fiscal years ending before October 1, 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''October 1, 2012,''.

SEC. 151. 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. 152. 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)'';

(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.—

(1) Sections 40117(a)(3)(B) is amended by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(2) Section 47108(e)(3) is amended—

(A) by striking ''section 47110(d)(2)'' and inserting ''section 47119(a)''; and

(B) by striking ''section 47110(d)'' 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''.

SEC. 153. AIRPORT MASTER PLANS.

Section 47101 is amended by adding at the end the following:

''(i) ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Administration advisory circulars, to consider customer convenience, airport ground access, and access to airport facilities in airport master plans.''.

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 11,000,000 jobs in the United States and contributes approximately $741,000,000,000 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 Defense, 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 a semicolon; 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 execute 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 agency 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;

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

''(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.''.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the 'NextGen Implementation Plan', 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 ''2012''.

(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 integrating 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 detailed description of the 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 Administrator 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 Administrator, 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 systems 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 Transportation 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, including public use 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 functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; 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 enterprise 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 2009 through 2012 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 Administrator 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 2009 through 2012 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 2009–2013 and the document known as the ''NextGen Implementation Plan''.

(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 2009 to 2012 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 $14,500,000 for fiscal year 2009 and $20,000,000 for each of fiscal years 2010, 2011, and 2012 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 each of fiscal years 2009, 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. 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. 302. 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, 2014,''.

SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is 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. 304. 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, 2009, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation 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 NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. 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, 2012, 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. 306. 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) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:

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

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

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

(D) A validation of models for assessing flight attendant fatigue.

(E) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

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

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 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.

''(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

''(1) Record keeping.

''(2) Blood borne pathogens.

''(3) Noise.

''(4) Sanitation.

''(5) Hazard communication.

''(6) Anti-discrimination.

''(7) Access to employee exposure and medical records.

''(8) Temperature standards for the aircraft cabin.

''(d) REGULATIONS.—

''(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

''(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

''(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations 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. 308. 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 necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. 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. 310. 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 essential, 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. 311. 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 or projections 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, pilot, and 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, 2013.

(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, operational 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.

Subtitle C—Safety and Protections

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 of title 49, United States Code, is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this section referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

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

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

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

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the ''Agency'') to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a ''vision'' of ''being responsive to our customers and accountable to the public'' and, in 2003, issued a customer service initiative that required aviation inspectors to treat air carriers and other aviation certificate holders as ''customers'' rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the management of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as ''customers'';

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the 'Agency') if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.''.

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

SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the ''Agency'') may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

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

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the ''Agency'') is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

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

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

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

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

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, 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 reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

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

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

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

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

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

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater

extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one 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 Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

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 website 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 paragraphs (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.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

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

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; 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, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

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

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).

(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) of title 49, United States Code, is amended by striking ''there is authorized to be appropriated $77,000,000'' and inserting ''there is authorized to be appropriated out of the Airport and Airway Trust Fund $150,000,000''.

(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 ''2009'' and inserting ''2012''.

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

''§ 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 30 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—

''(1) 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; and

''(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport's terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

''(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 website 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) NOTICE TO PASSENGERS OF AIR CARRIERS.—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the email address, telephone number, and mailing address of the air carrier; and

''(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

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

''§ 42303. Use of insecticides in passenger aircraft

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

''(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

''(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.''.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Air Passenger Service Improvements ..... 42301''.

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment 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 ''April 1, 2009'' and inserting ''September 30, 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 exceeds 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, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012'' 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 require members of the Armed Forces to travel with heavy bags; 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 and waive baggage fees for a minimum of 3 bags.

SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747 of title 49, United States Code, and the item relating to such section in the analysis for chapter 417 of such title, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 412. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUEL COSTS.

(a) IN GENERAL.—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) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

(b) ADJUSTMENT OF CAP.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the increased subsidy cap as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

(c) LIMITATION ON ELIGIBILITY.—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the increased subsidy cap established pursuant to this section.

SEC. 413. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 of title 49, United States Code, 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 on or before the 45th day 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 subsidy cap.

''(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.

''(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.

''(4) SUBSIDY CAP DEFINED.—In this subsection, the term 'subsidy cap' means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the FAA Reauthorization Act of 2009.''.

SEC. 414. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 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, after the date of enactment of this subsection, 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 subsidy cap (as defined in subsection (f)), 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 subsidy cap (as defined in subsection (f)); 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. 415. 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. 416. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) of title 49, United States Code, is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient—'' and inserting ''provide the carrier with compensation sufficient—''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

SEC. 417. 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. 418. 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 passengers 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. 419. 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 year 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. 420. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, 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. 421. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

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

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

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

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 on 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.

SEC. 424. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

''(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

''(1) IN GENERAL.—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(2) EXCEPTIONS.—The prohibition described in paragraph (1) shall not apply to—

''(A) a member of the flight crew or flight attendants on an aircraft; or

''(B) a Federal law enforcement officer acting in an official capacity.

''(b) FOREIGN AIR TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

''(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

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

''(1) FLIGHT.—The term 'flight' means the period beginning when an aircraft takes off and ending when an aircraft lands.

''(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—

''(A) INCLUSIONS.—The term 'voice communications using a mobile communications device' includes voice communications using—

''(i) a commercial mobile radio service or other wireless communications device;

''(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

''(iii) a device having voice override capability.

''(B) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

''(d) SAFETY REGULATIONS.—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

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

''41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.''.

SEC. 425. ANTITRUST EXEMPTIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the legal requirements and policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) ISSUES TO BE CONSIDERED.—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.

(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, 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 under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than one year after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(e) SUNSET PROVISION.—

(1) IN GENERAL.—An exemption from the antitrust laws granted by the Secretary on or before the last day of the 3-year period beginning on the date of enactment of this Act in connection with an international alliance, including an exemption granted before the date of enactment of this Act, shall cease to be effective after such last day unless the exemption is renewed by the Secretary.

(2) TIMING FOR RENEWALS.—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) STANDARDS FOR RENEWALS.—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

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

(1) EXEMPTION FROM THE ANTITRUST LAWS.—The term ''exemption from the antitrust laws'' means an exemption from the antitrust laws granted by the Secretary under section 41308 of title 49, United States Code.

(2) IMMUNIZED INTERNATIONAL ALLIANCE.—The term ''immunized international alliance'' means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) INTERNATIONAL ALLIANCE.—The term ''international alliance'' means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

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

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.'';

(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 2009, 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, 2016:

''(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

''(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

''(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

''(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) $20,000,000 for fiscal year 2009.

''(2) $25,000,000 for fiscal year 2010.

''(3) $33,000,000 for fiscal year 2011.

''(4) $50,000,000 for fiscal year 2012.

''(e) REPORT.—Beginning in fiscal year 2010, 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, 2013, 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 demonstration 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, capacity, 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, 2009. 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, Newark Liberty Airport, and JFK Airport.

SEC. 514. GAO STUDY ON COMPLIANCE WITH FAA RECORD OF DECISION.

(a) STUDY.—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration's record of decision dated August 2, 2002.

(b) 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.

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 2009); 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 litigation 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 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated 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. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) APPLICABILITY OF BACK PAY REQUIREMENTS.—Section 40122(g)(2) is amended—

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

(2) by striking the period at the end of subparagraph (H) and inserting ''; and''; and

(3) by adding at the end the following:

''(I) section 5596, relating to back pay.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to—

(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) SPECIAL RULE.—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or

unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and

(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 603. 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. 604. 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) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the Federal Aviation Administration certified under section 7111 of title 5, United States Code, and the Administrator of the Federal Aviation Administration.

(4) 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. 605. 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;

(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; and

(4) an assessment of the Administration's organizational delegation and designee programs and a determination as to whether the Administration has sufficient monitoring and surveillance programs in place to properly oversee these programs.

SEC. 606. 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 follow 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. 607. SAFETY CRITICAL STAFFING.

(a) SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection (b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.

(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) $45,000,000 for fiscal year 2010;

(2) $138,000,000 for fiscal year 2011; and

(3) $235,000,000 for fiscal year 2012.

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.

(d) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term ''safety critical positions'' means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification).

SEC. 608. 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. 609. 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. 610. 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. 611. 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 head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are 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 ''March 31, 2009'' and inserting ''September 30, 2012''; and

(2) by striking ''May 31, 2009'' and inserting ''December 31, 2019''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2019, 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, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary 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, 2019;

''(II) the amount of any claims pending under such policies as of December 31, 2019; 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, 2019.''.

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 ''May 31, 2009'' 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 ''December 31, 2013'' and inserting ''December 31, 2019''.

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 who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned 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 2003 and 2008, 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—

(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 transportation 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 2009 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, 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 consultation 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, DC, Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, DC, 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. 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);

(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); and

(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, 2012.

(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. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten 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 and Staten 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. 819. 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 reporting 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. 820. 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. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies 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. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than one year 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. 823. 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 feasibility 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, Agriculture, 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) IMPACT OF WIND TURBINES ON RADAR SIGNALS.—In conducting the study, the Administrator shall consider the impact of the operation of wind turbines, individually and in collections, on radar signals and evaluate the feasibility of providing quantifiable measures of numbers of turbines and distance from radars that are acceptable.

(d) REPORT.—Not later than one 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, Committee on Agriculture, and Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, Committee on Agriculture, Nutrition, and Forestry, andCommittee on Armed Services of the Senate.

SEC. 824. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.

(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 825. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to identify a physical means, or a combination of physical and procedural means, of limiting access to the flight decks of all-cargo aircraft to authorized flight crew members.

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

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 2009''.

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 carry out 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 2009 through 2012 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 unmanned 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 students 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 2009 through 2012, for research grants under this section.

SEC. 910. 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 2009 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) 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—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant 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 into the FAA's operational technologies and procedures and certification activities.

(b) 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.

SEC. 912. 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.

(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 2009 to carry out this section.

SEC. 913. 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 conduct 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. 914. 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 2009''.

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—

(i) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)'', and

(ii) by striking ''KEROSENE'' in the heading 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, 2012''.

(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, 2009'' and inserting ''September 30, 2012''.

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(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 ultimate 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 ''paragraph (4)(C) or (5)'' both places it appears and inserting ''paragraph (4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(B) Section 6427(l)(1) of such Code is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)(i)''.

(C) 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) by striking ''October 1, 2009'' in the matter preceding subparagraph (A) and inserting ''October 1, 2012'', and

(ii) by inserting ''or the FAA Reauthorization Act of 2009'' before the semicolon at the end of subparagraph (A).

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(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) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(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, 2009.

(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, 2010, 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, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2010, 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, 2010, 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.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part C of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The Acting CHAIR (Mr. JACKSON of Illinois). It is now in order to consider amendment No. 1 printed in part C of House Report 111–126.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 6, strike line 18.

Page 6, line 19, strike ''(2)'' and insert ''(1)''.

Page 6, line 20, strike ''(3)'' and insert ''(2)''.

Page 6, line 21, strike ''(4)'' and insert ''(3)''.

Page 7, line 7, strike ''2009'' and insert ''2010''.

Page 7, line 12, strike ''2009'' and insert ''2010''.

Page 7, line 16, strike ''March 31'' and insert ''September 30''.

Page 7, after line 17, insert the following:

(d) RESCISSION OF UNOBLIGATED BALANCES.—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, $305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, $102,000,000 are hereby rescinded.

Page 7, strike line 22.

Page 7, line 23, strike ''(2)'' and insert ''(1)''.

Page 7, line 24, strike ''(3)'' and insert ''(2)''.

Page 7, line 25, strike ''(4)'' and insert ''(3)''.

Page 8, line 6, strike ''2009'' and insert ''2010''.

Page 8, line 12, strike ''2009'' and insert ''2010''.

Page 9, line 9, strike ''2009'' and insert ''2010''.

Page 9, line 13, strike ''$10,000,000 for fiscal year 2009,''.

Page 9, lines 19 and 20, strike ''$50,000,000 for fiscal year 2009,''.

Page 10, line 1, strike ''$41,400,000 for fiscal year 2009,''.

Page 10, lines 6 and 7, strike ''$28,000,000 for fiscal year 2009,''.

Page 10, line 13, strike ''$76,000,000 for fiscal year 2009,''.

Page 10, lines 18 and 19, strike ''$21,900,000 for fiscal year 2009,''.

Page 11, strike line 6.

Page 11, line 7, strike ''(B)'' and insert ''(A)''.

Page 11, line 8, strike ''(C)'' and insert ''(B)''.

Page 11, line 10, strike ''(D)'' and insert ''(C)''.

Page 11, line 17, strike ''2009'' and insert ''2010''.

Page 12, line 6, strike ''2009'' and insert ''2010''.

Page 12, line 15, strike ''2009,''.

Page 13, strike line 3 and all that follows through line 19 on page 14.

Page 14, line 20, strike ''(14)'' and insert ''(13)''.

Page 16, line 12, strike ''(15)'' and insert ''(14)''.

Page 18, line 6, strike ''(16)'' and insert ''(15)''.

Page 20, lines 10 and 11, strike ''in each of fiscal years 2009 and 2010,'' and insert ''in fiscal year 2010,''.

Page 27, after line 4, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

Section 40117 (as amended by this Act) is further amended by adding at the end the following:

''(o) PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.—

''(1) APPLICABILITY OF REQUIREMENTS.—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.

''(2) REGULATIONS.—The Secretary shall issue any regulations necessary to implement this subsection, including—

''(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged business enterprises that would be expected in the absence of discrimination;

''(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and

''(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.

''(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.—The term 'airport concessions disadvantaged business enterprise' has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).

''(B) DISADVANTAGED BUSINESS ENTERPRISE.—The term 'disadvantaged business enterprise' has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).''.

Page 30, line 13, strike ''May 1, 2009'' and insert ''September 1, 2009''.

Page 42, strike line 9 and all that follows through line 5 on page 44 (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

Page 44, line 15, strike ''1632'' and insert ''632''.

Page 44, strike line 17 and all that follows through line 14 on page 45 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 138. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women business owners in every geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related business, including—

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;

(H) experience of airports and other localities demonstrating that race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(I) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(6) All of this evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent comprehensive and compelling evidence of discrimination from many different sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to

small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

Page 45, after line 14, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 139. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) MANDATORY TRAINING PROGRAM.—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking ''Secretary'' and inserting ''Secretary of Transportation''; and

(2) by adding at the end the following:

''(h) MANDATORY TRAINING PROGRAM.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

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

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

''(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) or section 47107(e)(1); or

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

''(4) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 106(k), not less than $2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.''.

(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 (b).

Page 47, line 23 through page 48, line 1, strike ''fiscal years 2004 through 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and insert ''fiscal years 2004 through 2009,''.

Page 48, line 1, strike ''inserting,'' and insert ''inserting''.

Page 48, line 2, strike ''2008'' and insert ''2010''.

Page 53, line 6, strike ''March 31'' and insert ''September 30''.

Page 53, lines 15 through 17, strike ''for fiscal years ending before October 1, 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and insert ''October 1, 2009,''.

Page 76, line 12, strike ''and'' at the end.

Page 76, after line 12, insert the following:

(C) a description of possible options for expanding surveillance coverage beyond the ground stations currently under contract, including enhanced ground signal coverage at airports; and

Page 76, line 13, strike ''(C)'' and insert ''(D)''.

Page 88, line 11, strike ''2009'' and insert ''2010''.

Page 94, line 22, strike ''2009'' and insert ''2010''.

Page 96, line 7, strike ''2009'' and insert ''2010''.

Page 96, line 13, strike ''$14,500,000 for fiscal year 2009 and''.

Page 96, line 19, strike ''2009,''.

Page 99, line 16, insert ''(a) IN GENERAL.—'' before ''Not later than''.

Page 99, line 25, strike ''and'' at the end.

Page 100, line 9, strike the first period and all that follows through the final period and insert ''; and''.

Page 100, after line 9, insert the following:

''(3) continue to hold discussions with countries that have foreign repair stations that perform work on air carrier aircraft and components to ensure harmonization of the safety standards of such countries with those of the United States, including standards governing maintenance requirements, education and licensing of maintenance personnel, training, oversight, and mutual inspection of work sites.

''(b) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement entitled ''Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety'', dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.''.

Page 115, after line 7, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 312. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

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

''§ 44732. Helicopter air ambulance operations

''(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

''(b) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

''(2) Pilot training standards, including—

''(A) mandatory training requirements, including a minimum time for completing the training requirements;

''(B) training subject areas, such as communications procedures and appropriate technology use;

''(C) establishment of training standards in—

''(i) crew resource management;

''(ii) flight risk evaluation;

''(iii) preventing controlled flight into terrain;

''(iv) recovery from inadvertent flight into instrument meteorological conditions;

''(v) operational control of the pilot in command; and

''(vi) use of flight simulation training devices and line oriented flight training.

''(3) Safety-enhancing technology and equipment, including—

''(A) helicopter terrain awareness and warning systems;

''(B) radar altimeters;

''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

''(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

''(4) Such other matters as the Administrator considers appropriate.

''(c) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:

''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

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

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

''(C) requires the pilots of the certificate holder to use the checklist.

''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

''(3) COMPLIANCE.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather minima and flight and duty time whenever medical personnel are onboard the aircraft.

''(d) DEADLINES.—The Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (a); and

''(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

''§ 44733. Collection of data on helicopter air ambulance operations

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

''(1) The number of helicopters that the certificate holder uses to provide helicopter

air ambulance services and the base locations of the helicopters.

''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

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

''(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

''(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, 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 a summary of the data collected under subsection (a).

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.''.

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

''Sec. 44732. Helicopter air ambulance operations.

''Sec. 44733. Collection of data on helicopter air ambulance operations.''.

SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

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

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

(c) REPORT TO CONGRESS.—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.

SEC. 314. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report containing its findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

Page 121, strike line 2 and all that follows through line 15 on page 125 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) REPORTS AND RECOMMENDATIONS TO SECRETARY.—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

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

''(D) TERM.—The Director shall be appointed for a term of 5 years.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

''(I) further investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

''(II) corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

''(E) PROCEDURE.—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall—

''(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation, in accordance with established record retention requirements; and

''(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

''(8) DISCIPLINARY ACTIONS.—The Secretary shall exercise the Secretary's authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

''(9) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations; and

''(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.''.

Page 130, line 17, after ''Agency'' insert '', including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors,''.

Page 132, line 21, strike ''GAO'' and insert ''INSPECTOR GENERAL''.

Page 132, line 22, strike ''Comptroller General'' and insert ''Inspector General of the Department of Transportation''.

Page 133, line 2, strike ''Comptroller General'' and insert ''Inspector General''.

Page 134, lines 6 and 7, strike ''Comptroller General'' and insert ''Inspector General''.

Page 134, after line 13, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 401. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking ''**SCHEDULED**'' and inserting ''**PASSENGER**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.—An individual may not smoke in an aircraft —

''(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

''(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

''(1) in scheduled passenger foreign air transportation; and

''(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on flights.''.

Page 147, line 3, strike ''Secretary'' and insert ''Secretary of Transportation''.

Page 148, lines 19 and 20, strike ''April 1, 2009'' and insert ''October 1, 2009''.

Page 150, strike lines 1 through 10 and insert the following:

(1) Section 47124(b)(3)(E) is amended to read as follows:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not more than $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012 may be used to carry out this paragraph.''.

Page 174, after line 4, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 426. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by this Act) is further amended by adding at the end the following:

''§ 41725. Musical instruments

''(a) IN GENERAL.—

''(1) INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator without charge if—

''(A) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator of the Federal Aviation Administration; and

''(B) there is space for such stowage on the aircraft.

''(2) LARGE INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment that is too large to be secured in a closet, baggage, or cargo stowage compartment approved by the Administrator, if—

''(A) the instrument can be stowed in a seat, in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator for such stowage; and

''(B) the passenger wishing to carry the instrument in the aircraft cabin has purchased a seat to accommodate the instrument.

''(3) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

''(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

''(4) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

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

''41725. Musical instruments.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

Page 183, after line 21, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 505. SOUNDPROOFING OF RESIDENCES.

(a) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—Section 47504(c)(2)(D) is amended to read as follows:

''(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) to soundproof—

''(i) a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

''(ii) residential buildings located on residential properties in the noise impact area surrounding the airport that the Secretary decides is adversely affected by airport noise, if—

''(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary's methodology and guidance, and the noise contours have been found acceptable by the Secretary;

''(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

''(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

''(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and''

(b) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

''(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—

''(1) ESTABLISHMENT OF CRITERIA.—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

''(2) ANALYSIS FROM COMPTROLLER GENERAL.—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

''(3) PRIORITY.—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 though 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).''.

Page 186, strike line 6.

Page 186, line 7, strike ''(2)'' and insert ''(1)''.

Page 186, line 8, strike ''(3)'' and insert ''(2)''.

Page 186, line 9, strike ''(4)'' and insert ''(3)''.

Page 196, strike line 23 and all that follows through line 6 on page 197 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 511. CABIN AIR QUALITY TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology should, at a minimum, be capable of—

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

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the research and development work carried out under this section.

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

Page 197, line 9, strike ''proposed''.

Page 198, after line 25, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 515. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 3 months after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than one year after the last day of the 3-month period referred to in subsection (a), and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

Page 206, after line 6, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

''(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;''.

Page 207, strike line 21 and all that follows through line 3 on page 208 (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

Page 223, line 24, strike ''March 31'' and insert ''September 30''.

Page 224, line 1, strike ''May 31'' and insert ''December 31''.

Page 225, line 16, strike ''May 31'' and insert ''December 31''.

Page 236, strike lines 19 and 20 and insert the following:

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

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) REALIGNMENT; CONSOLIDATION.—

(A) IN GENERAL.—The terms ''realignment'' and ''consolidation'' include any action that—

(i) relocates functions, services, or personnel positions;

(ii) severs existing facility functions or services; or

(iii) any combination thereof.

(B) EXCLUSION.—The term does not include a reduction in personnel resulting from workload adjustments.

Page 243, lines 15 and 16, strike ''flight crew members'' and insert ''pilots and flight attendants''.

Page 243, line 22, strike ''2009'' and insert ''2010''.

Page 254, line 1, strike ''temperature'' and insert ''temperature and humidity'' (and conform the table of contents accordingly).

Page 254, line 8, insert ''and humidity'' before ''onboard''.

Page 254, lines 13 and 14, strike ''temperatures'' and insert ''temperature and humidity''.

Page 254, line 19, strike ''temperature'' and insert ''temperature and humidity''.

Page 254, line 20, strike ''temperature'' and insert ''temperature and humidity''.

Page 254, line 23, strike ''temperature'' and insert ''temperature and humidity''.

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. ST. GEORGE, UTAH.

(a) IN GENERAL.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

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

(1) The city of St. George shall agree that in conveying any interest in the property that the United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value.

(2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 827. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions 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, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 828. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions

with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

Page 261, line 24, strike ''2009'' and insert ''2010''.

Page 266, line 19, strike ''2009'' and insert ''2010''.

Page 267, line 18, strike ''2009'' and insert ''2010''.

Page 270, line 14, strike ''2009'' and insert ''2010''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Chairman.

Because the fiscal year 2009 Omnibus Appropriations Act was already enacted in March, P.L. 111–8, this amendment strikes the 2009 funding authorization in the base bill. Therefore, with adoption of the manager's amendment, total funding provided for Federal Aviation Administration programs in H.R. 915 is approximately $53.5 billion, including $12.3 billion for the airport improvement program, $10.1 billion for facilities and equipment, $794 million for research and development, and $30.3 billion for operations.

The manager's amendment also addresses safety, the Airport Disadvantaged Business Enterprise System, and noise.

On the safety provision, it includes a requirement that FAA initiate a rulemaking to improve the safety of flight crew members, of medical personnel, passengers, and helicopters providing air ambulance services. The FAA must issue a final rule on these issues within 16 months after date of enactment of the act.

The manager's amendment requires the Comptroller General to study helicopter and fixed-wing air ambulance service, including the state of the industry to request and dispatch practices and economic and medical issues and report back to the Committee on Transportation and Infrastructure within 1 year.

DOT is required to review the study, to issue a report to the committee indicating policy changes it intends to make as a result of the study. It strengthens the aviation safety whistleblower protection office.

The manager's amendment includes very specific language with reference to the foreign repair station issue citing the agreement, the bilateral aviation agreement, which I've already cited. I don't need to cite it again. The amendment makes clear that the language in this bill is in keeping not only with the language of, but the spirit of, the U.S./EU aviation agreement.

The amendment applies the Disadvantaged Business Enterprise program and the Airport Concessions Disadvantaged Business Enterprise program to airports collecting passenger facility revenue. It provides more protection from noise for airport neighbors. Under existing law, the FAA is not permitted to fund soundproofing of residences to reduce airport noise unless the airport undertakes an extensive analysis, a Part 150 Study. The amendment allows grants for soundproofing without a Part 150 Study if the airport takes certain actions, such as preparing noise contours and implementing land-use zoning restrictions.

I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. PETRI. Thank you.

While there are clearly many useful provisions in the manager's amendment which we do support, there are, unfortunately, several which we do not. And the most important, or one of the important areas has been mentioned on a number of occasions already on this floor as we've gone forward, and that's the foreign repair station inspection language.

The manager's amendment continues to require twice annual inspections of repair stations in Europe. What does this mean? It means that the European Union will and does oppose this provision and has suggested that the provision will nullify the need for the bilateral aviation safety agreement. It certainly violates the spirit of the United States-European Union Bilateral Aviation Safety Agreement.

Under that agreement in section 15, countries are always allowed to inspect the other country's territory based on safety concerns. So there is flexibility and this is within the letter of the law of the treaty, as the chairman has pointed out. But it's certainly not within the spirit of the treaty. Our government is never going to concede jurisdiction over safety of American equipment and people and planes. And if there is a legitimate reason to inspect, we reserve the right to do it under that treaty. But not just automatic inspections whether there is any reason or not, which is what the amendment provides for.

This section 15 provides for inspection, but it does not envisage twice-annual inspections absent a legitimate risk-based safety concern. And that's the logic of the language of the treaty. If we don't abide by the spirit of the treaty, the EU has—and I believe will—walk away from the bilateral agreement and we will have to renegotiate another agreement which may end up giving us less, rather than more, flexibility to inspect when we determine based on information or concerns that have come forward that a particular inspection of a particular facility is warranted, which we have the right to do at any time under this treaty.

The Europeans do not have the personnel to conduct—well, I don't think our government has the personnel currently to inspect all of the stations that would be required to be inspected. And so we would revoke the certificates for repair stations that are not inspected and the Europeans would not be able to do that in our country. The result would be that a lot of work—all around, both parties to the agreement—would be moved around, at least; and the net loss, so far as between the United States and Europe is concerned would, it's my understanding, fall on American stations because currently a lot of European equipment is in fact maintained here in the United States. That's where the threat to the jobs comes from.

□ 1515

The provisions in the amendment having to do with inspection of stations is opposed by the airline industry; the aviation associations that have looked at it; the United States Chamber of Commerce; airline manufacturers; as I mentioned, the European Union; and some 50 of our colleagues, who signed a letter in opposition, I think probably inspired by concern about the jobs in their district at repair stations and dislocation of work at these stations, particularly the smaller ones, that was circulated by our colleague Mr. BARROW.

There are a number of other concerns about the amendment, particularly some concerns about the clarity of the whistleblower amendments and how those would actually be put into effect. Also, a concern about realignment and consolidation language which ties the FAA's hands.

The major concern we have, as I said, is especially in these tense times, where a small match could ignite a big fire in terms of trade relations. We are really playing with fire in the language that's contained in the manager's amendment having to do with inspection on a mandatory basis twice a year of all of these repair stations.

I reserve the balance of my time.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished Chair of the Aviation Subcommittee, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Thank you, Chairman OBERSTAR. I rise in support of the manager's amendment. Let me address a couple of issues that my friend, Mr. PETRI, and Mr. MICA spoke about as far as the agreement that we have and the foreign repair stations—the mandate that we inspect those repair stations at least twice a year.

Number one, the FAA not only has a right, but they have a responsibility to the flying public in the United States not only to inspect those repair stations when there is a problem or a complaint or an issue that is brought up, but they have a responsibility to inspect those repair stations and make sure that all of the repair stations both here in the United States and abroad are meeting the FAA regulations.

I wonder if the groups and organizations who wrote letters in opposition

to this read the Department of Transportation Inspector General's report where, and I quote, ''The DOT inspector general stated that foreign inspectors oftentimes do not provide the FAA with sufficient information to determine the items inspected, problems discovered, and corrective actions taken.''

The report goes on to say, ''In the files that the Department of Transportation inspector general reviewed, the inspection documents provided to the FAA were incomplete or incomprehensible 88 percent of the time, hampering the FAA's ability to verify the inspections conducted on its behalf adhered to FAA safety standards.''

So let me just say that for those who are concerned about this requirement of having two physical inspections of foreign repair stations, this is the same language that was in the bill that was passed by this House by a vote of 267 Members in favor of the legislation. It is the exact same language—to have two inspections per year of foreign repair stations.

The final point that I would make is we, again, in this legislation provide additional funding to the FAA to hire additional inspectors to carry out these inspections.

Mr. PETRI. I would like to speak for a brief moment on a comment my colleague just made, and that is there is a bit of an impression being left that if we don't have these two inspections a year of these foreign European repair stations, they won't be inspected.

They are inspected. In fact, in a number of jurisdictions, the standards that are imposed on these facilities by the European Union and the governments and jurisdictions in which they exist are stricter than our own standards are.

So we do reserve the right now to inspect those stations if there is a problem. But to go ahead and require two inspections a year of stations that are already inspected by standards that we have concluded after experts have looked at it are perfectly adequate is really setting up a dynamic which will end up being disruptive to the industry and to good cooperative relations with our European allies.

I reserve the balance of my time.

Mr. OBERSTAR. I reserve the right to close.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

Mr. OBERSTAR. It's my amendment.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

PARLIAMENTARY INQUIRY

Mr. OBERSTAR. Parliamentary inquiry. Is the right to close reserved to the opposition to the amendment?

The Acting CHAIR. A manager in opposition to the amendment has the right to close. Mr. PETRI is a manager in opposition.

Mr. OBERSTAR. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank Chairman OBERSTAR again. Mr. PETRI, I would just finally say again that we have the Department of Transportation inspector general report. We understand that there are a number of inspections that take place by other agencies outside of the FAA.

But let me again read to you from the Department of Transportation inspector general. ''In the files that the DOT IG reviewed, the inspection documentation provided to the FAA was incomplete or incomprehensible 88 percent of the time, hampering the FAA's ability to verify that inspections conducted on its behalf adhered to FAA safety standards.''

What we are simply saying is that we want the FAA to go to foreign repair stations and physically inspect them twice a year. And we are saying to our friends in Europe if they want to inspect repair stations that they are using here in the United States twice a year, or more than twice a year, they are more than welcome to do that.

We believe that we have the right—not only the right, but an obligation to the flying public to require these inspections.

I would also finally note we're talking about agreements that were negotiated by the past administration with our friends in Europe, and the past administration did not consult the Aviation Subcommittee or the Transportation Committee or the Congress when they negotiated these agreements.

So we believe this is a reasonable thing to do. It was in the last bill that passed the Congress in September, 2007; 267 Members voted in favor of that bill with this provision in it. And we believe that it is the right thing to do and a reasonable thing to do, and it's an obligation we have to ensure the safety of the flying public.

Mr. PETRI. I understand that since the gentleman from Minnesota is amending the bill and I'm a member of the committee, I have the right to close.

The Acting CHAIR. The gentleman does have the right to close.

The gentleman from Minnesota has approximately 2 minutes remaining.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I rise to highlight my provision in the manager's amendment of the FAA authorization which directs the GAO to conduct a nationwide study of helicopter medical services.

On April 22, the Aviation Subcommittee held a hearing on oversight of medical helicopters, which confirmed my concerns about this industry. A recent and disturbing increase in safety-related incidents involving helicopter medical services impacts real patients who have been harmed or put at risk in areas where there is fierce and unregulated competition among medical helicopters.

The language that I provided Chairman OBERSTAR provides for a study to illuminate the troubles in the helicopter medical services industry and prevent unnecessary deaths and injuries among our country's most vulnerable medical patients.

I look forward to working with the Department of Transportation following this study to fully implement these issues literally of life and death.

Mr. OBERSTAR. Mr. Chairman, I will close to say that although we have beaten this repair station horse to death with 30-second cameo commentaries about threats of job losses, the point is safety. We must never negotiate away the right of the United States FAA, the gold standard for safety in the world, to assure that aircraft on which our fellow citizens travel are maintained properly and in accord with FAA standards and with certificated facilities and properly certificated maintenance personnel. And our right to inspect them should not be inhibited.

The previous administration should never have negotiated away any such right or presumed to limit our ability.

We are acting in this language in this bill under the authority of the U.S.-EU Aviation Agreement. It specifically says so. And for us to come in and inspect only when there is a problem is the graveyard mentality that got the FAA out of problems and fatalities in the eighties. We're not going to repeat that in the future.

Mr. PETRI. The concern about this amendment is that we do have the ability to inspect if there's a reason now to inspect. It's very unlikely if this were to become law we would immediately have in place the inspectors necessary to inspect all of these European stations twice a year. As a result, the certification of many of them would be pulled. It would force retaliation by the Europeans on our own stations.

If it was a sincere amendment, it would provide that it not go into effect until the government had an opportunity to inspect all of these stations twice. And it does not do that. We know how effective government is. It will take them years to man up and find all of these European stations. And so we oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LEE OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 111–126.

Mr. LEE of New York. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LEE of New York:

Page 259, after line 22, insert the following (with the correct sequential designations and conform the table of contents of the bill accordingly):

SEC. 826. PILOT TRAINING AND CERTIFICATION.

(a) INITIATION OF STUDY.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) DATA COLLECTED.—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

(c) CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and

(3) such other matters as the Comptroller General determines are appropriate.

(d) REPORT.—Not later than 12 months after the date of initiation of the study, the Comptroller General 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 results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

□ 1530

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from New York (Mr. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. LEE of New York. Thank you.

I want to start by thanking my colleagues from western New York, Ms. SLAUGHTER and Mr. HIGGINS, for signing on to this amendment and the support they have given to the families of the victims of flight 3407. The need for this amendment arose due to the revelations that came out of the NTSB hearings held last week and the causes of the crash. As I'm sure many Members of this distinguished body know by now, the crew of flight 3407 was not adequately trained to execute maneuvers that may have prevented this tragedy. All 49 people onboard lost their lives in addition to one person on the ground. Here we had a case of a regional carrier, Colgan Air, operating under the banner of a major commercial airline. So the passengers were flying on a Colgan plane but were holding Continental Airline tickets. This is not unusual. In fact, regional carriers now make up almost half of the Nation's daily flights. These revelations, combined with the fact that all of the multiple fatality commercial plane crashes that have occurred in this country since 2002 have been on regional carriers, have left the families and the public with more questions than answers.

This amendment would instruct the GAO to conduct a thorough investigation of all commercial airline pilots' training and certification programs, including the standards the FAA uses for such programs, how quickly air carriers update and train pilots on new technologies, and what warning technologies are in place to signal impending danger. This top-to-bottom review will provide the American people with an independent look at the disparity in training between the regional carriers and major commercial airlines and, more importantly, what impact it has on passenger safety.

I want to submit a message from Kevin Kuwik, whose girlfriend lost her life in the crash. Kevin has been speaking on behalf of the families.

''In the past 3 months, our group of families has struggled to come to terms with the fact that this tragic accident was, seemingly, very preventable. This action represents an important step in ensuring that all pilots are trained at the highest level possible, especially in the critical areas of stall recovery and cold weather operations, to prevent other families from having to suffer through what we have.''

I want to echo the forward-looking aspect of Kevin's statement. This is not about assigning blame to any one individual or entity. While it is horrifying to think that this tragedy may have been avoided, this comprehensive review would expose information that would help the aviation industry reform its training practices to ensure passenger safety and confidence.

I want to close by again thanking my colleagues from western New York, Ms. SLAUGHTER and Mr. HIGGINS, for agreeing that there is a need for this action and, more importantly, for the support they have given to our community in the months since the tragedy occurred. I urge the adoption of this amendment.

I reserve the balance of my time.

Mr. HIGGINS. I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. HIGGINS. I yield myself as much time as I may consume.

Mr. Chairman, I am pleased to join my western New York colleagues, Congressman CHRIS LEE and Congresswoman LOUISE SLAUGHTER, in offering this amendment to require a Government Accountability Office study of commercial airline pilot training and certification programs.

On February 12, 2009, 50 lives were lost when Continental Connection flight 3407 crashed into a house in Clarence, New York, 5 miles from the Buffalo Niagara International Airport. What was to be a joyous reuniting of family and friends became a time of unspeakable grief and sorrow. It is a tragedy our community continues to grapple with today.

Last week, the National Transportation Safety Board held public hearings on the crash. The investigation raised the issue that the crew's level of hands-on training and experience with the plane's safety system may have contributed to the crash. Given these findings, we must conduct a comprehensive review of the procedures governing the certification and training of pilots. This review will determine whether our pilots are receiving the training and experience they need to operate their aircraft under times of extreme difficulty and stress. We have an obligation to ensure that they are properly prepared to prevent, respond to and recover from the emergencies and circumstances they may encounter in flight.

This amendment will provide Congress with the information and analysis we need to determine whether pilot training and certification regulations are sufficient, or whether and how they should be strengthened. The devastation felt in the aftermath of this tragedy can never be undone. But we owe it to the families of the victims and to all air passengers to learn from this experience and to gather information that we can use to change the system and improve flight safety.

I thank Congressman CHRIS LEE for his leadership and for bringing this amendment to the floor. This is a good, commonsense amendment. I urge its adoption.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from New York (Mr. LEE) has 2 minutes remaining.

Mr. LEE of New York. I would like to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague CHRIS LEE from New York for yielding and rise in support of his amendment. It's an important step to prevent similar accidents in the future. It is something that we need to do, and I very much appreciate his offering the amendment at this time.

Mr. BOCCIERI. Mr. Chair, the resolution seeks a GAO study on all commercial airline pilot training and certification programs in the wake of new revelations surrounding the events that led up to the Continental Connection Flight 13407 tragedy.

FAA minimum pilot standards are long overdue for an overhaul.

It is my hope Congress will take a comprehensive look at these standards and make necessary changes. This study will help us determine what shortcomings currently exist.

The Colgan Air crash in Buffalo underscored the danger of not having fully trained pilots in the cockpit.

The flying public has a reasonable expectations that pilots will have all the critical training necessary to protect their lives in the air and make in-flight adjustments based on conditions; while investigations are ongoing—it is becoming clear Colgan did not meet those expectations in the Buffalo crash.

(1) Commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) The number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) How United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) What remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) What stall warning systems are included in-flight simulator training compared to classroom instruction;

(6) The information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

Mr. HIGGINS. Mr. Chairman, I yield back the balance of my time.

Mr. LEE of New York. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. LEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 111–126.

Ms. RICHARDSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. RICHARDSON:

Page 142, at the end of the matter following line 5, insert the following:

42304. Notification of flight status by text message or email.

Page 147, line 25, strike the closing quotation marks and the final period and insert the following:

''§ 42304. Notification of flight status by text message or email

''Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least 1 percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

''(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier a notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

''(2) the notification if the passenger requests the notification.''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, I have offered an amendment today which would give the FAA administrator 180 days to issue regulations to mandate giving consumers an option for text message and/or e-mail notification from carriers in the event of a delay or canceled flight. The amendment would, consistent with the existing regulations, apply to 18 major carriers who earn at least 1 percent of the domestic passenger service revenue and in that way those carriers could, in fact, provide a commonsense option for all passengers.

The reason for the amendment is that a limited number of carriers offer this service, and those who do often only provide the service to those who are willing to participate in membership clubs or incentives to join. With well-known horror stories of delayed and canceled flights, combined with the widespread capabilities for the use of cell phones and BlackBerrys nationwide, it's time to provide a 21st century solution to the American flying public. Americans and worldwide travelers are calling for solutions that would enable critical information people need to ensure proper planning in the case of a delay or cancellation.

There is overwhelming evidence that delays and cancellations continue to be a common nuisance.

About 24 percent of all flights, that is almost 1 out of 4, were delayed or cancelled in 2008. In a 2006 example that garnered media attention, thunderstorms shut down American Airlines' operations in Dallas-Fort Worth and passengers were stranded for nine hours or more.

Major chokepoints for travelers have been large, hub airports. Even when Chicago, New York, Atlanta or San Francisco is not your final destination, thousands of passengers are routed through those hubs for a connection.

Although, with a decline in air traffic due to our economic condition, progress is still slow in many of our major airports such as JFK or LaGuardia in New York, or Chicago's O'Hare. Even worse, San Francisco International actually saw an increase in delay times by 6 percent from 2007 to 2008.

There are many reasons that a delay could occur and unfortunately most passengers are not aware, for example, of poor weather conditions in other cities that indirectly affect their flight. In one example, a direct flight last year from Denver to Alabama was delayed 8 hours because the airline did not have a plane available. The plane was grounded in Aspen, Colorado due to snow and could not make the trip to Denver.

This is a common example of an airline having prior notice of an upcoming delay. The airline could have sent each passenger who requested it an email or text message, and those passengers could have more time to plan a different route or contact their family with the news.

This past March, snow slammed the East Coast unexpectedly. In the New York region alone, the storm caused 350 cancelled flights at Newark Airport, 115 at JFK, and 450 at LaGuardia.

One woman, Ms. Marreta Rashad, did not find out her flight home to Houston was cancelled until she had already made the long trek to LaGuardia. ''I'm not unhappy about the snow,'' she said. ''I'm unhappy about the fact they don't notify you.''

Customer service matters. Why? It is in the economic interests of this nation for the continuation of a stable aviation industry while protecting their customers and providing them with the tools to make informed traveling decisions. The summer travel season is coming and it is important for every American business, large and small, that folks travel around the country to keep our tourism sector strong.

It is important to note that this amendment does not call for the aviation carriers to provide the service at no cost; similar to if someone makes a 4–1–1 information call on their cell phone, passengers will pay whatever their telecommunications or electronic plan requires. But, passengers should have the piece of mind to know that if they choose, they will be armed with the latest information.

I want to thank Chairman OBERSTAR and Chairman COSTELLO for their feedback on this amendment. I urge all my colleagues to support this commonsense amendment.

Mr. COSTELLO. Will the gentlewoman yield?

Ms. RICHARDSON. I yield to the gentleman from Illinois.

Mr. COSTELLO. Let me say that you have made a very strong case, and we accept your amendment.

Ms. RICHARDSON. I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise with concerns about the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes in opposition.

Mr. PETRI. I think we can all agree that notifying passengers of their flight's status is quite important. But I would like to express a number of concerns about the amendment. It's an important area, and we would like to work on it, but we want it to be an effective amendment that would not have unintended consequences. So it is in that spirit that I express concerns about the amendment.

We worry that the amendment will have negative, as I said, unintended consequences on some air carriers. Although it only applies to carriers that earn at least 1 percent of domestic passenger service revenue, this amendment will still affect many regional carriers that do not have the capability of carrying out the mandates of the amendment. The vast majority of regional carriers do not issue tickets. This is done by their mainline air partner. Thus, these regional carriers do not even have their passengers' contact information, making the requirement impossible to adhere to by them. They would have to be relying on their mainline partner.

The Regional Airline Association believes that this amendment, as currently written, would require a fundamental restructuring of the contracts and partnership language between the regionals and the mainline carriers that could affect the relationships in a number of ways.

I hope that my colleagues will join me in working as we go forward to refine this amendment so that it

achieves its intended notification to passengers without economically damaging consequences on the balance of power between the small regionals and the mainline partners that they have.

Mr. OBERSTAR. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Could the gentleman explain whether his position is just raising questions or is he in opposition to the amendment?

Mr. PETRI. We're just raising questions. We agree the amendment is an important one, and it addresses a real need. We just want it not to have the unintended consequence of benefiting the mainline ticket processing operations at the expense of the small regional carriers which, if it was a mandate, it might have the effect of doing. It is not the intention of it, but it would be an unintended consequence because these people would need to get the information to comply from someone else, and that person, foreseeably, could affect the contract relationship.

Mr. OBERSTAR. If the gentleman would further yield, it's a legitimate concern, and we will address that concern—I assure the gentleman—as we move forward to hopefully conference with the Senate. I would like the distinguished ranking member to give us some further elaboration of these issues. We will address those.

Mr. PETRI. With the assurance of the chairman, at this time we would be happy to see the amendment move forward, knowing that it will be refined as we go forward.

I yield back the balance of my time.

Ms. RICHARDSON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111–126.

Mr. BURGESS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BURGESS:

Page 259, after line 22, insert the following (with the correct sequential designations and conform the table of contents of the bill accordingly):

SEC. 826. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Thank you.

Today Congress will vote on H.R. 915, which will reauthorize the funding and Safety Oversight Program of the Federal Aviation Administration for 4 years. This will cost the American taxpayers $70 billion. Yet again, another omnibus bill for yet another historic amount of money, and this time spent for the FAA. Where will this money come from? The money will not come from large commercial airlines. These fees will not be generated alone by labor and the efforts of big businesses. These fees will come from the average American already struggling to make ends meet. For instance, this bill will increase the Passenger Facility Charge on airline flights from $4.50 to $7. So every American flying will now have to pay $2.50 more for each trip. In these tough and trying economic times, every dollar counts. So how can we justify making our constituents and airline consumers pay more money to fly and visit their relatives?

This bill will also create new fees for registering an aircraft. A new fee for the issuance of aircraft certificates, a new fee for the issuance of special registrations, a new fee for recording security interests, and a new fee for legal opinions for aircraft registration or recordation. There is even a new fee for replacing or issuing airman certificates. It begs the question, what won't we be imposing a new fee upon?

At least with this bill, a vote for it will affect everyone. Everyday travelers, tourists, small businesses and large businesses alike will have their pocketbooks affected. I refer specifically to the language in this bill regarding the antitrust immunity sunset, which would terminate airline codesharing alliance agreements between airlines and the United States Government. Most major U.S. airlines are members of one of three partnerships. They entered into these alliance agreements in the late eighties and the early nineties under both Republican and Democratic Presidential leadership, with full review of the U.S. Department of Transportation as well as the Antitrust Division of the U.S. Department of Justice.

Now it has been estimated that these airlines will lose almost $5 billion in 2009 alone due to the precipitous drop in passengers.

Mr. OBERSTAR. Will the gentleman yield?

Mr. BURGESS. No. Let me continue because my time is short.

We are punishing the American consumer by increasing the Passenger Facility Charge, and now we're punishing the American consumer by inconveniencing their ability to book travel. I can only begin to imagine the increase in costs when we eradicate these alliances. However, there is one issue in the bill which is clearly bipartisan and which none of us would ever stand in disagreement upon, and that is the issue of safety.

□ 1545

Every citizen should be safe when they fly, and those who act to ensure our continued safety must be recognized and protected. If any element of safety is compromised, then we deserve to know.

The amendment I offer today does not give whistleblowers any new laws to pursue legal action. The amendment only proposes to preserve the laws that they already have and certainly not give them any less. They should not be faced with retaliatory firings. They should not have retribution taken in their private, non-work lives.

Individuals in the world of the Federal Aviation Administration should be able to speak up and speak out when safety is being compromised. Whether it is the Federal Government, a private company, or their fellow colleagues who compromise safety, these brave people are entitled to the full protection of the law when they inform the public as to how our safety is compromised.

In my district we have had several instances of constituents who have acted as whistleblowers. Some have had their claims fully investigated and overseen by the FAA. Some have not. Some have been punished for speaking out. Some have not. We must make certain that every whistleblower is treated fairly and equally. Each and every claim reported to the FAA should be properly reviewed. I asked in November of 2008 to conduct an oversight and investigations hearing focusing on whistleblowers.

I would like for this letter that I sent to my Subcommittee of Oversight and Investigations to be included in the RECORD.

NOVEMBER 18, 2008.

Hon. BART STUPAK,
Chairman, Oversight and Investigations, Washington, DC.

DEAR CHAIRMAN STUPAK, When we spoke a few weeks ago, I mentioned a situation relating to the Dallas-Fort Worth's Terminal Radar Approach Control (DFW TRACON) that could place the safety of the flying public at risk. I believe that this issue should be of interest to you as Chairman of the Energy and Commerce Committee's Oversight and Investigation Subcommittee as an example of how certain whistleblowers courageously reported abuses of the public trust in an attempt to change FAA's safety and management culture. If you are contemplating a hearing during the 111th Congress focusing on federal whistleblowers, I believe the addition of any one of the brave Americans involved in this particular situation would provide a valuable perspective.

This dangerous situation came to light when one of my constituents, Anne Whiteman, raised concerns about the Federal Aviation Administration management at DFW TRACON. Her concerns were that senior managers and air-traffic controllers intentionally misclassified near-miss events as pilot error when in fact they were due to controller error in order to avoid investigation of these incidents and potential disciplinary action. The Office of the Inspector General at the Department of Transportation, at the direction of the Office of Special Council, initiated an investigation and in April 2008 they concluded that Anne Whiteman's concerns were well-founded. Their report confirmed that senior management officials at the FAA jeopardized the safety of our citizens by misclassifying air traffic events

merely so they could falsely improve their quality ranking.

As per DOT procedure, this report by the DOT's OIG was referred to the Office of Special Counsel, and on November 14, 2008, they issued their report also finding Anne Whiteman's facts to be reasonable. OSC found that the DFW TRACON acted to systematically mischaracterize operational errors as pilot errors. The OSC found this systematic behavior directly resulted from a general lack of oversight at the FAA and also made recommendations to mitigate and avoid this type of situation in the future. I have included a copy of the OSC final report and the OIG April 2008 Memorandum for your review.

Thank you for your consideration of this request. As always, it is a pleasure working with you. Even though we do not always see eye-to-eye on every issue, I know both you and I share a desire to ensure that those entrusted with the public's safety are held accountable.

Sincerely,

MICHAEL C BURGESS,
Member of Congress.

I wanted this Congress to look into how certain courageous whistleblowers report abuses of the public trust and how the FAA's safety and management culture responds.

Now, I am well aware that we have stopgap funding for the FAA. Perhaps as a result of this, the FAA has not had the time, the energy, or the resources to do proper oversight and investigations. Perhaps they have not had a chance to look into each and every whistleblower action. If this is the case, then the solution is not to create new laws, thus new actions for the FAA to undergo. The solution is not to give them unheard of amounts of money by taxing consumers.

Instead, let us give the FAA the resources they need to do the proper oversight and investigations and ensure that the safety of our citizens is our first and foremost concern. My amendment will recognize the role whistleblowers play in creating a safe flying environment, and I hope Members will join me in supporting their important role.

Mr. PETRI. Will the gentleman yield?

Mr. BURGESS. I yield to the gentleman from Wisconsin.

Mr. PETRI. The amendment affirms the sense of Congress that whistleblowers at the FAA should be fully protected by law, and we support the amendment.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, although I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. It was unclear to me what the gentleman was proposing. His amendment deals with whistleblowers, but his conversation rambled all over the lot on other provisions of the bill, and I was simply going to ask the gentleman if he was ever going to get to his amendment. And eventually he did.

We accept the whistleblower amendment. However, the gentleman is misguided about the passenger facility charge. We do not require airports to impose passenger facility charges, Mr. Chairman. It is a local option. They either do or they do not as airport needs require. If they want to expand airport runway capacity, taxiway capacity, parking apron capacity on the air side of airports and need, in addition to the airport improvement funds, additional revenues to do that, they will have to justify to their board, to their community, to those who use that airport, they have to justify their proposal to increase the passenger facility charge, show how it is going to be used, show how the revenues will contribute to improvement of aviation service and do it all in a public process.

I'm puzzled as to the gentleman's concerns about that provision and many others.

I yield to the gentleman from Illinois, the Chair of the subcommittee.

Mr. COSTELLO. I thank you for yielding, Mr. Chairman.

The point that I would make about the passenger facility charges is exactly the point that Chairman OBERSTAR just made. It is permissive. It is up to the local airport authority. And if, in fact, there is a passenger facility charge collected, it stays there at the local airport.

Mr. PAYNE: Mr. Chair, I rise in strong support of the Burgess amendment to ensure whistleblower protection for FAA employees, and I commend Dr. BURGESS for offering this amendment. I have been deeply disturbed at the situation at Newark Liberty International Airport in my congressional district of Newark, New Jersey. The safety concerns raised by a number of our air traffic controllers, the professionals we rely on to get us safely to and from our destinations, have been virtually ignored.

We have a situation where wrong turns caused by pilots' confusion over the FAA's new procedure have resulted in near-collisions. Yet, when the air traffic controllers have expressed alarm, the response of FAA management has been to retaliate against the employees who are trying to guard the safety of the flying public. Let me also add that I am disappointed that New Jersey communities, especially those in Essex and Union counties in my congressional district, are being forced to bear an unfair share of the noise burden under the airspace redesign plan. I hope that the new FAA administrator will address both the whistleblower protection issue and the need to reexamine the airspace redesign plan.

Mr. OBERSTAR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR, AS MODIFIED

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 111–126.

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CUELLAR:

Page 258, after line 11, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as ''FAA radars'') in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, as necessary, and testing and deployment of alternate solutions, as necessary.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I ask for unanimous consent to modify the amendment with the modification at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 5 Offered by Mr. CUELLAR, as modified:

Page 258, after line 11, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as ''FAA radars'') in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the

Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

Mr. CUELLAR (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the modification.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank first, of course, our chairman, Mr. OBERSTAR, for his leadership on this bill.

My amendment will assess the effect of the FAA's radars and alternative technology development especially on wind farm development and when appropriate direct the administrator to develop a process for the relocation of those radars if a suitable alternative site is identified. This bipartisan amendment was bourn out of conversation with the FAA and the Transportation and Infrastructure's Aviation Subcommittee. I certainly want to thank the chairman also.

Mr. Chairman, I want to be clear that nothing in this amendment shall be construed to constrain the issuing of a determination of no hazard to air navigation for wind construction projects while the study is underway. I have included clarifying language in my modified amendment, and I intend to work with Chairman OBERSTAR and the Senate in the conference to ensure that the legislative intent of this amendment stays there so we don't halt the issuance of permits for wind technology.

Mr. COSTELLO. I ask the gentleman to yield.

Mr. CUELLAR. Yes, sir.

Mr. COSTELLO. The gentleman has made a strong case. We accept the amendment, and we will submit a statement in the RECORD.

Mr. CUELLAR. I would like to yield 1 minute to Mr. MCCAUL.

The Acting CHAIR. The gentleman from Texas is recognized for 1 minute.

Mr. MCCAUL. I thank the gentleman from Texas, my good friend, Mr. CUELLAR.

Mr. Chairman, I rise in support of this amendment that I'm proud to cosponsor. I urge its adoption. As we all know, the development of alternative energy is of supreme importance to this country both as an economic and a national security issue. I believe in the all-of-the-above energy policy that includes more energy domestically.

Unfortunately, in our home State of Texas, the construction of wind farms has been delayed because such farms interfere with radars used by the FAA. The amendment is simple. It requires the FAA to study and report to the Congress on the impact radar replacement can have on the development of renewable energy facilities. If they can still achieve their national security and public safety goals from an alternative location while still accommodating the development of renewable energy, then Congress should know this so we can then take appropriate action.

Mr. CUELLAR. I just want to thank Mr. OBERSTAR and Mr. COSTELLO for their time and Mr. MCCAUL, Mr. ORTIZ, and Mr. RODRIGUEZ, who also cosponsored this amendment.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

If not, the question is on the amendment, as modified, offered by the gentleman from Texas (Mr. CUELLAR).

The amendment, as modified, was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111–126.

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL:

Page 259, after line 9, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes. The Chair recognizes the gentleman from Texas.

Mr. MCCAUL. Mr. Chairman, I rise today to offer this amendment that would prohibit naming airports, Federal programs, and other projects under the FAA's jurisdiction after sitting Members of Congress. Although such instances are rare, this practice further erodes the public trust in this institution and its Members.

Recent press reports from the John Murtha Johnstown-Cambria County Airport highlight this problem. The airport received $800,000 from the stimulus package to upgrade its alternative runway. Whether or not that is a wise use of money is not the question this amendment is intended to address. Rather, the problem is that the perception of the American people is that this little airport is getting special treatment because it is named after Congressman MURTHA.

This perception feeds the belief that Members of Congress are arrogant and out of touch with the American people that we represent. This is a problem that exists in other areas of the Federal Government as well. There are courthouses, such as the ones named after Senator THAD COCHRAN of Mississippi, and then there is the Charlie Rangel Center for Public Service. There are also various roads and bridges across the country named after Members of Congress and everything from schools to clinics to prisons in West Virginia named for Senator BYRD.

Unlike the bill I have introduced to end this practice, this amendment is limited only to the scope of projects authorized by the underlying bill. But with this first step, we can start to correct this and hopefully begin anew to restore some of the standing that this great institution has lost with the people that it serves.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

I yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. The amendment that the gentleman offered would help restore confidence in the public's mind that the projects and programs included in the authorization bill are for the public benefit.

I would like to thank you for offering the amendment.

I urge my colleagues to support the amendment.

The Acting CHAIR. The gentleman from Texas reserves the balance of his time.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, although I think I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I just want to make it clear that the language of the amendment is general in nature. And Mr. Chairman, I ask of the offeror of the amendment, although he referenced sitting Members of the House and Senate, he does not intend this language to apply to any specific Member, is that correct?

Mr. MCCAUL. Will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman.

Mr. MCCAUL. This amendment is not intended to be applied retroactively. It would only apply to then Members—

Mr. OBERSTAR. The language is not intended to apply, my question is, to any specific Member?

Mr. MCCAUL. That's correct.

Mr. OBERSTAR. It was a few years ago, quite a few years ago, 1996 to be exact, that the Republican majority foisted upon the Washington Airport Authority a requirement to designate, redesignate the name of the airport serving the Nation's capital. They started out this amendment by the

gentleman from Georgia, Mr. Barr, to name it ''Reagan National Airport.'' We pointed out that is renaming the airport. It is named for the first President of the United States.

That language was changed to call it the ''Washington-Reagan National Airport.'' Not only did the amendment require the Washington National Airport Authority to change the name of the airport, but it was made very clear to me that if they did not do that, and if they did not change the signs at their expense, that funds would be withheld from Washington National Airport. That was mean. That was vicious. It was done because there was the power to do it. And it was the wrong thing to do.

Now we should not be naming facilities for sitting Members of the House or of the other body. The plain language of the amendment is right, and that is the practice that we have followed. And I accept that. But I would just point out, as I did in that debate in 1996, that when the question of naming the new airport in Loudoun County came up, Senator Dole offered the amendment to give the Washington National Airport Authority the authority to designate a name for that airport. He did not say what name it should be. The airport authority named it.

I was of a mind to include such language in this bill, but I withheld doing it, to reestablish the power of the Washington National Airport Authority to rename that airport, should they choose to do so. It is their authority. It is not ours. And the then-majority ran roughshod. And I said to the gentleman from Georgia, you would scream to high heaven if the Congress tried to do this to an airport in your community, in your district. You would scream to high heaven if we told you what name to give it and to change the signs around the airport at your expense. But you are doing it out of harshness to the Nation's capital.

□ 1600

That's the wrong attitude, and the gentleman's amendment is in the right spirit.

But I just want to say for some of the interventions that I've heard on this floor that I've had it a little bit with posturing. This is not posturing. This is right. This is fair. We ought to do it, and we accept the amendment, but just know that there is a painful history and a wrong history about naming facilities.

I yield back the balance of my time.

Mr. MCCAUL. Mr. Chairman, I share in the same spirit with Chairman OBERSTAR. I think it's the height of arrogance for us to name, at taxpayer expense, buildings after sitting Members of Congress, people in the Congress, currently serving, and that's what the American people resent about this institution. And I appreciate the bipartisanship you bring to this.

I would also say that President Reagan was not in office at the time of the naming, and I thought it was very fitting to have named it after President Reagan, as it would be if a Member of Congress retires from this institution and the Congress decides to name a building after a retired Member of Congress.

But it is entirely inappropriate for a Member of Congress to use taxpayer dollars to name a building after himself or herself to glorify themselves.

So, with that, I thank the chairman for his bipartisanship on this issue.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCCAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111–126.

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MURPHY of Connecticut:

Page 183, after line 21, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

''(g) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

I'd like to thank Chairman OBERSTAR and Chairman COSTELLO and the minority members on the committee for allowing this amendment to come before us today.

Every year, the FAA works with local communities and local airports to address and try to remediate noise and safety issues. In my district, that's happening with respect to the Waterbury-Oxford Airport, which has changed over time: a lot more jet traffic, a lot more noise and increased safety concerns for, in particular, a neighborhood, the Triangle Hills neighborhood, which sits in the town of Middlebury.

We are undergoing a process right now to potentially purchase and relocate some of the people who live in that neighborhood. A problem, though, potentially arises in that during the process of notifying the neighborhood and the community about a relocation effort, the value of those homes is going to normally drop. It is standard practice in the FAA to make sure that in assessing the value of those homes that you do not allow for the decrease in value due to the notice regarding a potential relocation. This amendment simply seeks to take that standard practice issued in guidelines to local Departments of Transportation and put it into statute.

This is going to make sure that these processes of relocation ensure that people in the Triangle Hills neighborhood and like neighborhoods around the country get the fair market value for their homes, but also, I think it will allow this program to work more efficiently as it goes forward. I think residents will be much more willing to enter into these type of noise remediation and safety remediation plans if they have some assurance that they are going to get a fair price for their homes.

So I thank again the chairman and the ranking member for working with us on this amendment; and on behalf of the dozens of residents of the Triangle Hills neighborhood, we thank you for allowing us to bring this amendment before us.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition, though I do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. We accept the gentleman's amendment, if the gentleman is prepared to yield his time.

Mr. MURPHY of Connecticut. I yield back the balance of my time.

Mr. OBERSTAR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. CASSIDY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 111–126.

Mr. CASSIDY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CASSIDY:

Page 159, line 8, strike ''and''.

Page 159, line 12, strike the period at the end and insert ''; and''.

Page 159, after line 12, insert the following:

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Louisiana (Mr. CASSIDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CASSIDY. Mr. Chairman, like many Members of the House, I represent a city with a small hub airport. While multiple airlines provide service at small hub airports, most flight routes have only one airline option. Many of my constituents perceive that this lack of competition creates a higher rate of delayed flights. I share their concern and offer this amendment to require the Department of Transportation to study the issue.

Specifically, the Department would analyze whether the lack of competitive flight options on some routes affects the frequency of delays and cancellations. The Department is already required to report on flight delays and cancellations, and my amendment would strengthen this report.

Mr. Chairman, the availability of competitive options on flight routes is affected by a number of factors which may include industry consolidation and lack of competition on certain routes, as well as the size of the community served.

This amendment would give us greater understanding about the cause of flight delays at small and medium hub airports so that we may continue to improve air service for those communities. I urge adoption of the amendment.

Mr. PETRI. Would the gentleman yield?

Mr. CASSIDY. I would yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague for yielding to me.

The amendment he has offered supplements a Department of Transportation Inspector General study on flight delays and cancellations in the base bill by adding to the Inspector General's review a requirement to assess the effect limited air carrier service options has on the frequency of delays and cancelations on such routes.

This is a useful amendment and important to many service airports in our country, and I support the amendment and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to claim time in opposition, though I do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. We accept the amendment. If the gentleman is prepared to conclude his remarks and yield back, we can proceed. I yield back.

Mr. CASSIDY. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. KILROY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part C of House Report 111–126.

Ms. KILROY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. KILROY:

Page 115, after line 7, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 312. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to preventing or mitigating the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from Ohio (Ms. KILROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Mr. Chairman, I yield myself 2 minutes.

I rise today in support of my amendment to raise the profile of dangerous incidents involving smoke in the cockpits of aircraft. Smoke in cockpits is a factor in an unscheduled emergency or emergency landing every single day in North America. This dangerous in-flight occurrence has already claimed over 1,230 lives.

In 2007, a top NASCAR official and his pilot were killed after their plane crashed within minutes of radioing an emergency because of smoke cascading into the cockpit. The crash also killed a mother, her 6-month-old infant and a 4-year-old next-door neighbor when the plane struck into the heart of their Florida neighborhood.

The National Transportation Safety Board has addressed the issue and considers smoke inside the cockpit and cabins to be a ''serious issue.'' The NTSB has made recommendations to the Federal Aviation Administration for decades on this very issue. The FAA does not consider smoke interfering with the pilot's vision as a ''unsafe condition,'' despite more than 70 major events in the last 4 decades and NTSB recommendations.

This amendment would gather the data that could prove the need for better equipment and save thousands of lives in the future.

Today, I look forward to voting for this important reauthorization of the FAA. I want to thank Chairman OBERSTAR and Chairman COSTELLO for their excellent work on this bill, including protections and rights guaranteed to the 2 million airline passengers that fly in this country every day. The Committee on Transportation and Infrastructure and the Aviation Subcommittee have taken historic steps to improve flying experiences for passengers, as well as invest in modernizing critical safety systems like air traffic control.

Once a plane has taken off and is in control of the pilot, smoke in the cockpit can be deadly. There will be nothing our safety systems on the ground or air traffic controllers in the tower could do to help.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. I claim time in opposition, although I do not intend to oppose the gentlelady's amendment.

The Acting CHAIR. For what purpose does the gentleman from Wisconsin rise?

Mr. PETRI. Well, I was going to rise in opposition, even though I don't oppose the amendment either. We would support the amendment and urge its speedy passage.

This amendment seeks to improve aviation safety by requiring the Government Accountability Office (GAO) to conduct a study on FAA oversight of programs intended to prevent or mitigate the dangerous effects of smoke in airline cockpits.

Cockpit smoke can occur due to a variety of reasons, some which are not always imminent threats.

While the FAA has approved several technologies to deal with cockpit smoke, such as specially designed pilot goggles, not every technology is appropriate for all types of aircraft or pilot skill levels. The study proposed by Ms. KILROY's amendment will assist FAA in determining the most smoke mitigation technology for various operators and aircrafts.

I thank my colleague for her efforts to improve aviation safety and ask all Members to support this amendment.

The Acting CHAIR. Without objection, the gentleman from Illinois (Mr. COSTELLO) is recognized for 5 minutes.

There was no objection.

Mr. COSTELLO. Mr. Chairman, we commend the gentlewoman on her amendment. We accept it and yield back the balance of our time.

Ms. HIRONO. Mr. Chair, I rise today in support of the Kilroy amendment to H.R. 916, the FAA Reauthorization Act, which directs the GAO to study, within one year of enactment, the effectiveness of FAA oversight activities related to preventing or mitigating the effects of dense continuous smoke in the cockpit of commercial aircraft.

There are several incidents every week where an aircraft must land due to the presence of smoke in the cockpit. In the great majority of these cases, pilots are able to land the aircraft or disperse the smoke before a catastrophic accident results. There have, however, been several accidents over the years caused by the inability of pilots to see

due to the presence of unstoppable, dense, continuous smoke.

Interestingly, the aircraft of the Secretary of Transportation, the Secretary of Homeland Security, senior military leaders, and the Federal Aviation Administration have technology aboard that ensures that, even in cases of dense unstoppable blinding smoke, pilots can see.

I was surprised to learn, however, that there is no FAA requirement that passenger airliners or military aircraft have an equivalent system to ensure that pilots can see under these conditions. The technology in question costs approximately $25,000 to $30,000 per aircraft—which equates to a penny or so per ticket over the life of the system.

As I understand it, the FAA's minimum safety standard is that any failure of systems or components that result in catastrophic consequences must be ''extremely improbable,'' and that ''extremely improbable'' is defined by the FAA as not one catastrophic event in one billion flight hours.

According to Boeing data, American certified planes have not flown one billion flight hours worldwide in the last 50 years. There have, however, been numerous catastrophic fatal airliner accidents in which smoke in the cockpit has been a cause or a factor during that period.

Like with U.S. Airways Flight 1549, seconds count. Fortunately, in that case the pilot could see to land, even if under very difficult conditions. If the emergency had been continuous, unstoppable smoke in the cockpit and the pilot had been unable to see, it is unlikely we would have had such a happy outcome.

I raised this issue during a Transportation and Infrastructure Committee hearing on the bill in February. The FAA contends that existing systems and procedures are adequate. I am not convinced, and I welcome an investigation of this issue by the GAO.

Ms. KILROY. Mr. Chairman, I appreciate the support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KILROY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FRELINGHUYSEN

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part C of House Report 111–126.

Mr. FRELINGHUYSEN. Mr. Chairman, I have an amendment at the desk that I intend to withdraw at the appropriate time.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FRELINGHUYSEN:

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AIRSPACE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on the proposed New York/New Jersey/Philadelphia Class B modification design change.

(b) CONTENTS.—In conducting the study, the Administrator shall determine the effect of such proposed change on the environment, and, in particular, with regard to airplane noise, and shall state whether this proposed change was considered in conjunction with the on-going New York/New Jersey/Philadelphia Metropolitan Airspace Redesign.

(c) REPORT.—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 under subsection (a) not later than 30 days after the date of enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Chairman, as you know, I have long been concerned about aircraft noise over northern New Jersey. However, time and time again the Federal Aviation Administration has turned a deaf ear to the tremendous impact air noise has made on our quality of life.

Lately, there has been considerable discussion about increasing transparency in our government. However, it has been extremely difficult to obtain information from the FAA about proposals that will have significant negative impacts on my constituents.

I offer this amendment because there have been conflicting reports about the proposed changes by the FAA to the Class B airspace in the New York and New Jersey metropolitan area.

Following several inquiries to the FAA, including a letter from the gentleman from New Jersey (Mr. GARRETT) and me to FAA Acting Administrator Lynne Osmus, the FAA has not been forthcoming with its plans about this proposed airspace change.

Together, with many of my colleagues in the region, I feel very strongly that the FAA must make its plans public and be held accountable for the effects. As the FAA continues to redesign the airspace in our region, it cannot push forward another proposal that may lead to even more noise for my constituents on the ground. They have a right to know what changes are being considered and certainly what changes are being implemented, as these changes will affect their lives and livelihoods.

I look forward to working with the chairman and the ranking member in the future to get information on these proposals and to ensure that all of our constituents are fully informed about the FAA's future plans.

I yield to the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding, Mr. Chairman, and want to commend him for pursuing so vigorously this issue, and I deplore the lack of response from the FAA, as we heard earlier in the day on the rule from the gentleman from Florida, who appealed many times to the FAA, and got no response to his concerns.

This process of redesign of the east coast airspace has been going on for 9 years, this particular plan. There are other plans that have been going on for 20 years. They should have been adequately discussed in the public domain. The Members of Congress should have been engaged in the process, and we're going to change that. We're going to make this happen.

And I want to assure the gentleman that we will work hand-in-glove with the gentleman, the chairman of the Aviation Subcommittee, the distinguished ranking member of the subcommittee, the ranking member of the full committee.

I would just like to inquire of the gentleman about Atlantic City airport. Is that in the gentleman's district?

□ 1615

Mr. FRELINGHUYSEN. That's a little farther south from where I live.

Mr. OBERSTAR. If service were routed to Atlantic City, would that divert noise from the gentleman's constituents?

Mr. FRELINGHUYSEN. We've always believed in an ocean route. Whether the people in the Atlantic would want to have what we've been having to bear, I would doubt it.

Mr. OBERSTAR. Well, I think there is additional capacity. This is the world's busiest airspace. The New York TRACON handles more aircraft movement than all of Europe combined. Finding places for those aircraft to approach and depart is extremely difficult. But there is capacity at Stuart Air Force Base, which is a joint use facility, and there is capacity at Atlantic City. All it needs is a surface rail line. And that would allow ocean approaches that would take noise away from the gentleman's constituencies, and from those in New York and from elsewhere. I'm going on way too long because we want to conclude this debate and get to the final votes.

But I know that the gentleman's colleague, Mr. LOBIONDO, is very strong in support of service from Atlantic City. It would relieve noise from the gentleman's airport to move aircraft in that facility. It has a 10,000 foot runway. It has a taxiway. It has unused capacity. And it could relieve the New York airport situation, relieve the noise from the gentleman's constituency.

So let's work together. Let's have the FAA in for some discussions and pursue this matter further.

I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. I thank the chairman very much for his time, as well as Mr. COSTELLO's interest. I was involved in helping fund through the appropriations process this air design. So when we're shut out of the process when they're making plans, I think we have a right to be concerned.

If I may, I would like to yield to the gentleman from Wisconsin, the ranking member.

The Acting CHAIR. The gentleman has 5 seconds.

Mr. PETRI. I would like to give my hardworking and conscientious colleague from New Jersey every assurance that I will work with him.

Mr. FRELINGHUYSEN. I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 11 OFFERED BY MRS. LOWEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part C of House Report 111–126.

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. LOWEY:

Page 198, after line 25, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 515. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine whether Westchester County Airport should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(b) DEADLINES.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under subsection (a); and

(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, this amendment would initiate a rulemaking process by the FAA to determine whether Westchester County Airport may reinstate its overnight aircraft restrictions.

Owned and operated by Westchester County, the airport has had voluntary restrictions between midnight and 6:30 a.m. since its mandatory curfew was removed in the early 1980's. For nearly twenty years, all of the operators at the airport were abiding by the voluntary curfew. However, business at the airport has expanded tremendously, with more and more flights disregarding the curfew, which disrupts communities throughout the overnight hours and makes the County's environmental upkeep in the area more demanding.

Just miles from New York City, this airport is an important gateway for commercial and business aircraft in the area. However, it was never designed to accommodate so many aircraft. Bound by the borders of New York and Connecticut, the airport's physical infrastructure cannot expand further.

Westchester County, in conjunction with its commercial carriers, has imposed limits on terminal capacity. Yet, with business and corporate jets comprising fifty percent of the estimated 167,000 take offs and landings at the airport this year, the agreed upon guidelines and voluntary restrictions have not been fully honored.

This amendment directs FAA to evaluate Westchester County's request to reinstate its overnight curfew, potentially easing congestion in the heavily-trafficked New York airspace and providing the residents in both New York and Connecticut with needed relief from overnight operations. I urge my colleagues to support it.

Mr. OBERSTAR. Will the gentlewoman yield?

Mrs. LOWEY. I would be delighted to yield.

Mr. OBERSTAR. We are prepared to accept the gentlewoman's amendment. It's a reasonable and thoughtful approach, and it will work. And we will support the gentlewoman.

Mrs. LOWEY. Thank you so much, Mr. Chairman. I have always been impressed with your wisdom and your thoughtfulness, and I thank you very much for accepting this amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by my esteemed colleague from New York (Mrs. LOWEY).

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. In 1981, Westchester County enacted a curfew that banned all aircraft from operating between the hours of midnight and 7 a.m. This curfew was made against the advice of the FAA, and was immediately struck down by a Federal court. The Court also issued a permanent injunction in part because Westchester was unable to justify the curfew with any evidence of a noise problem. Furthermore, the Court found that the curfew was in violation of the commerce clause because it imposed an undue burden on New York metropolitan air transportation.

Simply put, this amendment would remove the permanent injunction on this unjustified curfew and arbitrarily restrict airspace access without requiring Westchester County to make its case. This matter has been dealt with in the appropriate place, the Federal courts. The airport has a process available to make its case for such a restriction, but has chosen not to comply.

The amendment sidesteps a process that applies to every other airport and would disrupt air travel in the New York area airspace. On those grounds, I urge my colleagues to join me in opposing the amendment.

The Acting CHAIRMAN. The gentlewoman from New York has 4½ minutes remaining.

Mrs. LOWEY. I'd like to thank the chairman for accepting this amendment. I would be delighted to work with Mr. PETRI and Mr. MICA, who also said that although he had concerns, he wouldn't object to the amendment.

All this amendment does is direct it to be studied. It directs it to be studied. It's not implementing the changes.

I reserve the balance of my time.

Mr. PETRI. I yield to my colleague from Florida.

Mr. MICA. Mr. Chairman, and gentlelady from New York, I just want to express, through the Chair, that we do have concerns. We've expressed concerns. We are willing to work with the gentlelady and accept her amendment at this time. But our reservations have been noted for the record.

Mr. PETRI. I yield back the balance of my time.

Mrs. LOWEY. I thank the chairman for accepting the amendment.

Mr. ENGEL. Mr. Chair, for over 25 years the overnight flight restrictions at Westchester County Airport have been voluntary. Unfortunately some airlines have disregarded the voluntary restrictions and have scheduled flights between midnight and 6:30 a.m.

It is because of these few airlines disrespecting the residents of Westchester County and disrespecting the airlines who do comply with the voluntary curfew that this amendment is needed.

It would direct the FAA to follow the proper processes to determine if the Westchester County Airport should receive the authority to make the overnight flight curfew mandatory.

While I recognize that the Westchester County Airport is vital to the economy of the region, I don't believe that the residents should have to endure the noise of planes taking off and landing at 3 a.m.

Additionally, allowing more planes to take off and land at all hors of the night will increase not just noise pollution, but air and water too.

On another matter: the FAA concocted the New York, New Jersey, Philadelphia airspace redesign with zero input from the residents it harms the most, especially because it would put an additional 200–400 flights a day over my constituents in Rockland County. This New York. New Jersey, Philadelphia airspace redesign should be scrapped.

The hundreds of additional planes flying over Rockland will contribute to the already increasing pollution levels in the area. The noise level will also be substantially increased, yet the FAA has been unable to give me or the affected residents the information on how loud each plan will be, just 24-hour averages.

It is likely that first responders would have to be trained for the event of an airplane crash, causing added costs to local police, fire, and EMT departments that are already stretched thin. In addition, we have not gotten a clear signal whether the flight plans will route commercial aircraft over Indian Point, an extremely dangerous scenario. This airspace redesign proposal for New York, New Jersey, and Philadelphia should not be implemented.

Mrs. LOWEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ACKERMAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111–126.

Mr. ACKERMAN. I rise in support of the amendment which I have at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ACKERMAN:

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) FINDING.—Congress finds that the Federal Aviation Administration, in determining whether the proposed College Point Marine Transfer Station in New York City, New York, if constructed, would constitute a hazard to air navigation, has not followed published policy statements of the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200-33B 2, entitled ''Hazardous Wildlife Attractants on or Near Airports'';

(2) Advisory Circular Number 150/5300-13, entitled ''Airport Design''; and

(3) the publication entitled ''Policies and Procedures Memorandum—Airports Division'', Number 5300.1B, dated Feb. 5, 1999.

(b) DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

The Acting CHAIRMAN. Pursuant to House Resolution 464, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I offer this simple amendment on behalf of myself and the gentleman from New York (Mr. CROWLEY). This has to do with safety trumping garbage. It has to do with common sense.

The City of New York Department of Sanitation has proposed a marine transfer station. These are generally built on the shoreline because trash is compacted there and put on barges and then carted away on the Long Island Sound or the East River or the Hudson River.

Of all the shoreline places to build this, would you suspect the one place that would be picked by the Department of Sanitation would be directly opposite one of the biggest active runways, one of the most active runways in the whole United States of America, where planes take off and land approximately every 20 seconds. I'm talking about LaGuardia Airport, the airport with the largest number of flights in New York City.

This is an aerial view of the airport. This is LaGuardia Airport's runway. LaGuardia Airport, most people don't know, has only two runways for all of these great number of flights.

The garbage plant is planned right over here, opposite the runway, 2,000 feet away. The rules and regulations of the FAA, which is what we're asking for in this amendment to be implemented and utilized, say that you should not put a garbage treatment plant anywhere near the runway protection zone which is currently 2,000 feet away. This is 2,000 feet—less than that—according to this map which we downloaded from Google.

There will be a new flight slope plan implemented that the FAA has approved which says it can't be within 2,500 feet. Why would you put a garbage facility, an attractant to birds, less than 2,000 feet away from one of the most active runways?

The gentleman from New York (Mr. HALL) requested of the FAA, they declined, and Secretary of Transportation LaHood overruled them and released the number of bird strikes at airports around the country. Last year there were 87 bird strikes at LaGuardia Airport alone.

Now, our pilots are good. You might have seen a little news report that said they can even land on water. And indeed, that's what happened when one of our jets was struck by birds.

Garbage is an attractant to birds. The FAA rules and recommendations say don't put these things in the runway protection zone. Our amendment simply says to the FAA, you have to follow your own guidelines.

Put it anywhere else. There's a political concern here, and the political concern is not a NIMBY concern. This will most likely be in mine or Mr. CROWLEY's district. It borders both of our districts right now.

This site is the least politically damaging to us because it's in a commercial area. Any other place that they will move it will cause us some political concerns. But those political concerns that we will have to suffer if they move this anywhere up and down the coast in either of our districts is not as important to the safety of the flying public.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. This amendment, unfortunately, is a local issue that we're putting into a Federal piece of legislation that is very important for safety; and the gentleman, who I greatly respect, Mr. ACKERMAN, is trying to do the best he can to make arguments that this dump poses safety concerns and hazards to aviation. I don't have the capability of making that determination, nor does Congress. We rely on the FAA. They have looked at this. They say that it does not pose a hazard to air navigation.

That being said, I like Mr. ACKERMAN, and sometimes I find myself in the situation like Mr. ACKERMAN, and you try to use any means you can to satisfy concerns about a project, whether it be local, State or Federal to the best benefit of your constituents.

So therefore, I am not going to call for a vote. I'm not going to actively oppose. I probably will quietly say no to this and let it pass.

I reserve the balance of my time.

Mr. ACKERMAN. I yield briefly to the Congressman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman for yielding. I listened very carefully to the objections. And let me just say that if LaGuardia Airport is forced to close for 10 minutes, it sets off an explosion that affects the entire flight paths of the Eastern seacoast. So whatever does happen, we were very fortunate that we had Captain Sullenberger, who was able to land Flight 1549 safely.

This is not just a local concern. This is a concern, I think nationally as well. The number of geese or fowl that disrupt air travel happens more often than the public was led to believe.

I think that building a facility for waste transfer within 2,000 feet of the runway is simply ludicrous. We shouldn't be doing that. I think that the City of New York and the Department of Sanitation needs to rethink this one and send it back to the drawing board.

GARY ACKERMAN and myself are calling foul right now. This should not happen. We're sending that message home to our folks back in New York.

Mr. MICA. I reserve the balance of my time to close.

Mr. ACKERMAN. I would yield back the balance of my time.

Mr. MICA. Mr. Chairman, might I inquire as to the time remaining?

The Acting CHAIRMAN. The gentleman from Florida has 3½ minutes remaining.

Mr. MICA. I yield myself the balance of my time.

□ 1630

Well, this is the conclusion, really, on the debate of the FAA authorization. It ends with a question of whether we should close the dump or keep the dump open.

As I said, I have the greatest respect for Mr. ACKERMAN and also for Mr. CROWLEY, and I know what they're trying to do for their constituents. So I rise in very quiet opposition, but I do have to state the facts, that this is not a matter that really should be in the bill, but we'll try to assist our colleagues as they're trying to do the best they can for their constituents.

On the larger question of the bill, Mr. Chairman and my colleagues, I also rise in opposition to the bill, somewhat quietly. Every Member can vote the way they'd like. I'm not telling or asking Republican Members to vote one way or another, but you do have to be the judge of what we're doing here today. It is important that we do reauthorize the Federal Aviation Administration. We've had a 2-year delay, not of any fault of my colleagues under the great leadership of Mr. OBERSTAR, Mr. COSTELLO, and Mr. PETRI, our ranking

member. We've done our level best to make certain that we have the policy, the projects, and the funding to have the safest aviation system in the world. They can be very proud of their work.

Now, we do have some differences of opinion on some particular provisions. This was voted on before, and some circumstances have changed. We have a new President. He is trying to resolve a very contentious labor issue. I don't like putting that issue in now. That's different than when we voted on it before. We did have a different President and a different situation. So here I am, a Republican, saying we need to support our President, but we need to do that and to not set a bad precedence for all labor issues to be drug before Congress in this manner.

Then, on the question of job creation and job killing, I don't know how many jobs are in the provisions for insisting on this mandated inspection of foreign repair stations. That sounds good, but it reverts us back to a time when we used to do that in the United States. Twice a year, we would inspect every one of these stations whether we needed to or not, and that was a diversion of our resources. We changed that to a risk-based system, and that's what we need to maintain both domestically and internationally.

Finally, 95 percent of this bill was debated before. There is an antitrust immunity provision that does repeal some provisions we've given to airline alliances. It's a job killer. It's estimated to be over 100,000 jobs. I don't know how many. At a time when people will come to us as we return to our districts over Memorial Day weekend, we can't leave here and say that we've eliminated more jobs. Many of these jobs, whether they're repair stations or the airline industry, are good-paying jobs that people need so desperately today.

So the question before us is how we vote on this particular legislation at this time and place and with these particular provisions. Some are good. Some are bad. I choose to vote ''no'' today. I'm sorry.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 111–126 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. BURGESS of Texas.

Amendment No. 6 by Mr. MCCAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 19, as follows:

[Roll No. 288]

AYES—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Bachmann
Barrett (SC)
Berkley
Boyd
Deal (GA)
Driehaus
Flake
Johnson (GA)
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Perlmutter
Sablan
Sánchez, Linda T.
Speier
Stark

The Acting CHAIR. There are 2 minutes remaining in this vote.

□ 1659

Messrs. ALTMIRE, BUTTERFIELD, and MINNICK changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 6 printed in part C of House Report 111–126 by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were

postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 20, as follows:

[Roll No. 289]

AYES—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Moran (VA)
Rahall

NOT VOTING—20

Bachmann
Barrett (SC)
Berkley
Boyd
Clay
Deal (GA)
Driehaus
Flake
Higgins
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Nunes
Perlmutter
Sablan
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1707

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. JACKSON of Illinois, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, pursuant to House Resolution 464, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CAMPBELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAMPBELL. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Campbell moves to recommit the bill H.R. 915 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of title IV of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 426. PROHIBITION OF FUNDING FOR OTHERWISE ELIGIBLE PLACE.

(a) FINDINGS.—Congress finds the following:

(1) When the Airline Deregulation Act of 1978 (Public Law 95–504) was enacted, 746 communities in the United States and its territories were listed on air carrier certificates issued under the Federal Aviation Act of 1958 (Public Law 85–726).

(2) In order to address concern that communities with lower traffic levels would lose service entirely, Congress created a program where, as needed, the Department of Transportation pays a subsidy to an air carrier to ensure that the specified level of service is provided.

(5) Most of the small communities eligible for the program do not require subsidized service.

(6) As of April 1, 2009, the Department of Transportation was subsidizing service at 108 communities in the contiguous 48 States, Hawaii, and Puerto Rico and 45 communities in Alaska.

(7) Air service to Johnstown, Pennsylvania, is subsidized by the United States taxpayer. Each week, 6 commercial flights take off from or land at the John Murtha Johnstown-Cambria County Airport to or from Washington Dulles International Airport.

(8) Service to John Murtha Johnstown-Cambria County Airport is subsidized at a rate of $1,394,000 a year through June 30, 2010.

(9) Since 1990, the John Murtha Johnstown-Cambria County Airport has undergone $160,000,000 in improvements that include airport improvement program, military, commercial, and infrastructure projects.

(10) The total Federal investment in airport projects at John Murtha Johnstown-Cambria County Airport has been approximately $150,000,000.

(11) Over the last 10 years, the John Murtha Johnstown-Cambria County Airport has received Federal funding, including—

(A) $800,000 for a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) to rehabilitate a runway;

(B) $20,000,000 for a runway extension project;

(C) $750,000 for a 99-year lease of adjoining airport land;

(D) $6,000,000 for a state-of-the-art digital radar surveillance system;

(E) $5,000,000 for a new air traffic control tower;

(F) $14,000,000 for Marine Corps helicopter hangar and reserve training center;

(G) $1,200,000 in 2007 for airport improvement projects;

(H) $2,760,000 in 2006 for airport improvement projects;

(I) $1,000,000 in 2005 for airport improvement projects;

(J) $1,600,000 in 2004 for airport improvement projects; and

(K) $739,452 in 2003 for airport improvement projects.

(12) It is both wasteful and irresponsible to use United States taxpayer dollars to continue to subsidize air service to an airport that has received approximately $150,000,000 in Federal funding, but has achieved no improvement in commercial service provided to the airport without subsidization.

(b) PROHIBITION OF FUNDING FOR OTHERWISE ELIGIBLE PLACE.—Section 41742(a) is amended by adding at the end the following:

''(4) PROHIBITION ON FUNDING FOR OTHERWISE ELIGIBLE PLACE.—Notwithstanding any other provision in law, no amounts authorized under paragraphs (1) and (2) shall be used for the provision of subsidized air service to an otherwise eligible place if the eligible place has a public airport located 3 miles northeast of Johnstown, Pennsylvania, that offers scheduled commercial air carrier service and general aviation service and has a joint military control tower.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

□ 1715

Mr. CAMPBELL. Mr. Speaker, as of April 1, 2009, the Department of Transportation subsidized air service to 108 communities in 48 the continental United States, Hawaii and Puerto Rico and 45 communities in Alaska. One of those subsidized airports is the John Murtha Johnstown-Cambria County Airport in Johnstown, Pennsylvania.

This airport handles six commercial flights a week—six a week—to one place, Washington, D.C., a location all of 3 hours' drive from Johnstown, Pennsylvania. But for those six commercial flights a week, less than one a day to a place only 3 hours' drive away, the Federal taxpayer has spent $150 million in improvements since 1990. Included in that $150 million is $20 million for a runway extension, making the runway large enough to accommodate any aircraft in North America, $800,000 in the most recent stimulus package for runway rehabilitation, $6 million for a radar surveillance system, $5 million for a new air traffic control tower, and over $1 million every year for improvements since 2004. And that's just for the capital improvements.

In addition, the Federal taxpayer spends $1,394,000 every year in subsidies to the single air carrier making, remember, less than one flight a day out of this airport. That, by the way, computes to nearly $5,000 in subsidy per flight, which takes less than 45 minutes since it's only 3 hours' drive away.

The defenders of this airport say that it has military use in addition; and in fact, it does. The defenders of this airport point out that there were 28 military deployments out of this airport over the last decade. That would be three deployments per year. So six flights a day, three deployments per year. We all know about the bridge to nowhere. Mr. Speaker, there was a bridge to nowhere, and this is surely the airport for no one.

To say that this is wasteful understates how bad it is. I wish we could get all our money back, but we can't. But what we can do is pass this motion to recommit, which simply says that no money in this bill is going to be used to further subsidize or improve the John Murtha Johnstown-Cambria County Airport.

Mr. Speaker, we have debts and deficits as far as the eye can see. If we can't stop wasting the taxpayers' money on boondoggles as obvious as this one, why should the public trust us at all with any of their money?

Please support this motion to recommit.

I yield back the balance of my time.

Mr. OBERSTAR. I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. This is a surprising amendment. This is the first negative earmarking that I have witnessed in Congress. It is no less than an assault upon essential air service to rural America. To those on the other side, Mr. Speaker, who are laughing now, I wonder what their reaction will be when another amendment comes to deny funding for essential air service to an airport in their communities. They won't be laughing.

This is essentially a harsh amendment. It's aimed at an airport named for a sitting Member of Congress. The airport was not named by action of the Congress. It was not named by a Federal agency. It was named by the county commissioners of Cambria County. This airport serves 1,000 military personnel. It serves the Pennsylvania National Guard. It serves the U.S. Marine Corps Reserve and the U.S. Army Reserve, and these units have been deployed 28 times in the last 10 years in service of the United States abroad.

The amendment provides that no amount authorized under paragraphs 1 and 2, meaning paragraphs 1 and 2 of the essential air service act now in law, may be used. That's funding for airports in small communities and their residents who had commercial air service prior to deregulation in 1978—I'm the author of that provision in the Airline Deregulation Act of 1978—to ensure that small towns in rural areas would not be cut out of America's national system of airports and airport service and airline service. It has worked effectively. Congress has trimmed it back where it's been necessary.

These contracts are awarded by the Department of Transportation for 2 years at a time, revocable, subject to termination at the end of the 2-year period, and reviewed again by the Department of Transportation. If the airport, the airline, the community are not using the funds effectively, DOT can and has terminated EAS service where that service does not meet the standards of their contract.

By act of Congress to say we're going to terminate essential air service funding to a rural community in this America, 150 of us are at risk. If by legislative fiat you can say no to funding this community, no to the people in rural America who want access to greater America, then we're all at risk. This is wrong. This is mean-spirited. Vote it down.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CAMPBELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 154, noes 263, not voting 16, as follows:

[Roll No. 290]

AYES—154

Akin	Cantor	Gerlach
Austria	Capito	Gingrey (GA)
Bachus	Carter	Gohmert
Barton (TX)	Cassidy	Goodlatte
Biggert	Castle	Granger
Bilbray	Chaffetz	Graves
Bilirakis	Coble	Guthrie
Bishop (UT)	Coffman (CO)	Halvorson
Blackburn	Cole	Harper
Blunt	Conaway	Hastings (WA)
Boehner	Cooper	Heller
Bono Mack	Culberson	Hensarling
Boozman	Davis (KY)	Herger
Boustany	Diaz-Balart, L.	Hoekstra
Brady (TX)	Diaz-Balart, M.	Hunter
Bright	Dreier	Inglis
Broun (GA)	Duncan	Issa
Brown-Waite, Ginny	Ehlers	Jenkins
	Fallin	Johnson (IL)
Buchanan	Fleming	Johnson, Sam
Burgess	Forbes	Jordan (OH)
Burton (IN)	Fortenberry	Kilroy
Buyer	Foxx	King (IA)
Calvert	Franks (AZ)	King (NY)
Camp	Gallegly	Kirk
Campbell	Garrett (NJ)	Kirkpatrick (AZ)

Kissell
Kline (MN)
Kosmas
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Reichert
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOES—263

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kind
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bachmann
Barrett (SC)
Berkley
Boyd
Deal (GA)
Driehaus
Flake
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Nunes
Perlmutter
Sánchez, Linda T.
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes to vote.

□ 1741

Messrs. WHITFIELD and TEAGUE changed their vote from ''aye'' to ''no.''

Messrs. BUYER and BACHUS changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, we will not have a closing colloquy, obviously, because we are going on a break. We end what was, from the perspective of many, agree or disagree, a very productive period. As we face now this Memorial Day break, I want to thank all the Members.

I think we have done a lot of work over the last 5 months. I think it has been a very humane schedule. I hope all of you believe that, as well, that we have pretty much done it in a time frame. That is the good news.

The bad news is we are going to be moving into June and July. I want to put all of you on notice, as I have told many Members, that I expect June and July to be very busy months with much work and authorization bills coming out of committees, and I also expect for us to do the appropriation bills during the months of June and July.

The reason I rise is to say, as you know, that most Fridays in June and July, with the Fourth of July break, of course, being the exception, most Fridays will be days that my expectation is we will be doing work. This Friday was a day that we were going to work, but we won't be doing work. The supplemental is not able to be considered at this point in time.

The other thing that I wanted to rise and tell all Members is that we have gotten into a syndrome. Many of you on both sides of the aisle have talked to me about this. And I agree with you. I count myself in this, so I'm not pointing fingers at anybody exclusively. But frankly, all of us have gotten into a syndrome that when the bells ring, we watch how many have voted rather than how much time is left. That obviously is not thoughtful to those who do come here to vote within the time frame available. And very importantly, to the extent that the votes drag out, we have our committees in session with hearings that have taken a break. Chairman FRANK and a number of other Members have talked to me about it. We leave secretaries of departments and other very busy and important witnesses, and all of our witnesses are treated without courtesy. That is not a good thing for any of us to do.

□ 1745

So I say when we come back—and we've tried this before and it's very difficult, but Members obviously don't get there on time, and some of you are going to be angry with me on both sides of the aisle, but I'm going to try to work with our presiding officers so that we keep to a much shorter period of time. We have been averaging 25, 26 minutes; and I would hope that all of us would cooperate with one another as a courtesy to each of us, our witnesses, and the work of this House.

I hope you have a wonderful Memorial Day break. Come back ready to report on time. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PETRI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote exactly.

The vote was taken by electronic device, and there were—ayes 277, noes 136, not voting 20, as follows:

[Roll No. 291]

AYES—277

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—136

Aderholt
Akin
Alexander
Austria
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Crenshaw
Culberson
Dreier
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latham
Latta
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOT VOTING—20

Bachmann
Barrett (SC)
Berkley
Boyd
Deal (GA)
Driehaus
Flake
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Nunes
Perlmutter
Pomeroy
Sánchez, Linda T.
Schauer
Schock
Stark
Walden

□ 1753

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2010 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend to a vote. Had I been present, my vote would have been "aye" on H.R. 915, FAA Reauthorization Act of 2009.

PERSONAL EXPLANATION

Mr. DRIEHAUS. Mr. Speaker, I regret that I was unable to cast a series of votes today on the floor of the House of Representatives.

Had I been present to vote on rollcall No. 286, Final Passage of the Conference Report on S. 454, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 287, a Motion to Suspend the Rules and Pass, as Amended, H.R. 1676, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 288, a Burgess (TX) Amendment to H.R. 915, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 289, a McCaul (TX) Amendment to H.R. 915, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 290, a Motion to Recommit H.R. 915, I would have voted ''no'' on the question.

Had I been present to vote on rollcall No. 291, Final Passage of H.R. 915, I would have voted ''aye'' on the question.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 915, FAA REAUTHORIZATION ACT OF 2009

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that in the engrossment of H.R. 915, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Ms. FUDGE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2200, TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–127) on the resolution (H. Res. 474) providing for consideration of the bill (H.R. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IRAN'S LAUNCH OF A LONG-RANGE MISSILE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Madam Speaker, earlier this week, Iran tested a new long-range missile. This missile has a range of up to 1,200 miles and can reach our troops in the region, as well as many of our allies, including Israel.

This was not done in the name of peace. Rather, this launch was a grab at power, an attempt to threaten Israel and our other allies in the region. Now, more than ever, we must stand by our friends.

Iran, on the other hand, can only rejoin the society of nations with an olive branch, not a ballistic missile. We must not allow our allies in Israel and across the Middle East to fall under the threat of a nuclear Iran, nor can we allow Iran to achieve a dominant position in the region through intimidation.

The safety and security of millions of people depend on a strong and determined stance by the American people and all of the community of nations.

CONGRATULATING THE PENN STATE LADIES RUGBY TEAM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)